

CHAPTER 3

DEFINITIONS

SECTION 3.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) The headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 3.02 GENERAL DEFINITIONS. The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

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. Methods used include construction of frontage roads, service drives, and shared driveways, as well as medians or islands to restrict ingress and/or egress. *(Amended 7/28/93)*

ACCESSORY USE, BUILDING OR STRUCTURE. A use, building or structure which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to and located on the same lot as the principal use to which it is related. *(Amended 7/28/93)*

AGRICULTURE. The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any hybrids thereof, including their breeding and grazing; bees and apiary products; fur animals; trees and forest products; fruits, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; aqua-culture; or lands devoted to a soil conservation or forestry management program. *(Amended 12-15-98)*

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building. (Amended 7/28/93)

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 frequencies, wireless telecommunications signals or other communication signals.

ARCADE. Any place, premises, establishment or room set aside in a retail or commercial establishment in which are located for public use five or more coin operated amusement devices. This definition does not apply to coin operated amusement devices owned or leased to a private club, religious or fraternal organization which is not open to the public. (Amended 7/28/93)

ARTERIAL STREET. Defined by the Michigan Department of Transportation as streets where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function (i.e. limited). (Amended 7/28/93)

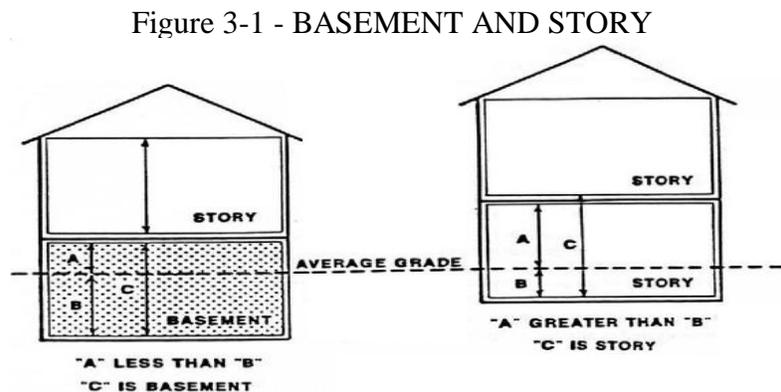
AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair-Major".

AUTOMOBILE SERVICE STATION. Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for the automobile, and the installation of such commodities, and for other minor automobile repair not to include auto refinishing, body work, dismantling of automobiles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair or service. (Amended 7/28/93)

BASE FLOOD. A flood having a one percent chance of being equaled or exceeded in any given year. This flood is also referred to as the 100 year flood. (Amended 7/28/93)

BASEMENT. (See Figure 3-1). That portion of a building which is partly or wholly below finished 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. A basement shall not be counted as a story. (Amended 7/28/94).



BED AND BREAKFAST ESTABLISHMENT. A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days. (Amended 5/10/94)

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. (Amended 7/28/93)

BILLBOARDS AND SIGNS (See Signs)

BLUFF. The top of a steep bank rising from the ordinary high water mark on a lot or parcel. (Amended 2-08)

BUFFER STRIP. A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier. (Amended 7/28/93)

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing or enclosing persons, animals or personal property, or carrying on business activities. This definition includes: mobile homes, tents, sheds, garages, greenhouses and other accessory structures. (Amended 7/28/93)

BUILDING ENVELOPE. The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built. A "Building Envelope" can also be a condominium structure. (Amended 7/28/93)

BUILDING HEIGHT. (See Figure 3-2). In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip and gambrel roofs. The height of an accessory building shall be determined as the distance between the peak and the ground floor of the accessory building. (Amended 7/28/93)

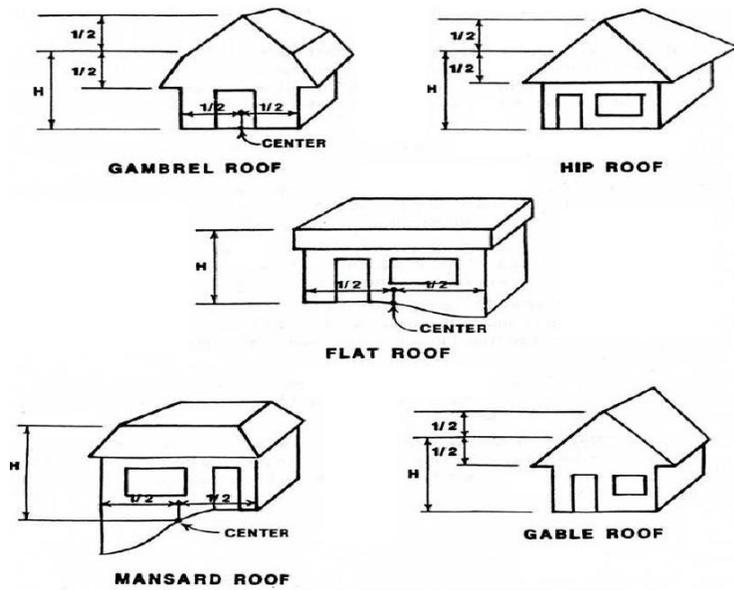
BUILDING INSPECTOR OR BUILDING OFFICIAL. An individual appointed by the Township Board delegated to administer the Salem Township Building Code Ordinance. (Amended 7/28/93)

BUILDING SETBACK LINE. A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building, deck or porch shall be located from a property line, existing street right-of-way, easement line of an approved private street, or ordinary high water mark. Steps may be located within the building setback line. (Ref. Setback) (Amended 7/28/93)

BUILDING SITE (See Figure 3-3). In the context of a site condominium project, Building Site is the functional equivalent of a "lot" and is that portion (s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the project's Master Deed. Building Site shall be further defined as:

- a. A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by the Salem Township Zoning Ordinance as amended; or
- b. The contiguous limited common element under and surrounding a condominium unit or units that is or shall be assigned to the owner(s) of the condominium unit(s) for the owner(s) exclusive use and which, together with the condominium unit or building envelope meets the minimum area and yard requirements for lots as required by the Salem Township Zoning Ordinance as amended. (Amended 7/28/93)

FIGURE 3-2



CHILD CARE CENTER. A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services. (Amended 7/28/93)

CHURCH OR SYNAGOGUE. A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses, such as Vacation Bible School, instruction, counseling, recreation, social events, and periodic humanitarian activities. (Amended 7/28/93)

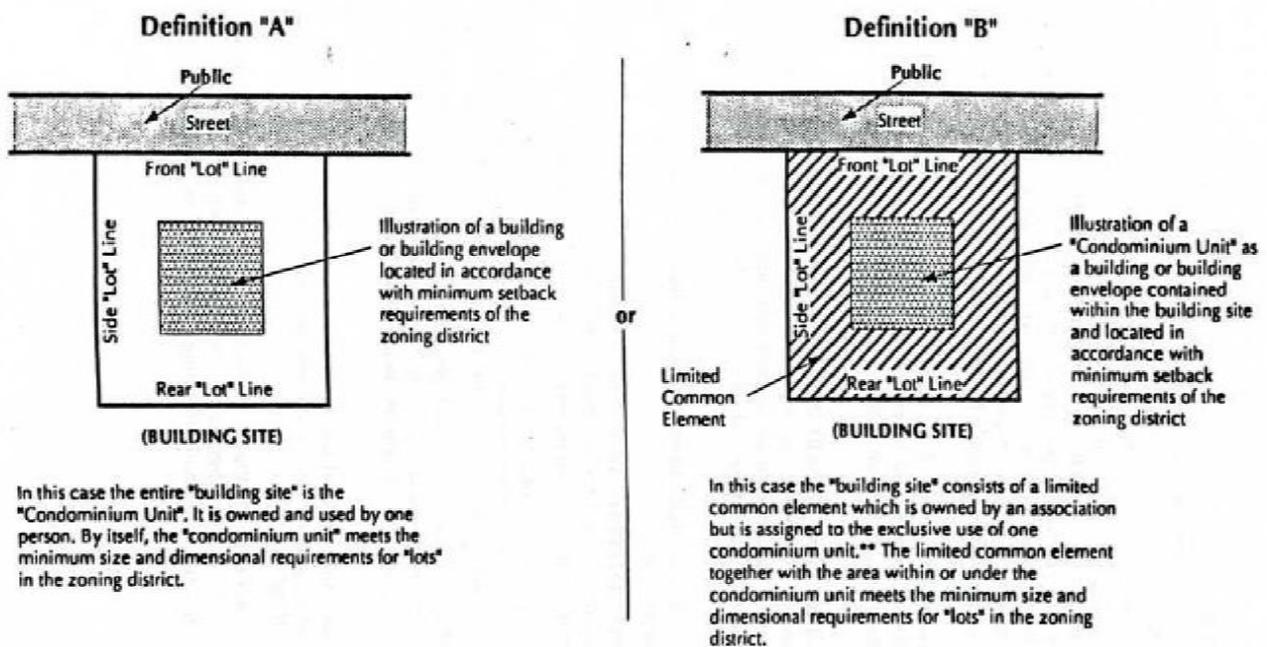
COMMERCIAL RECREATION ESTABLISHMENTS. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary

recreational activities either indoors (within an enclosed building) or outdoors (outside of an enclosed building) operated as a business and open for use by the public for a fee. (Amended 7/28/93)

CO-LOCATION. The use of a single support structure, building and/or site by more than one wireless communication provider.

COMMON ELEMENT, LIMITED. An area which is appurtenant to a condominium unit and which is reserved in the master deed for the condominium project for the exclusive use of less than all of the owners of the condominium project. (Amended 7/28/93)

FIGURE 3-3 - EXAMPLES OF SINGLE FAMILY* "SITE CONDOMINIUM BUILDING SITES"



A site condominium building site or "lot" may encompass more than one building envelope and the use interest of the building site or lot may be shared between multiple buildings if the provisions of the zoning district in which the project is located provides for more than one principal use building on one lot. Examples include duplex and group housing structures as allowed in the multifamily residential districts. In such cases, each building envelope must be located in accordance with minimum building setback requirements of the zoning district.

- * A portion of a limited common element that is contained in one building site and assigned for the shared use by an adjacent building site may be included in calculating minimum building site (lot) areas for one building site if the limited common element is dedicated on the master deed for the purposes of supporting: 1) A driveway used in common by no more than two condominium units; or 2) Underground utilities used in common by two or more condominium units.

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 other planned development. (Amended 7/28/93)

COMMON OPEN SPACE. An unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the planned unit development residents and generally owned and maintained in common by them, often through a homeowners association. (Amended 7/28/93)

COMPOSTING. The decomposition of organic materials, leaves, grass clippings, twigs, wood chips, and other vegetative matter into a humus-like substance which is useful as a soil conditioner. (Amended 7/28/93)

COMPREHENSIVE PLAN (Master Plan). A document containing the future development policies and map for Salem Township, together with supporting documentation, as most recently adopted or amended by the Salem Township Planning Commission pursuant to Act 168 of 1959, as amended. (Amended 7/28/93)

CONDOMINIUM PROJECT. Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978). (Amended 7/28/93)

CONDOMINIUM STRUCTURE. The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage. A "Condominium Structure" can also be a "Building Envelope". (Amended 7/28/93)

CONDOMINIUM SUBDIVISION (SITE CONDOMINIUM). A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended. (Amended 7/28/93)

CONDOMINIUM SUBDIVISION PLAN. The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements. (Amended 7/28/93)

CONDOMINIUM UNIT. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. The term "condominium unit" may, in certain instances, be equivalent to the term "lot", for purposes of determining compliance of a condominium subdivision with provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio. (ref. Building Site). (Amended 7/28/93)

CONGREGATE HOUSING. A dwelling unit providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance. Such a facility offers residents a semi-independent lifestyle, but does not provide the intensive personal care such as dispensing of medication and round the clock nursing care of a nursing home. (Amended 7/28/93)

DECELERATION LANE. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning. (Amended 7/28/93)

DENSITY. The number of dwelling units situated on or to be developed per net or gross acre of land. (Amended 7/28/93)

DEVELOPMENT. Any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation (Amended 2-08)

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. (Amended 7/28/93)

DRIVE-THROUGH RESTAURANT. A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating. (Amended 7/28/93)

DWELLING, MULTIPLE-FAMILY. A building designed exclusively for, and containing three (3) or more dwelling units. (Amended 7/28/93)

DWELLING, SINGLE-FAMILY. A detached building designed exclusively for, and containing one (1) dwelling unit only. (Amended 7/28/93)

DWELLING, TWO-FAMILY. A detached building designed exclusively for, and containing two (2) dwelling units only. (Amended 7/28/93)

DWELLING UNIT. A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units. (Amended 7/28/93)

EARTH CHANGE. an artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

EASEMENT. A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity. (Amended 7/28/93)

ESSENTIAL PUBLIC SERVICES/PUBLIC UTILITIES. The erection, construction, alteration, or maintenance of utility systems whether underground, surface, or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone (including cellular) and cable television facilities and their required accessory facilities. (Amended 7/28/93)

FAMILY. An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit. (Amended 7/28/93)

FAMILY DAY CARE HOME. A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. (Amended 7/28/93)

FAMILY, FUNCTIONAL. A group of persons which does not meet the definition of "Family" herein, living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club,

hotel, or other group of persons whose association is temporary or commercial in nature. (Amended 7/28/93)

Farm. A farm is a form of business enterprise intended for the production of raw agricultural products in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of agricultural products, as described herein, for profit, and which provides a major source of income and capital for re-investment. A farm is further defined as all the contiguous, neighboring or associated land, along with the plants, animals, structures, ponds, machinery, equipment and other appurtenances which when taken collectively, functions as a single unit, for the commercial production of agricultural products. Stone quarries, gravel and sand pits, sawmills, retail sales, livestock auction houses, and meat and dairy processing plants are not considered farms or farm uses hereunder. (Amended 12-15-98)

FARMHOUSE. A dwelling unit currently or historically associated with a farm operation. (Amended 12-06)

FARMSTEAD. A farmhouse with the adjoining farm related buildings and land around it, or a portion of a former farm operation consisting of a farmhouse with the adjoining farm related buildings and land around it including barns, commodity sheds, machine sheds, silos, livestock buildings, cribs and similar out-buildings. (Amended 12-06)

FARM PARCEL OR TRACT. A parcel of substantially undeveloped land or tillable land which may or may not be used for, or in support of, commercial or non-commercial agricultural production and which contains a minimum of 20 acres. A parcel containing less than twenty acres of land may be termed a farm parcel if it includes such facilities as greenhouses, nurseries, orchards, apiaries, pens, ponds, stables or stanchions in support of commercial agriculture. (Amended 12-15-98)

FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial spraying and seeding, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides and the employment of and use of labor. (Amended 12-15-98)

Farm / AGRICULTURAL Products. Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora (Amended 12-15-98)

NON-FARM. A parcel or tract of land, or a structure, building, dwelling or other use which is not intended for farm related purposes or which does not meet the definition of farm as defined herein. (Amended 12-15-98)

FARM LABOR HOUSING. A tract of land, mobile homes, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing. (Amended 7/28/93)

FILTERED VIEW. The maintenance or establishment of woody vegetation of sufficient density to screen development from the riparian feature, to provide for bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff and to provide cover to shade the water in a manner which still allows a partial view to the water feature. *(Amended 2-08)*

FLOOR AREA, GROSS. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise. *(Amended 7/28/93)*

FLOOR AREA, USABLE. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors. *(Amended 7/28/93)*

FORESTRY OR NATURAL RESOURCES PROFESSIONAL. A person certified by the Society of American Foresters and/or licensed by the State of Michigan and or otherwise recognized by the State of Michigan who is by reason of his or her knowledge of the natural sciences, mathematics and principles of forestry and natural sciences, acquired by education and practical experience is qualified to engage in the practice of forestry. *(Amended 2-08)*

FOSTER CARE FACILITY. An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended. *(Amended 7/28/93)*

(a) Family Home - A facility which provides foster care to six (6) or fewer persons.

(b) Group Home - A facility which provides foster care to seven (7) or more persons.

GRADE, AVERAGE. (See Figure 3-4). The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, FINISHED. The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure. *(Amended 7/28/93)*

GROSS SITE AREA. The total area of a development site including flood plains, wetlands, water bodies, and rights-of-way. *(Amended 7/28/93)*

GROUP DAY CARE HOME. A private residence in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hour a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. *(Amended 7/28/93)*

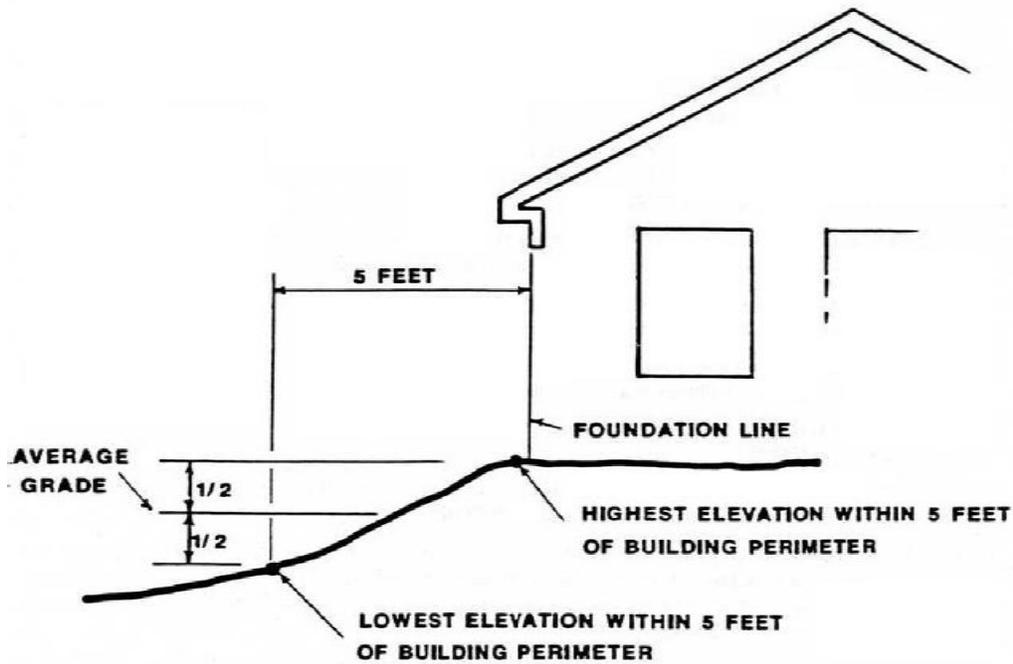


FIGURE 3-4

Average Grade

HEIGHT, TOWER. The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

HOME OCCUPATION. A gainful occupation traditionally or customarily carried out in the home or on residential property as a use incidental to the use of the home and premises as a place of residence. (Amended 12-06)

HOTEL. A series of attached, semi-detached, or detached rental units which provide lodging on a temporary basis, and are offered to the public for compensation. The term "hotel" shall include tourist cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling. (Amended 7/28/93)

INTENSIVE LIVESTOCK OPERATION. An agricultural activity entailing the confined feeding and/or production of livestock and involving 300 or more animal units or the following:

- a) 300 or more horses, cattle or bison at a density of 4 or more animals per acre.

- b) 1,200 or more swine, goats or sheep at a density of 20 or more swine or 10 or more sheep or goats per acre.
- c) 37,500 or more rodents, fowl or poultry.

One animal unit shall equal 1,000 pounds of live animal weight for the purposes of classifying animals not specifically referenced above. (Amended 7/28/93)

JUNKYARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

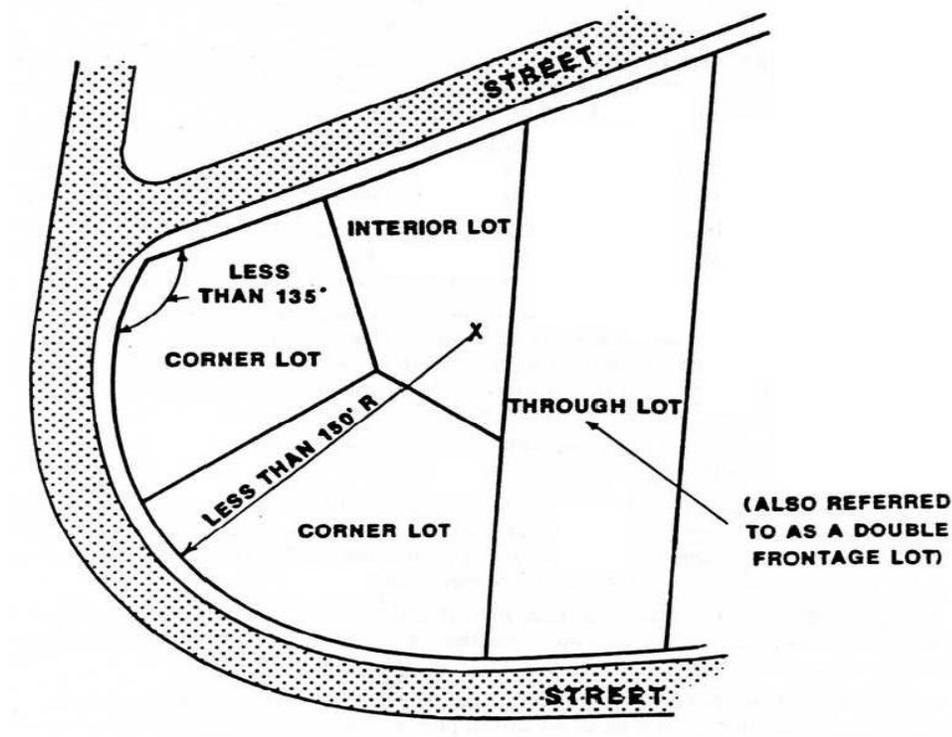
KENNEL. Any place where four (4) or more dogs four (4) months of age or older are kept temporarily or permanently for any reason other than veterinary medicine. Any lot or premises where four (4) or more dogs four (4) months of age or older are kept for purposes of breeding for sale or for providing boarding and/or training services to animals owned or contracted to others shall be considered a “commercial kennel”.(Amended 11-09)

LIVESTOCK. Animals including horses, cattle, bison, sheep, goats, swine, poultry, fowl, fur bearing rodents and other similar animals as may be domesticated for commercial production of food and fiber or breeding and recreational purposes. For the purposes of this ordinance, the name livestock may be used synonymously with the term farm animals, but does not include household or barnyard pets such as dogs and cats. (Amended 7/28/93)

LOT. (See Figure 3-5). A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a building site as defined herein as relating to a condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage and open space. (Amended 7/28/93)

LOT, CORNER. (See Figure 3-5). Any lot having at least two (2) contiguous sides abutting upon one or more streets, public or private, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

Figure 3-5 - LOT TYPES

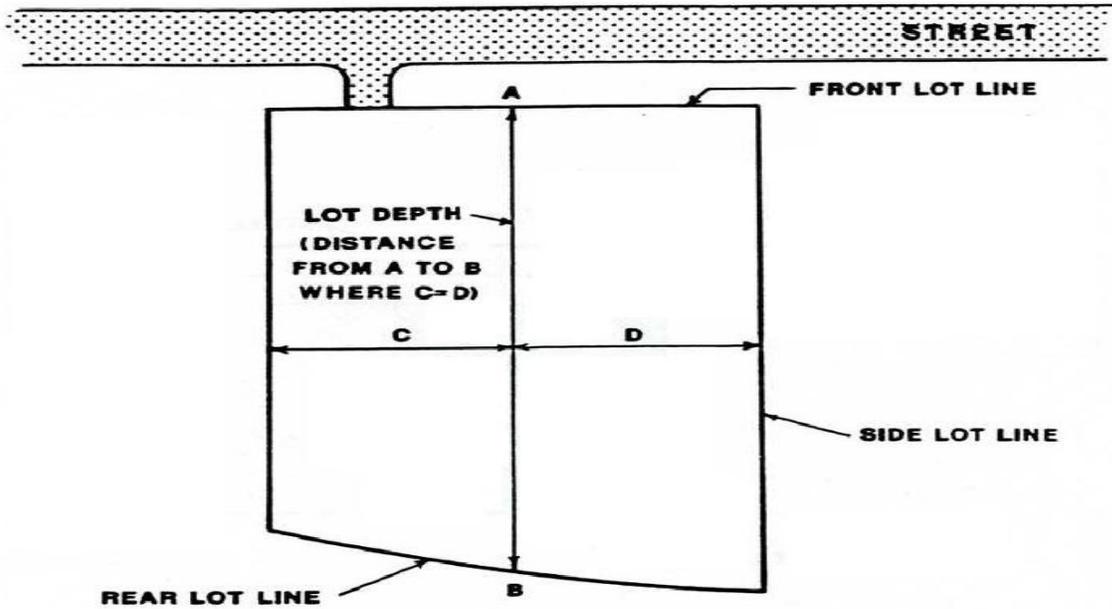


LOT, DEPTH. (See Fig. 3-6). The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the lot lines in the rear. (Amended 5/10/94) (Amended 7/28/93)

LOT, INTERIOR. (See Fig. 3-5). A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street. (Amended 7/28/93)

LOT, THROUGH (also called double frontage). (See Fig. 3-5). An interior lot having frontage on two (2) more or less parallel streets. (Amended 7/28/93)

Figure 3-6 - LOT DEPTH



LOT AREA, GROSS. (See Fig. 3-7). The area contained within the lot lines or property boundary including street right-of-way if so included. (Amended 7/28/93)

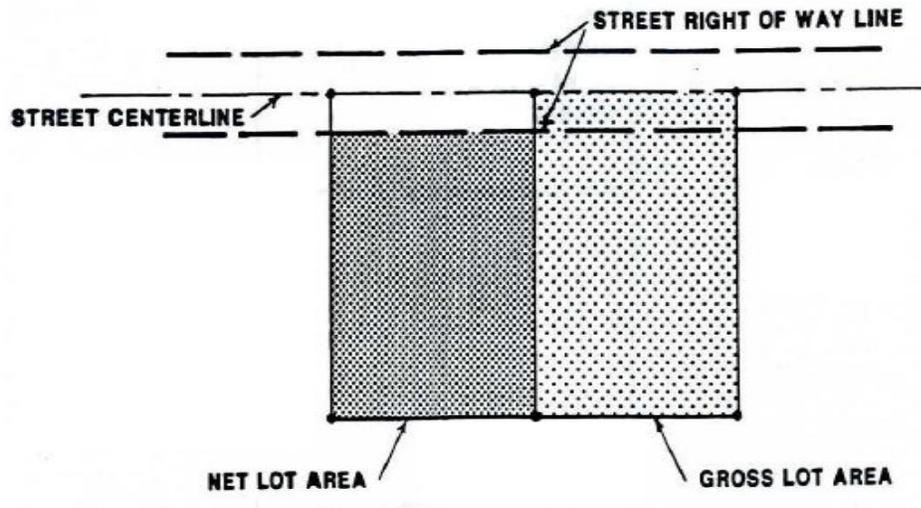


Figure 3-7 - NET AND GROSS LOT AREA

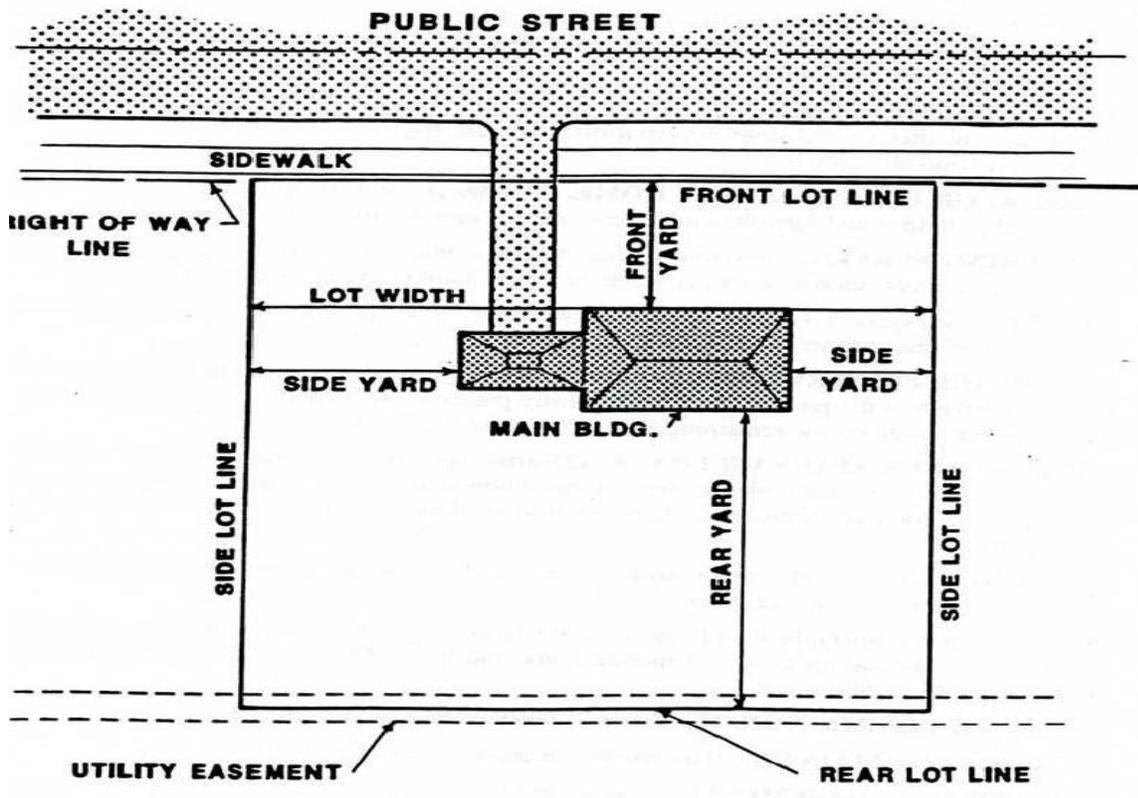
LOT FRONTAGE. The length of the front lot line as it abuts a public or private road right-of-way. (Amended 7/28/93)

LOT LINE, FRONT. (See Fig. 3-8). Front lot line shall mean the line separating a lot from the public or private street right of way. In all cases in which street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. Corner lots and double frontage lots are assumed to have two front lot lines. (Amended 11-09)

LOT LINE, REAR. (See Fig. 3-8). That lot line which is most opposite and most distant from the front lot line. On corner lots, the rear lot line may be opposite either street frontage, but only one rear lot line shall be so designated. In such cases the owner shall have the privilege of selecting the rear lot line, provided that, in the opinion of the Zoning Administrator, such choice does not negatively influence existing or future development of the adjacent properties. The rear lot line of an irregular or triangular shaped lot shall be a property line at least ten (10) feet long, parallel or nearly parallel to and most distant from the front lot line. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line. (See Def. of Double Frontage Lot). (Amended 11-09)

LOT LINE, SIDE. (See Fig. 3-8). Any lot line other than a front or rear lot line. (Amended 7/28/93)

FIGURE 3-8
LOT LINES AND YARDS



LOT OF RECORD. A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Allegan County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds. (Amended 7/28/93)

LOT WIDTH. (See Fig 3-8). The distance between straight lines connecting front and rear lot lines at each side of the lot, provided however, that in determining lot width of odd shaped lots if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a

curved street wherein the lot lines converge toward the rear, the lot width measurement may be taken at the rear line of the principal building or thirty (30) feet behind the front setback line, parallel to the street or street chord. (Amended 5/10/94)

MANUFACTURED HOUSING. A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units. (Amended 7/28/93)

MASTER DEED. The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by-laws for the project and the condominium subdivision plan for the project. (Amended 7/28/93)

MINI-WAREHOUSE. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares. (Amended 7/28/93)

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers. (Amended 7/28/93)

- (a) Single Wide - a mobile home with a longitudinal width of no greater than sixteen (16) feet for its full length.
- (b) Double Wide - a combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace. (Amended 7/28/93)

MOBILE HOME CONDOMINIUM PROJECT. A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units. (Amended 7/28/93)

MOBILE HOME LOT. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

MOBILE HOME PAD. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

MOBILE HOME SUBDIVISION. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

MODULAR HOME. A dwelling constructed to the Township's adopted building code which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot. (Amended 7/28/93)

MOTEL. (See Hotel) (Amended 7/28/93)

MOTOR VEHICLE. Every vehicle which is self-propelled.

NONCONFORMING BUILDING OR STRUCTURE. A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated (Amended 7/28/93).

NONCONFORMING USE. A use which existed prior to the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located. (Amended 7/28/93)

NURSING OR CONVALESCENT HOME. A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire. (Amended 7/28/93)

OBSCURING SCREEN. A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.(Amended 7/28/93)

OFFSET. The distance between the centerlines of driveways or streets across the street from one another. (Amended 7/28/93)

OPEN SPACE PRESERVATION PROJECT. A single family development where at least fifty (50) percent of the project site is permanently preserved in an undeveloped state and the dwellings are placed on the remaining land. (Amended 1-27-03)

ORDINARY HIGH WATER MARK. The line between upland and bottomland that persists through successive changes in the water level, 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 surface of the soil, and the vegetation. Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. (See Figure 3-9). On an inland lake that has a level established by law, it means the high established level. (Amended 2-08)

PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

PLANNING COMMISSION. The Salem Township Planning Commission.

PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

PRIVATE ROAD EASEMENT: An easement which is granted exclusively for private access to abutting parcels of land and which contains or is intended to contain a private road. (Amended 5/10/94)

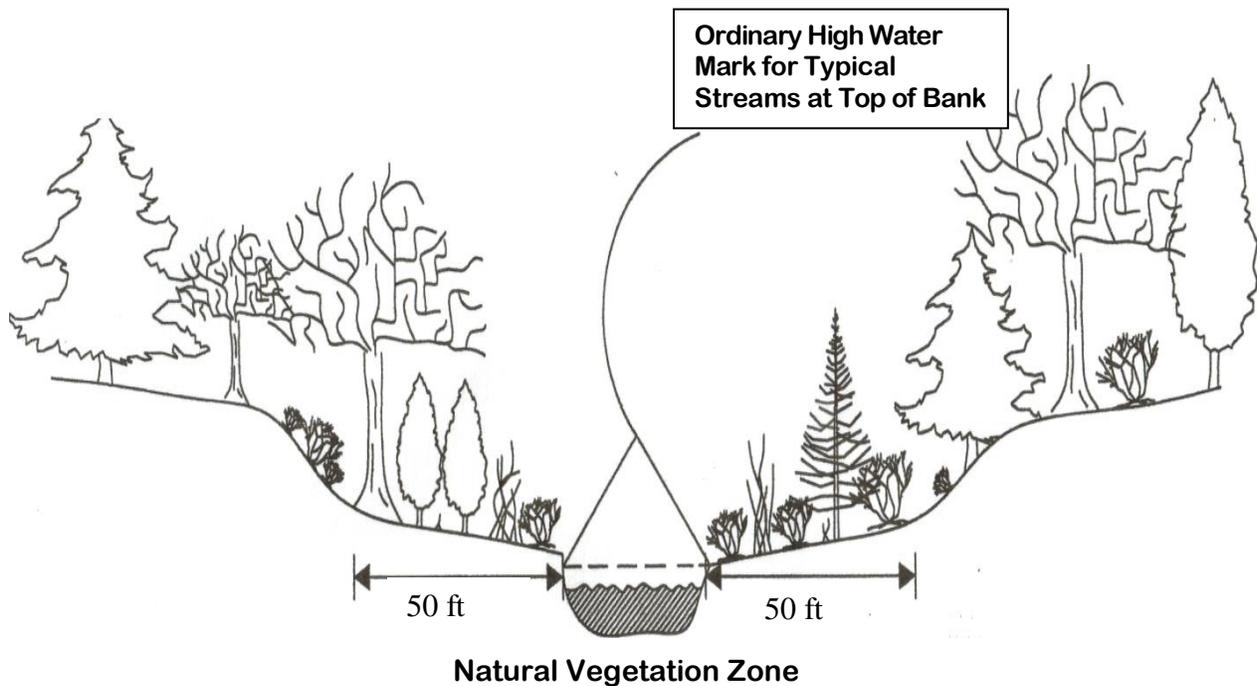


FIGURE 3-9

PRIVATE STREET. Any street for vehicular traffic which is privately owned and maintained and which provides the principal means of access to three or more lots or parcels which have been created or used for the purpose of non-farm related building or business development. Private streets are subject to the provisions of Section 11.25 (ref. also Driveways). *Note: A driveway serving two lots (a "joint driveway") will be classified as a private street and will be subject to the requirements of Section 11.25 if one or more of the lots served does not contain the required minimum lot frontage (lot width) on a public road.*

PRIVATE STREET EASEMENT (RIGHT-OF-WAY). An irrevocable easement running with the land granted to the owners of adjacent properties which contains or is intended to contain a private street which is not dedicated for general public use.

RECREATION VEHICLE PARK, PRIVATE. All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities. (Amended 7/28/93)

RECREATIONAL VEHICLE OR UNIT. A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers, and similar equipment. (Amended 7/28/93)

REFUSE STORAGE SPACE. Any exterior space which is not a principal use for containers, structures, or other receptacle intended for temporary storage of solid waste materials. (Amended 7/28/93)

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement public or private permanently established for passage of persons or vehicles. (Amended 7/28/93 and 9/24/02)

ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

Salvage. Material to be used for further use, recycling, or sale. (Amended 7/28/93)

Salvage Yard. (See Junkyard) (Amended 7/28/93)

Sanitary Landfill. A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of 1978, as amended.

- (a) "Type II" means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish but excluding hazardous waste.
- (b) "Type III" means an on-land disposal facility designed and operated to accommodate large volumes of certain solid waste with minimal potential for ground water contamination. (Amended 7/28/93)

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra-terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas. (Amended 7/28/93)

SCRAP TIRE COLLECTION SITE. A property, other than a sanitary landfill, which has five hundred (500) or more scrap tires and is not associated with a retail operation. If the property is owned by a person who is in the business of selling tires at retail, and if 1,500 or more scrap tires are accumulated at that site, it is also considered a collection site. (Amended 7/28/93)

SETBACK, REQUIRED. The minimum unoccupied distance between a front, side, or rear lot line and the principal and accessory buildings, as required herein. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback. (Amended 7/28/93)

SIGNS/SIGN TERMS.

- (a) Sign Area - The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. (Amended 7/28/93)
- (b) Billboard - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is

located or products not primarily sold, manufactured, processed or fabricated on such land.

- (c) Business Sign - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- (d) Portable Sign - A sign not permanently affixed to the ground, a structure, or building.
(Amended 7/28/93)
- (e) Real Estate Sign - Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (f) Identifying Sign - Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public as to the use of a parking lot.
- (g) Name Plate - A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

SIGHT DISTANCE. The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. (Amended 7/28/93)

SITE PLAN. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions. (Amended 7/28/93)

SPECIAL LAND USE. A use of land which may be permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained after review of a site plan and a public hearing. (Amended 7/28/93)

STORY. (See Fig. 3-1) That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Amended 7/28/93)

STREAM BANK The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom. (Amended 2-08)

STREET. A publicly or privately owned and maintained right-of-way which affords traffic circulation and access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway road or other thoroughfare, except an alley (Amended (9/24/02).

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

TOURIST HOME. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto. *(Amended 1-18-00.)*

TOWNSHIP BOARD. The Salem Township Board.

TOWNSHIP. Salem Township, Allegan County, Michigan.

VARIANCE. A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of 1943, as amended. *(Amended 7/28/93)*

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream. *(Amended 2-08)*

YARD. A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard. For corner lots abutting two intersecting public or private streets or any combination thereof which existed when the lot was initially created, the front yard shall extend across the frontage of both streets and required front yard depths (e.g. building setback) shall be established from each street's right-of-way line.

For corner or double frontage lots created subsequent to the lot's initial creation as a single frontage lot (such as where the development of a new public or private side street has resulted in the creation of a new corner lot situation) the minimum front yard depth requirement (e.g. required minimum setback) from the new street right of way shall be that of the previously applicable minimum required side yard or rear yard setback distance. *(Amended 11-09)*

YARD, REAR. A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building. In the case of corner lots, there shall only be one rear yard and *in* such cases the owner shall have the privilege of selecting the rear yard, provided that, in the opinion of the

Zoning Administrator such choice does not negatively influence existing or future development of the adjacent properties. (Amended 11-09)

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

ZERO LOT LINE. (See Fig 3-10). The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. (Amended 7/28/93)

ZONING ACT. . The Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time. (*Amended 05-08*)

ZONING ADMINISTRATOR/ ZONING INSPECTOR. The Salem Township Zoning Official.

FIGURE 3-10 ZERO LOT LINE