

ARTICLE 25

DEFINITIONS

Section 25.01 Rules of Construction.

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- 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. A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence". The word "lot" includes the words "plot" or "parcel".
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- G. The word "person" includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a "person" under the laws of Michigan.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., "or" also means "and/or").
 - 3. "Either ... or" indicates that the connected items, conditions, provisions or events may apply singly.
- I. The terms "this Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of Quincy Township and any amendments there to.
- J. The terms "abutting" or "adjacent to" include property "across from", such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

- K. The word "he" includes "she."
- L. The phrase "such as" shall mean "such as, but not limited to."
- M. The word "including" shall mean "including, but not limited to."
- N. Terms not defined in Article 25 (Definitions), or elsewhere in this Ordinance shall have the meaning customarily assigned to them.

Section 25.02 Definitions.

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

Access Management. 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 and certain turning movements may be prohibited for improved safety and traffic operations.

Act. The term "act" or "doing of an act" includes "omission to act."

Adult Care Facility. A facility which provides daytime care for any part of a day but less than twenty-four (24) hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Adult Foster Care Facility. An establishment that provides supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

- A. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- D. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or

more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Uses and Sexually-Oriented Businesses. Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. **Sexually-Oriented Businesses and Adult Uses.**

1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas" as defined herein.
2. **Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
3. **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
 - a. An emphasis on the exposure of "specified anatomical areas;" or
 - b. An emphasis on "specified sexual activities;" or
 - c. An emphasis on "nudity," "state of nudity," or "simulated nudity;" or
 - d. A combination of any of the above.
4. **Adult Model Studio.** Any place where models who display "specified anatomical areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

5. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
 - a. Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" and/or "specified anatomical areas", and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - b. Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
6. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gyms, fitness centers and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;
- f. Hospitals, nursing homes, medical clinics, or medical offices;

- g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
- h. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
- i. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.

7. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities”.

- a. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” (as defined herein).
- b. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities and/or “specified anatomical areas”.
- c. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

8. **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.

9. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

10. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

11. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one or more of the

persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.

12. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

B. **Special Definitions.** With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:

1. **Buttock.** The anus and perineum of any person.
2. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
3. **Massage Parlor.** An establishment wherein private massage is practiced, used or made available as a primary use of the premises.
4. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - a. Genitals, whether or not in a state of sexual arousal; or
 - b. Pubic region or pubic hair; or
 - c. Buttock(s); or
 - d. The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - e. Any combination of the above.
5. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
6. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
7. **Sodomy.** Sexual bestiality.
8. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered:
 - (1) Human genitalia and pubic region;
 - (2) Buttock and anus; and

- (3) Female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. **Specified Sexual Activities.** The explicit display of one or more of the following:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
- c. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
- d. Human excretory functions as part of, or as related to, any of the activities described above;
- e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.

10. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

Agriculture. The act or business of cultivating or using the land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purpose related to farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alley. A right-of-way that affords only a secondary means of access to adjacent property.

Alterations.

- A. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- B. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- C. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

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

Appeal. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Billboard. Any non-accessory or off-premises sign, device, design, words, letters, numbers or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

Board of Appeals. The Quincy Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public act 184 of 1943, as amended.

Boat. See Recreation Vehicle.

Boat Dock/Well: The water area in which a boat lies when it is made fast to shore installations.

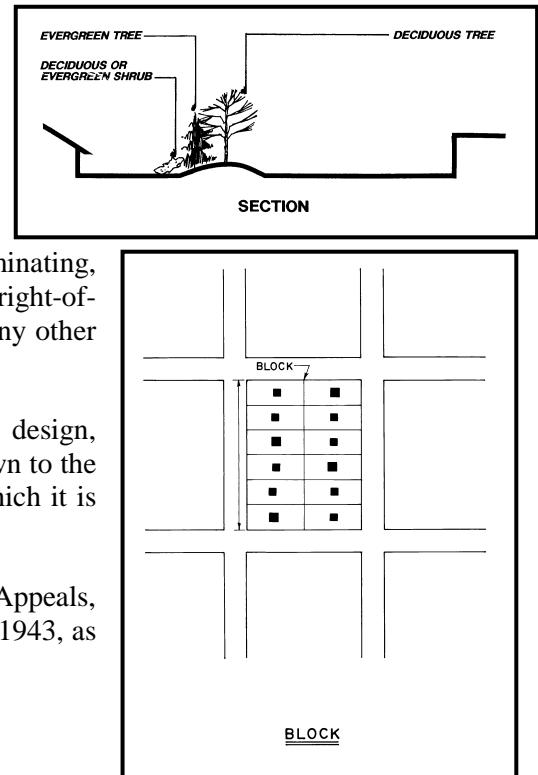
Boat Lift: A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo.

Boat Pier: See Pier.

Boat Port: Any covered structure open on all sides designed for the storage of boats and marine equipment.

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

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



Build to Line. An alignment that dictates the front yard setback from a street or public right -of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, property, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators,

- A. **Accessory Building or Structure.** A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
- B. **Primary Building.** A building in which is conducted the primary use of the lot on which said building is situated.

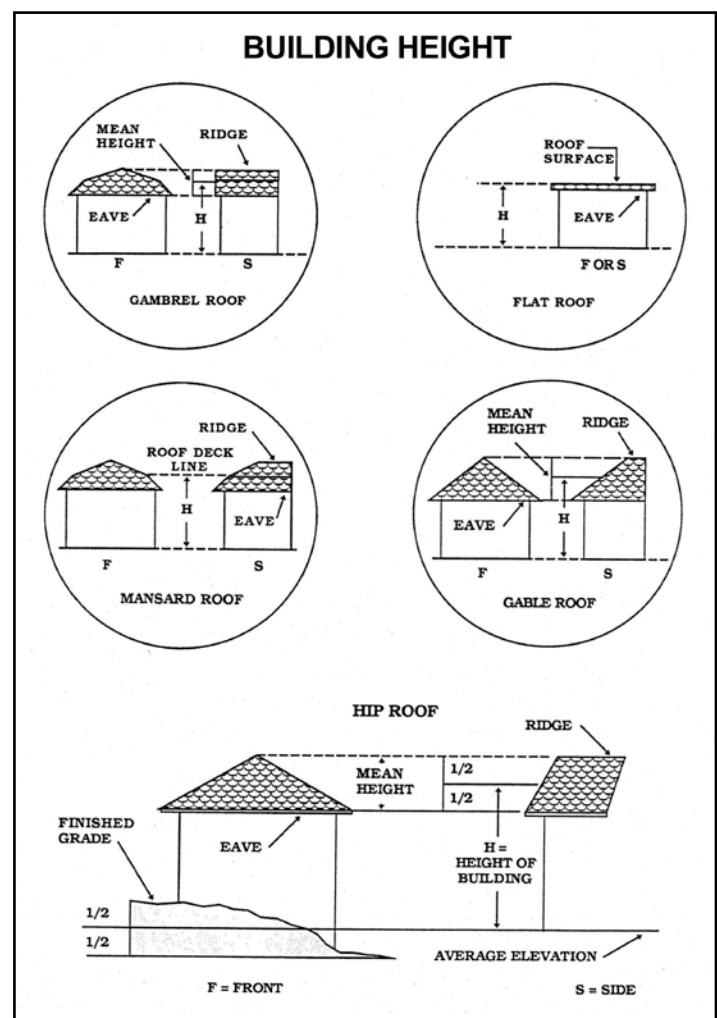
Building Height. The vertical distance measured from the established grade to:

- A. the highest point of the coping of a flat roof;
- B. to the deck line of a mansard roof; or,
- C. to the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- D. seventy-five percent (75%) of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides (see illustration).

Building Official. The officer or other authority designated by the Township Board to administer and enforce the Building Code. In the case of Quincy Township, the Branch County Building Department is the designated building official for the Township.

Building Permit. A building permit is the written authority issued by the Branch County Building Department permitting the construction, removal, repair, moving, alteration or use of building in conformity with the provisions of this Ordinance.



Building Setback or Building Line. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Canopy Tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Care Facility. An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

Caretaker Living Quarters: An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Certificate of Occupancy. A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day 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. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and

institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

- C. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.
- D. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption.

Church, Temple, Place of Worship, or Religious Institution. A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Class A Road. A construction designation of the Michigan Department of Transportation meaning that the road was constructed as an all weather truck route appropriate for industrial and agricultural development. Class A Roads may carry legal loads after the first frost in the fall and have higher load limits than County primary and County local roads. (Ord. 04-04; 3/2/04)

Class C Liquor License Establishment. A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

Clinic. Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

Clustering. A development design technique in which uses are grouped or “clustered” in specific areas on a site (see also Cluster Housing).

Cluster Housing. A housing development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Civic Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit. See also **Lodge**.

Cocktail Lounge or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- A. **Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- B. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Commercial Livestock Operations. The use of land for the growing and/or raising of livestock and processing of livestock products for income, including but not limited to beef cattle, hogs, poultry, and other farm animals.

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.

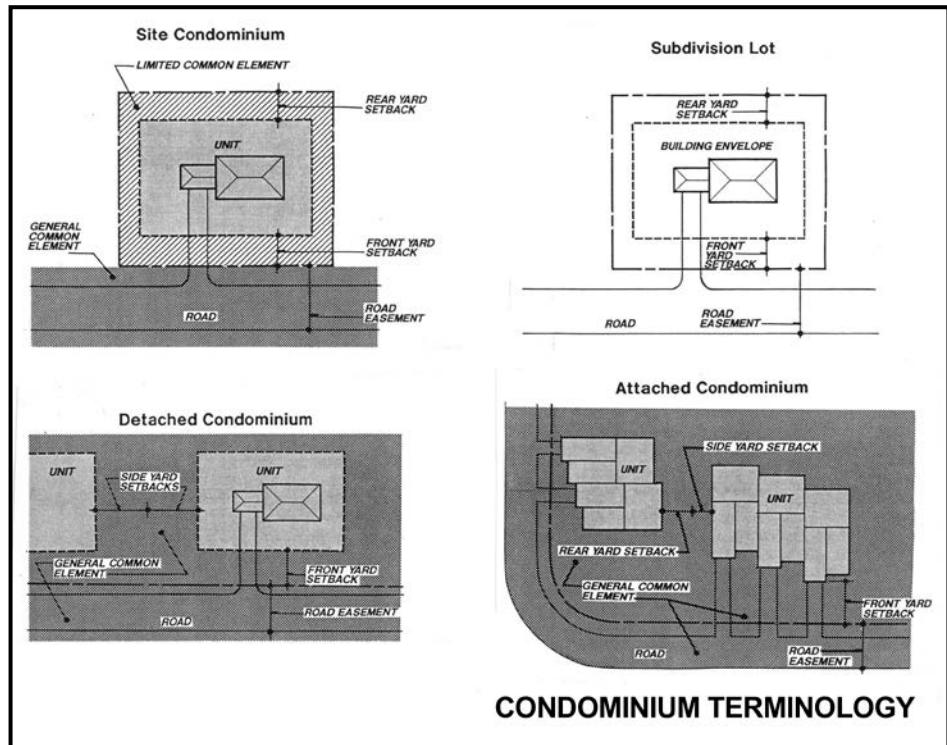
Community Center. A building dedicated to social or recreational activities, serving the Township or a neighborhood and owned and operated by the Quincy Township, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Township.

Composting Center: Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting

center is a location where organic matters is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

A. Convertible Area. A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.



B. General Common Element. The common elements other than the limited common elements intended for the common use of all co-owners.

C. Limited Common Element. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

D. Site Condominium. All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.

- 1. Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- 2. Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

3. **Site Condominium Lot.** 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 the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - a. **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
 - b. **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
 - c. **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
4. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
5. **Condominium Unit.** The 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. The term "condominium unit" or "condominium unit site" shall be equivalent to the term "lot" for the purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio. (Amended 2004).
6. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Quincy Township Code of Ordinances and the Condominium Act.
7. **Condominium Conversion.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Congregate Living Dwelling. A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

Congregate Living Unit. The individual area within a given congregate living dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

Corner Clearance Area. A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

Courtyard or Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.

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

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin. 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. The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

District. A portion of Quincy Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zone" or "zoning district."

Drainage Ways and Streams. Existing permanent or intermittent watercourses.

Drive-In Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service

patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Driveways. A private lane, designed primarily for use by vehicles that connects a house, garage, or other buildings with the road.

Dumpster Enclosure. Any exterior space which secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. (Amended 2006).

- A. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
 - 1. **Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
 - 2. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
- B. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
- C. **Detached Dwelling.** A dwelling unit which is not attached to any other dwelling unit by any means.
- D. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - 1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
 - 2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
 - 3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- E. **Manufactured (Mobile) Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon 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. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.

- F. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.
- G. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.
- H. **Site Built Dwelling.** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- I. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- J. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
- K. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.
- L. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families.

Easement. A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Estate Sale. The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

Excavation. Any breaking of ground, except common household gardening and ground care.

Exterior Architectural Feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Farm. The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings 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.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

Farm Animals. Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, that are capable of being trained and adapting to living in a human environment.)

Farm Buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding of farm animals within a confined area. Farm animals include livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals. Feedlots are also known and sometimes referred to as Alivestock confinement areas. @

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

- A. **Agriculture fence.** A fence constructed for the purpose of enclosing farm animals and protecting farms and agricultural areas within the Agriculture (A) zoning district.
- B. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- C. **Industrial fence.** A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.
- D. **Living fence.** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- E. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- F. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.
- G. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).
- H. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.
 - 1. **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
 - 2. **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Township Board and Branch County Road Commission, where appropriate.

Filling. Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Floor Area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the floor area. Courtyards or

balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

A. **Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

B. **Floor Area Ratio (FAR).** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four-story, building covering one-half ($\frac{1}{2}$) of the lot. A FAR of 0.5 would allow floor space of one-half ($\frac{1}{2}$) the lot area, or a two-story building covering one-quarter (1/4) of the lot.

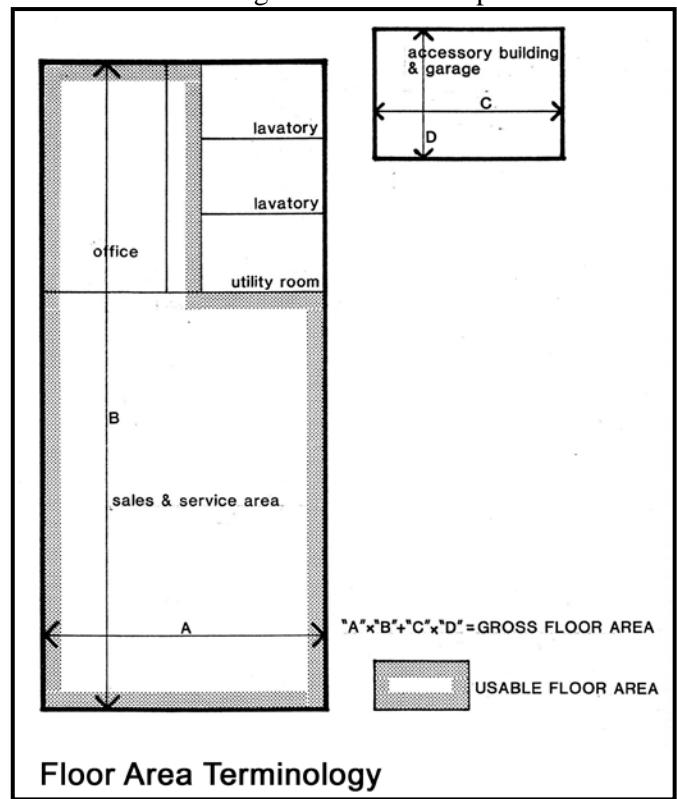
C. **Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Frontage. All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

Garage Sale. The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling. The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family. A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale.

Garage, Private. Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.



Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

- A. **Grade, Average.** 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.
- B. **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.
- C. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Hazardous Substance: Pursuant to Michigan Public Act 451 of 1994, as amended, AHazardous substance@ shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

- A. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- B. AHazardous substance@ as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. AHazardous waste@ as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.
- D. APetroleum@ as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

Hedgerow. A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

Height, Building. (see Building Height)

Home Occupation: Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

- A. **Hobby.** An accessory use carried on by the occupant of the premises in a shop, studio or other workroom, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- B. **Home Office:** An accessory use within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation is undertaken, including, but not limited to: receiving or initiating correspondence, such as telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and telephone, mail order, and off-premise sales.

Hospital. An institution, licensed by the Michigan Department of Health, to provide in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, educational facilities, food services and staff offices.

- A. **Hospital, Long Term.** An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long-term hospitals include homes for alcoholic, narcotic, or psychiatric patients, and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

Hotel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

Junk Yard or Motor Vehicle Storage or Dismantling Yard. An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term "junk yard" does not include drop-off stations for residential recyclables.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Kennel.

- A. Any building, lot or premises where four or more dogs or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; or
- B. Any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received.

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Landmark. A structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such structures or property should be preserved and restored to their historical character and should be protected from modifications which detract from their historical significance.

Lighting. The following definitions are related to lighting:

- A. **Awning.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. **Floodlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. **Footcandle.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- D. **Fully Shielded Fixture.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- E. **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- F. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
- G. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties
- H. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of property in which it is located
- I. **Luminaire.** The complete lighting system including the lamp and light fixture.
- J. **Luminaire Cut-Off Angle.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- K. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- L. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

Livestock. Horses, cattle, sheep. Goats, chickens and other domestic animals normally kept or raised on a farm.

Loading Space. An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.

- A. **Corner Lot.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.
- B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- C. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. **Zoning Lot.** An area of land that, at the time of filing for site plan review or a permit, is designated to be used, developed or built upon as a unit. A zoning lot may include one or more lots of record, and shall satisfy the dimensional requirements of this Ordinance. Multiple adjacent lots under common ownership shall be deemed a single zoning lot if they are occupied by or designated for occupation by a single primary use or integrated primary uses and are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.
- E. **Lot Area.**

- 1. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
- 2. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Coverage. A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

- A. **Front Lot Line.** The line separating a lot from a street right-of-way (in the case of a private street that does not have a dedicated right-of-way, this line shall be parallel to and thirty feet (30') back from the centerline of the pavement). Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the street.

B. **Rear Lot Line.** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.

C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land, the dimensions and legal description of which are on file with the Branch County Register of Deeds and Township Treasurer, or any parcel which has been created in accordance with the provisions of state laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for Quincy Township or the Branch County Register of Deeds.

Lot Split and Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Branch County Register of Deeds and the Township Treasurer.

Lot, Waterfront. A lot adjoining a body of water, such as a lake, river, or canal.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

Major Street. An arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major street in the Quincy Township Master Plan.

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a non-motorized 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, house trailer, trailer coach, or travel trailers.

Manufactured Home, HUD-Code. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

Manufactured Home Site. An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) 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 manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

A. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Quincy Township, as well as the general location for all physical development of the Quincy Township, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Township Board.

Mechanical Amusement Arcade. Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

Mechanical Amusement Device. A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Microbrewery. A brewer licensed by the State of Michigan which produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home" or "manufactured home."

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconformities:

A. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

- B. **Class A Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.
- C. **Class B Nonconforming Status.** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this Ordinance.
- D. **Illegal Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.
- E. **Illegal Use Of Land.** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.
- F. **Nonconforming Lot of Record.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- G. **Nonconforming Sign.** See Signs.
- H. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- I. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.
- J. **Nonconforming Use Of Land.** A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at 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, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance Factors. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursery. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

Obscuring Screen. A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The number of individuals normally permitted to occupy a building or part thereof, as determined by the Building Inspector.

Occupied. Includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset. The distance between the center lines of driveways or streets across the street from one another.

Off-Street Parking Lot. A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

Ordinary High Water: 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 surface soil and the vegetation.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building, excluding garages sales that are otherwise regulated in this Ordinance.

Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard). Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed

forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

Outlot. A parcel of land designated on a site plan for future development.

Package Liquor Store. A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

A. **Public Park.** Any park within the jurisdiction and control of a government agency.

Parking Area, Public. An open area other than a street, alley or place used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement Or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Quincy Township.

Pawn Shop. A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

Perc Test or Percolation Test: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or the use of a septic system.

Permit. Authorization given by the Quincy Township in conformity with this Ordinance. The term "permit" shall include but not be limited to zoning permits.

Pier: A structure extending outward from the shore line for use as a promenade or to secure and provide access to boats. (Also see Wharf.)

Pile, Spring, or Mooring: A column of timber steel or concrete driven into the ground below the water to tie off or otherwise moor a boat.

Planned Development. A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

Planning Commission. The Quincy Township Planning Commission created by Ordinance, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Public Act 184 of 1943, as amended.

Planting Season. The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

Plat. A map of a subdivision of land.

Plat, Subdivision. The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.

Pond. An excavation or the altering of a water course by damming or excavation or combination thereof, for the purpose of creating a body of water greater than one thousand (1,000) square feet in area and two (2) feet or more in depth, for the use as an irrigation source, for livestock watering, for fish or aquatic life production, or for scenic purposes.

Porch, Enclosed. A completely enclosed (with materials other than mesh screening) and roofed space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas.

Porch, Open. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a building or structure and a transition zone between indoor and outdoor areas.

Poultry: Any of various breeds of birds long ago domesticated by man as so to live and breed in a tame, docile, tractable condition useful to humans for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys and similar birds not including game fowl.

Premises. A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

Primary Use. See Use, Primary

Principal Use. See Use, Principal

Private Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Public And Semi-Public Institutional Buildings, Structures, And Uses. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

Public Services. Such uses and services that provide a service to the general public, such as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses.

Public or Private Utility. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

Radioactive Materials. Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

Recreation Establishment, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

Recreational Vehicle. : "Recreation Vehicles" shall include the following:

- A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.
- B. **Camper Trailer (pop-up):** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- C. **Pick-Up Camper:** A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- D. **Boat:** A watercraft (including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:
 - greater than 12 feet in length,
 - having a motor or engine of more than five (5) horsepower,
 - used for rental or other commercial purposes, or
 - registered or required to be registered with the Michigan Department of State.
- E. **Boat/Personal Watercraft:** A vessel that meets all of the following requirements:
 - uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion,
 - is designed without an open load carrying area that would retain water, and
 - is designed to be operated by one (1) or more persons positioned on, rather than within, the confines of the hull.
 - registered or required to be registered with the Michigan Department of State.

F. Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted on a chassis with wheels and capable of being moved place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

Other Recreational Equipment: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

Repair And Maintenance, Ordinary. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

- A. Suitable seating for customers and/or a service counter for carry-out orders.
- B. Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.
- C. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

Restaurant, Carry-Out. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
- B. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

- A. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
- B. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall

include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

Retaining Wall. A permanent, solid barrier of brick, stone or similar material approved by the Quincy Township, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

Right-Of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Road. Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private Road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Branch County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads are permitted in Quincy Township.
- B. **Public Road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Branch County Road Commission, State of Michigan or the federal government.
- C. **Collector Road:** A road whose principal function is to carry traffic between minor, local and subcollector roads and arterial roads but may also provide direct access to abutting properties.
- D. **Cul-De-Sac:** A road that terminates in a vehicular turnaround.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a “den,” “library,” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rural Cluster Zoning. A technique that is intended to preserve the Rural Open Space Environment by grouping dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of

supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning." (See also: "Rural Open Space Environment.")

Rural Open Space Environment. A type of development that preserves characteristics of the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands. (See also: "Rural Cluster Zoning.")

School, Nonpublic. A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public. A public school is a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

Second Hand Dealers. Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

Self-Storage 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.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

- A. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- B. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- D. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

E. **Senior Apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Separate Ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Service Drive. An alley or other paved vehicular access that generally parallels the public right-of-way and provides shared access to multiple lots.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or street rights-of-way.

A. **Parking Lot Setback.** The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.

B. **Required Setback.** The minimum horizontal distance between a front, rear, or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

Signs. Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure, supports, braces, guys and anchors.

Site Plan. A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Code of Ordinances.

Soil. The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

Special Land Use Permit. An authorization by the Township Board or Planning Commission specified herein to use a parcel of land and/or structure for a special land use.

Stable, Commercial. A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

Stable, Private. Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended

(MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

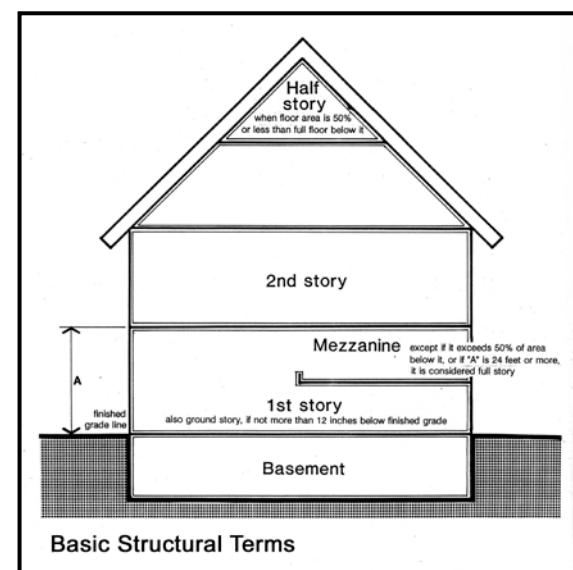
Steep Slopes. Slopes with a grade of twelve percent (12%) or more.

Store. A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

- A. **Home Improvement or Hardware Store** A retail facility the primary focus of which is to offer a variety of merchandise for home improvement, including but not limited to building materials and supplies, appliances, plants, gardening supplies and home furnishings.
- B. **Hypermarket.** A retail store with more than forty-thousand (40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.).
- C. **Supermarket.** A retail store with ten thousand to forty thousand (10,000 – 40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

- A. **Basement.** A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.
- B. **First Story.** The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.
- C. **Half-story.** that part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half



(½) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

- D. **Mezzanine.** A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- E. **Top Story Attic.** A half story when the main line of the eaves is not above the middle of the interior height of said story.

Street Right-of-Way Line. The dividing line between the street and a lot.

Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Subdivision. A subdivision as defined in the Quincy Township Code of Ordinances.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

Tavern (Pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Temporary Building. A structure permitted to exist during periods of construction or for special events.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

Truck Storage. An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Unit. See **Condominium Unit.** (Amended 2004).

Use. The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied maintained, let or leased.

- A. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.
- B. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
 - 1. **Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
 - 2. **Special Land Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- C. **Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.
- D. **Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.
- E. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

Usable Open Space. Open space is *usable* if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands. Swamps or marshes would not generally be considered usable open space, except for those which are allowable within Section 19.00 (Planned Unit Development).

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Veterinary Clinic Or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Wading Pool. For the purposes of this Ordinance a wading pool shall be any receptacle utilized for holding water which has a water depth not exceeding two (2) feet.

Walls.

- A. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- B. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- A. At least periodically, the land supports predominantly hydrophytes.
- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended, that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

Wine Shop (Specialty). A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest

rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.

- D. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. **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 or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
- J. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building.
- B. **Rear Yard.** An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the primary building.
- C. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements..
- D. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.

