



**ACME TOWNSHIP ZONING ORDINANCE REWRITE
SUBCOMMITTEE MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 13th, 2017 5:30 p.m.**

CALL TO ORDER:

Present: Karly Wentzloff, Dan Rosa, Shawn Winter

ROLL CALL:

A. LIMITED PUBLIC COMMENT:

B. APPROVAL OF AGENDA:

- Unanimously approved

C. ADMINISTRATIVE ACTION:

1. Approve Zoning Ordinance Rewrite Subcommittee minutes from 12/12/16
 - Unanimously approved

D. CORRESPONDENCE:

E. OLD BUSINESS:

F. NEW BUSINESS:

1. Review the following Articles:
 - Wentzloff asked about accessory dwellings being located in the front yard of waterfront parcels. Winter indicated that those provisions would be included under the General and Specific Provisions article.
 - Rosa questioned the suitability of the existing mobile home district for mobile home development. Discussion followed about the parcel's attributes. No changes proposed.
 - a. **Article 1 – Title and Purpose**
 - Wentzloff noted the need for a comprehensive editing of the text once the complete ordinance draft is completed.
 - Rosa questioned whether Section 1.5 is necessary. Counsel needs to weigh in on the need for that disclosure.
 - Rosa would also like to see a mention about property rights, that the Ordinance intends to respect and recognize property rights, and that the Ordinance does not intend to infringe on those constitutional rights. Again, Counsel's advice is needed.
 - b. **Article 2 – Zoning Districts & Zoning Map**
 - Rosa questioned the method for determining disputes in zoning district boundary lines. Resolution methods are detailed in the Ordinance.
 - Wentzloff requested the clarification on how the new districts were determined, and their differences. Winter explained that SFR has a minimum of 1 acre lots, not to include sewer in the future; SFN has a minimum of 15,000 sq ft (sewer) or 20,000 sq ft (septic). The properties that were formerly R-1 are to become SFR, instead of SFN as indicated on the proposed map. The SFR on the north side of the township will extend south to Yuba Park Rd, SFN south of Yuba Park Rd.
 - Wentzloff inquired about the change in zoning of the Bates Crossing parcel from planned shopping center (B-3) to SFR. Winter indicated it was due to the elimination of the B-3 district, and the parcel's suitability for residential development. Wentzloff asked if it should be considered as LIW. Rosa agreed that the Township could use additional

industrial land. Zoning of this area to LIW was left unresolved.

- Winter asked about the new abbreviation of MHR for the mobile home district. Rosa was in support of it. Wentzloff thought the inclusion of the word ‘residential’ may create confusion. Winter indicated that it was indeed a residential district.
- Winter asked about the use of precedent images in the intent and purpose of each district. Wentzloff and Rosa agreed with their use. Wentzloff wished there was less text in the descriptions.
- Rosa asked to have “odors and dust” included in the AG description.
- Winter explained the new SFN includes the former SFN, R-2 and R-3. The R-3 allowed for duplexes and multifamily through a special use permit. Now that they have been combined and renamed “Single Family Neighborhood”, do we want to keep that use? Based on the expansion of CF and MHN, it was determined that duplexes and multifamily should NOT be included in that district. This would allow efficient use of water/sewer utilities.
- Wentzloff asked about on street parking in the MHN. It could have it, but wouldn’t be necessary. The word ‘will’ should be changed to ‘may’.
- Wentzloff asked if SFR and SFN need to include the word ‘residential’ in their title in order to avoid confusion. Winter felt the naming devices that are proposed convey the districts’ intended use.
- No other changes to the remaining districts
- c. **Article 3 – Regulated Uses & Dimensions**
 - The asterisk was determined to be an appropriate method for indicating uses that have additional provisions.
 - Potential for further consolidation of uses into broader categories. Some may need to expanded into finer-grained uses. Example was presented using Institutional, Adult Care. A lot of uses, and scales of use, fall under this category. Winter will look into breaking the category into finer uses for this category for comparison.
 - Wentzloff inquired as to using the term ‘institution’ before each of the uses. Winter explained it was done to present them in the same location of the definitions article for comparison purposes. Wentzloff requested the commas to be removed from the institution terms. Similarly, the request was made to remove the commas from the public uses as well.
 - Winter questioned about the purpose of the ‘customary agricultural operations’ from the previous ordinance. It was never defined. Wentzloff suggested renaming it more clearly to indicate that it is meant to allow non-nuisance agricultural uses for the residential properties to avoid silence on the use.
 - Wentzloff suggested removing livestock auction yards.
 - Winter brought up riding horses and riding stables. Wentzloff asked if there was a cap on how many horses, Winter will look into it. Wentzloff doesn’t care to have a provision regarding the horses belong to the property owners.
- d. **Article 15 - Definitions**
 - Not addressed

G. PUBLIC COMMENT & OTHER PC BUSINESS

ADJOURN:



**ACME TOWNSHIP ZONING ORDINANCE REWRITE
SUBCOMMITTEE MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
December 12th, 2016 5:30 p.m.**

PRESENT: Karly Wentzloff, Marcie Timmins, Dan Rosa, Shawn Winter, John Iacoangeli

- No public in attendance

A. REVIEWED NOTES FROM LAST MEETING

B. ZONING DISTRICT MAP

- Shawn will continue looking for the SUP numbers for the large projects indicated on the map
- Change name of RR-1: Single Family Rural to SFR: Single Family Rural to be consistent with SFN: Single Family Neighborhood
- Form-based code requirements for the original SFN will apply to the new SFN as well
 - Will need a qualifier in the ordinance that an existing house is exempt, and not non-conforming
 - Accessory buildings can be in rear or side yard, not front in the SFN
- SFR will have one acre minimum lot sizes
- SFN lots will be 15,000 sq ft w/ sewer, 20,000 sq ft w/septic
- A-1: Agricultural will be named AG: Agricultural with 5 acre minimum lots
- R1-MH: Manufactured Housing parcel at the end of S. Bates Rd will have the zoning changed to AG since it's actually state-owned land and cannot be developed.
- SUP symbology will be changed to look more integrated into the map

C. ZONING ORDINANCE OUTLINE:

- Reviewed proposed outline.
- Article 6 will be called Site Development Standards, and Article 7 will be called General and Specific Provisions

D. REGULATED USES TABLE

- Focused on the agriculture land use category
- Looked at Michigan Right to Farm Act (Act 93 of 1981) to understand the definitions used in the act.
- Use the definitions as uses allowed under the AG district, then reference the Act's definition in the Zoning Ordinance definitions article.
- Uses deemed to be covered by the Act and therefore not needing to be listed specifically: agricultural processing, agricultural warehousing, aquaculture, aquaponics, customary agricultural operations, farmer's market, farmer's roadside market, farmer's roadside stand, field crop and fruit farming, food research and development, food processing plants, food storage (bulk), game or hunting preserves for profit, greenhouse or nursery, historic parks, livestock processing, planned agricultural units, productions facilities for value added farm products, raising and keeping of small animals/livestock, raising fur bearing animals for profit, riding horses (needs to stay for Residential districts), special open space uses
- Uses that are currently allowed, but not covered under the Act that will need to remain listed individually: agricultural tourism (I and II), lumber/planning/saw mills, winery/small winery, brewery/microbrewery, distillery/small distillery to stay with current AG provisions and remove the SUP requirement for the larger operations, riding stables and livestock auction yards, tenant housing, winery w/food service
- Uses to stay but with modification:
 - community kitchen (second half of current definition does not fit in the AG district), add to C, CF and L-1 districts. Needs to be a licensed facility. Keep cooking classes in the definition
 - Livestock processing to remain listed separately but as an SUP use in the AG
 - Riding horses to stay in the SFR district, but indicate there are special provisions
- Production and processing to be moved under industrial land use category rather than agricultural

- Winery, Brewery, Distillery to be added to C and CF as an SUP, in addition to the smaller operations by right. L-1 will retain this use still.
 - Look into Michigan Liquor Control Commission's definitions and categories
- Add another land use category for industrial and warehousing

ADJOURN:



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Karly Wentzloff, Marcie Timmins, Dan Rosa, John Iacoangeli

From: Shawn Winter, Zoning Administrator

CC:

Date: March 8, 2017

Re: March 13, 2017 ZO Rewrite Meeting

As a result of the weather-related cancellations of the previous two meetings, I have tried to keep the process moving by incorporating the direction provided in the previous meetings into the articles for review this month. Each of these articles are a working draft. All are needing content edits, proof reading, formatting, and finishing.

Article I – Title and Purpose

This article is pretty straight forward and more of a logistic.

Article 2 – Zoning Districts & Zoning Map

Districts Established

- Reflects the consolidation and renaming previously discussed
- Any additional changes/edits should be presented

Intent & Purpose

- Lays out the intent and purpose of each specific district
- Some may need additional revisions, additional text
 - o SFN – combination of the previous SFN, R-2, and R-3. All three intents are listed now. Will need to come up with description that fits the new combined district
 - o MHR, CS, C, and CF are a little light. That's not necessarily a bad thing, but now would be the time if a more detailed description is desired.
- Images have been inserted as precedent examples. Suggestions for different images are welcome.

Zoning Map

- John, Marisa (BRI) and I had a teleconference to discuss the changes recommended at the last meeting.
- Changes include:
 - o Labeling SUP properties by number (not permit number) and calling them out in the legend
 - o Different color scheme reflecting the standard colors used by the APA
 - o Incorporated naming devices for the districts, as recommended.

Article 3 – Regulated Uses & Dimensions

This is a continuation of the work on the regulated land use table from the last meeting.

Regulated Uses

- New, combined zoning districts now allow for the table to be oriented portrait-style as opposed to landscape.
- I went through each of the land use categories and attempted to consolidate similar uses into broader categories. Some refinement may still need to be done (e.g. retail uses), other may need to be expanded from their broad uses (e.g. Institutional, adult care) if specific uses/requirements need to be called out.
 - o You may want to reference the table from our last meeting to see the starting point. Please let me know if you need a copy.
- Some uses are allowed by right, but require additional provisions. The method at the moment for noting these uses is to place an asterisk by the P (P*). Please suggest a more appropriate method if you see fit.
- Question marks indicate whether or not a use should be allowed in a specific district.
- Accessory uses were their own land use category in the previous iterations, and had a number of uses listed. In the spirit of consolidation, is it necessary to list each of the uses and the districts they are allowed?
- Some uses are not included yet because I wasn't sure on how to classify them. Examples include:
 - o Sewage treatment & disposal facilities
 - o Recreational facility (commercial or institutional use?)
 - o Quarry, Sand or Gravel
 - o Wireless telecommunications (list does include "telecommunications")
 - o Wind or solar energy production, either large scale or personal use
- I've attempted to define each land use category in the definitions section (article 15). Please cross-reference the listed use with the definition to ensure it encompasses all the intent.

Dimensional Requirements

- The goal here is to provide all the dimensional requirements in one location for each district.
- Finding the most appropriate way to do this is still a work in progress
- I attempted to create a graphic for each district that reflects the land use dimensions. Although I like the use of a graphic, I would like to further refine them to make each more clear and similar in size for page layout. I would be more than happy to take suggestions. I am not a graphic designer and have only rudimentary skills using Illustrator.
- I stopped at MHN district. I'd prefer to have a standardized page layout for each district, but the form-based code requirements will need more thought as to how the requirements should be presented, and how the display can be similar to the other districts.
- SFN reflects the requirements of the previous R-2 and R-3 districts, not the form-based code of the former SFN. Although I am a strong proponent of the form-based code, it may not be the most appropriate option for this district. The expansion of this district through the combination of the R-2 and R-3 means the district now includes some larger parcels of land where the requirements of form-based code may not be the right fit. Plus, I know of at least one community that is contemplating the removal of their form-based code altogether because of its shortcomings in the single family district.

Article 15 – Definitions

The definitions in this article reflect the uses that are listed in article 3, definitions from the existing zoning ordinance, and definitions that should be in the existing zoning ordinance and through the absence have created some confusion.

- John presented a great idea of using the North American Industry Classification System (NAICS) to guide the defining of certain uses.

- NAICS uses a numbered code to take a broad category and break it down into ever smaller, more specific use every time a digit is added. For example
 - 62 – Health Care & Social Services, 621 – Ambulatory Care, 6211 – Offices of Physicians, 6212 – Offices of Dentists
 - 62 – Health Care & Social Services, 622 – Hospitals, 6221 General Medical & Surgical Hospitals, 6222 – Psychiatric & Substance Abuse Hospitals.
- It could be possible that a broader NAICS use is listed in the regulated uses table and defined in the definitions with the provision that when a NAICS use is listed as allowed, the finer-grained uses are therefore established uses as well.
- This could fit into the effort of using broader categories, however, a closer inspection as to how this would work is warranted if there is interest in this structure.
- Where a NAICS definition has been used, the code number is referenced at the end of the definition
- Red text indicates call outs to either questions or additional thoughts on the definition.
- The definition article is definitely longer than what we have now. This is not necessarily a bad thing. Definitions provide the framework for interpreting the ordinance. A limited list of definitions often leads to vagueness. The trade-off is a more concise, readable, user-friendly ordinance in exchange for a longer definition section listed at the end of the document.

There's a lot to get through in this packet. I don't anticipate the committee covering all of it at this meeting, but hopefully we can address a good portion of it, which in turn will provide better clarity in how to address the other articles as we continue moving forward. Please look through the attached documents and note any questions or confusion you may encounter. Hopefully I'll be able to provide my intent and justification for what has been presented thus far.

Acme Township
 PROPOSED ZONING ORDINANCE FRAMEWORK
 (Last Modified 2017-03-08)

<u>CURRENT - Zoning Ordinance</u>	<u>PROPOSED – Zoning Ordinance</u>
Article 1 – Short Titled	Article 1 – Title and Purpose
Article 2 – Purposes	Article 2 – Zoning Districts & Zoning Map
Article 3 – Definitions	Article 3 – Regulated Uses & Dimensions
Article 4 – Administration and Enforcement	Article 4 – Special Land Uses
Article 5 – Zoning Board of Appeals	Article 5 – Land Development Options
Article 6 – Zoning Districts	Article 6 – Site Development Standards
Article 7 – Supplemental Regulations	Article7 – General and Specific Provisions
Article 8 – Site Plans	Article 8 – Site Plan Review
Article 9 – Special Uses	Article 9 – Non-Conforming Uses
Article 10 – Condominium Subdivisions	Article 10 – Zoning Board of Appeals
Article 11 – Open Space Preservation	Article 11 – Administration and Enforcement
Article 12 – Manufactured Housing Communities	Article 12 – Amendments
Article 13 – Personal Wireless Services	Article 13 – Public Hearings and Notification
Article 14 – Wind Energy Systems	Article 14 – Interpretations and Conflicts
Article 15 – Non-Conforming Uses	Article 15 – Definitions
Article 16 – Amendments	
Article 17 - Severability	
Article 18 – Violations	
Appendix I – Zoning Amendments	

ARTICLE 1 - TITLE AND PURPOSE

1.1 TITLE

Acme Township in accordance with the enabling legislation for Municipal Zoning as provided in Act 110 of 2006 (M.C.L. 125.3101 et seq.) and P.A. 33 of 2008 (M.C.L. 125.3801 et seq.) hereby provides as follows: a Zoning Ordinance which shall be known as and may be cited as the “Acme Township Zoning Ordinance” of Acme Township, as amended and is referred to as the “Zoning Ordinance.”

1.2 AREA OF JURISDICTION

The provisions of this Zoning Ordinance apply to all development, public and private, throughout the incorporated areas of Acme Township, Grand Traverse County, Michigan, to the extent permitted by law.

1.3 PURPOSE

The purpose of this Zoning Ordinance is to promote the public health, safety, and general welfare of the residents of Acme Township. This Zoning Ordinance shall serve the general good of the community in accordance with the adopted Acme Township Master Plan and any additions and amendments as may be approved by Acme Township.

1.4 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS

In interpreting and applying the provisions of this Zoning Ordinance, these provisions shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or lots or upon the height of buildings, or requires larger open spaces than are imposed or required by any other applicable rule, covenant or law, the provisions of this Zoning Ordinance shall govern. The Township has no responsibility or authority for enforcing private agreements or covenants.

1.5 CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this Zoning Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

1.6 OFFICIAL ZONING MAP

The boundaries of the zoning districts established by the Zoning Ordinance are shown on a map or series of maps designated the “Official Zoning Map”. The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Zoning Ordinance as fully as if it were contained within the pages of this Zoning Ordinance.

- a. Location: The Official Zoning Map is filed in the office of the Acme Township Clerk.
- b. Updates: The Acme Township Planning Commission is responsible for updating the Official Zoning Map to reflect amendments adopted by Township Board.
- c. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
3. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Grand Traverse County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules “1” through “3” above, the Zoning Administrator shall interpret the boundaries.
5. Any dispute in the determination of the Zoning District boundaries shall be heard by the Zoning Board of Appeals.

ARTICLE 2 - ZONING DISTRICTS AND ZONING MAP

2.1 RELATIONSHIP OF ZONING ORDINANCE TO COMMUNITY MASTER PLAN

The zoning ordinance is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within the ordinance regulate the amount, type and use of a building allowable on a piece of land. The zoning ordinance is a tool used by the community to effectuate the recommendations of the Acme Township Community Master Plan, which is a guide for the long-term physical development of the Township.

2.2 DISTRICTS ESTABLISHED

The Township is hereby divided into the following districts (see Zoning Map), which shall be known as:

AG:	Agricultural
SFR:	Single Family Rural
SFN:	Single Family Neighborhood
MHN:	Mixed Housing Neighborhood
MHR:	Manufactured Home Residential
CS:	Corridor Shoreline
C:	Corridor Commercial
CF:	Corridor Flex
LIW:	Light Industrial & Warehousing

2.3 INTENT AND PURPOSE

The intent and purpose of each Zoning District are described in the subsections below.

2.3.1 Agricultural (AG)

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.



2.3.2 Single Family Rural (SFR)

It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as hillsides, scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominantly low density, one-family detached dwellings that will harmonize with the natural resource capabilities of the District.



2.3.3 Single Family Neighborhood (SFN)

The R-2 One Family{ XE “Family” } Urban Residential{ XE “Residential” } District is designed to accommodate the development of low to medium density, one-family residential uses within those areas of the Township where public services, such as public sewer facilities, exist or are anticipated. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.



The R-3 Urban Residential{ XE “Residential” } District is designed to accommodate the development of low to medium density residential uses

Recognizing existing residential neighborhoods which are based on suburban site and building design standards. These neighborhoods are not quite rural and typically are found on the fringe of most urban areas. Lot size can range up to one acre is size and density can vary from ½ unit per acre to 2-3 units per acre.



2.3.4 Mixed Housing Neighborhood (MHN)

This neighborhood will include a variety of housing types including single family residential as defined in the SFN, cluster residential and open space subdivisions, small lot residential, duplex, fourplex, courtyard units and apartments of various types and sizes. All of these residential developments will be designed as walkable neighborhoods with sidewalks and on-street parking. Densities would range from 5 to 12 dwelling units per acre. This zone can accommodate buildings described in the SFN regulating zone.



2.3.5 Manufactured Home Residential (MHR)

The intent and purpose of this District to provide for the development of manufactured homes.



2.3.6 Corridor Shoreline (CS)

To provide for the continuation of existing businesses and residences along the west side of the US-31 as this area evolves into a series of interconnected public and private water-related recreation uses.



2.3.7 Corridor Commercial (C)

To provide for a traditional commercial district that promotes mixed use, walkability and transit options, and takes advantage of its location to East Bay.



2.3.8 Corridor Flex (CF)

To provide for a flexible mixture of retail, office, commercial, residential and institutional uses within walkable and connected neighborhoods. The objective is to create an environment where residents can live, work and shop for day-to-day amenities in the same area.



2.3.9 Light Industrial & Warehousing (LIW)

This district is intended to accommodate those industrial uses, storage, and related activities that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or any other potentially harmful or nuisance characteristics. It is designed to accommodate wholesale, 98 warehouse, and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding district. The B-4 Districts are established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is also intended to prohibit residential uses and intensive retail enterprises as being incompatible with the primary uses permitted.

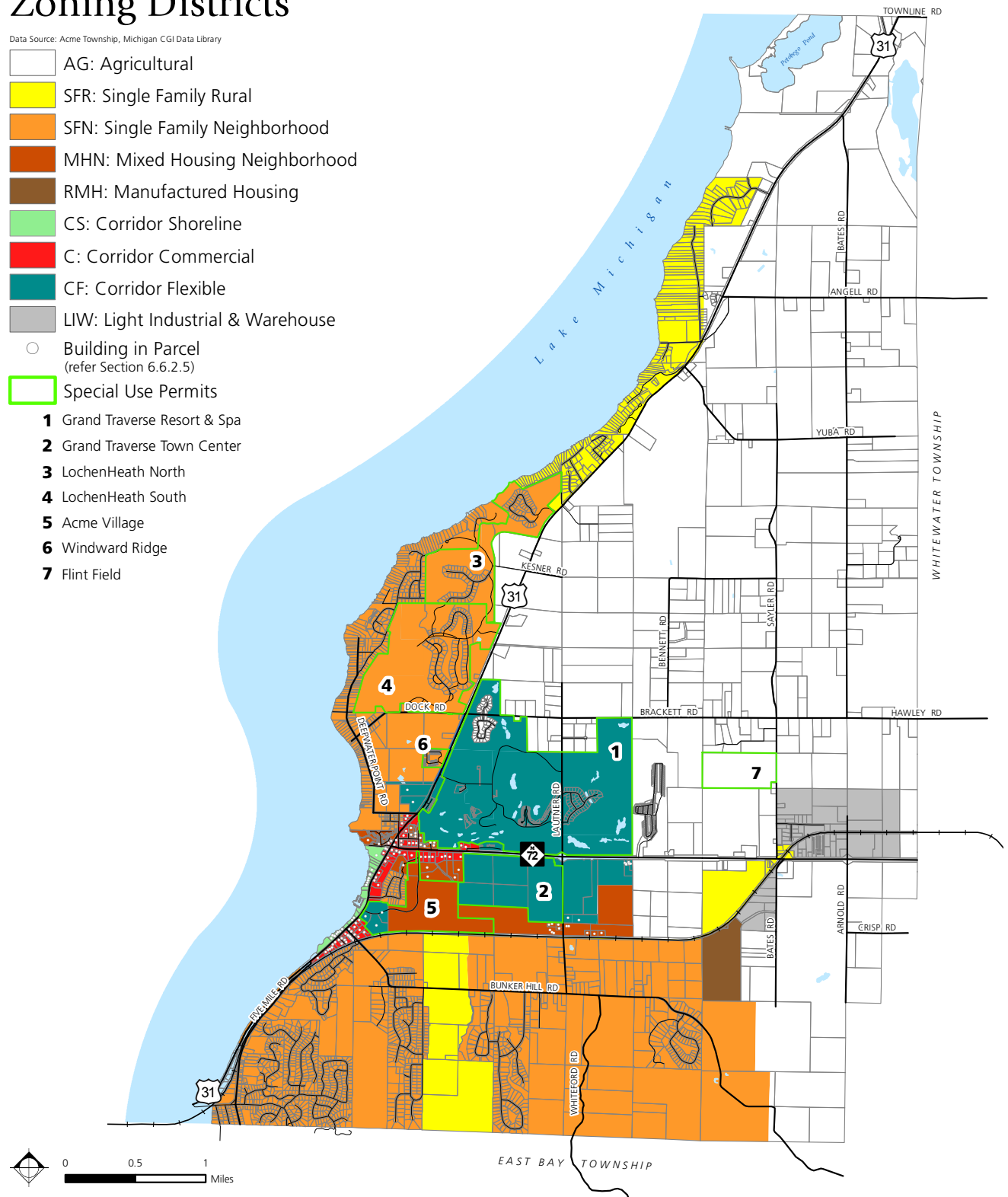


2.4 ZONING MAP

ACME TOWNSHIP Zoning Districts

Data Source: Acme Township, Michigan CGI Data Library

- AG: Agricultural
 - SFR: Single Family Rural
 - SFN: Single Family Neighborhood
 - MHN: Mixed Housing Neighborhood
 - RMH: Manufactured Housing
 - CS: Corridor Shoreline
 - C: Corridor Commercial
 - CF: Corridor Flexible
 - LIW: Light Industrial & Warehouse
 - Building in Parcel
(refer Section 6.6.2.5)
 - Special Use Permits
- 1** Grand Traverse Resort & Spa
 - 2** Grand Traverse Town Center
 - 3** LochenHeath North
 - 4** LochenHeath South
 - 5** Acme Village
 - 6** Windward Ridge
 - 7** Flint Field



2.5 PROPERTIES WITH MULTIPLE ZONING DESIGNATIONS

When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel.

ARTICLE 3 - REGULATED USES AND DIMENSIONS

3.1 LAND USE AND ZONING DISTRICT TABLE

The Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

3.2 PERMITTED USES [P]

If a land use is permitted by-right in a Zoning District, it is identified by the symbol “P.”

3.3 SPECIAL LAND USE [S]

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with Article 4 this Zoning Ordinance.

3.4 USES NOT ALLOWED

If a land use type is not allowed in a Base Zoning District, it is blank without a “P” or “S.”

3.5 SITE-SPECIFIC STANDARDS

Land use types, denoted with an “*,” are further regulated with site-specific standards as identified in Article 6: Site Development Standards (or Article 7: General and Specific Provisions?).

3.6 UNLISTED USES

If an application is submitted for a use type that is not classified in the Land Use Table of this Article, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Ordinance.

3.7 LAND USE TYPE

Land use types listed in the Land Use and Base Zoning District Table are defined in Definition Article 15: Definitions of this Zoning Ordinance.

3.8 COMPLIANCE WITH DISTRICT REGULATIONS

Compliance with District regulations shall be required as follows:

- a. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.
- b. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- c. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- d. The minimum yards, parking space and other open spaces, including lot area per family, required

e. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) principal building on one (1) lot, except as provided in parts of this ordinance.

Uses for enterprises or purposes that are contrary to Federal, State, and Township statutes, laws, and/or ordinances are prohibited.

REGULATED USES [“ * “ indicates special provisions]	ZONING DISTRICTS								
	AG	SFR	SFN	MHN	MHR	CS	C	CF	LIW
AGRICULTURAL USES									
Agricultural Assembly	S								
Agricultural Tourism	P								
Chickens, Egg-Laying		P*	P*						
Customary Agricultural Operation		P	P						
Farm Operations	P								P(?)
Livestock Auction Yards	S								
Riding Horses	P	P*	P*						
Riding Stables	S								
RESIDENTIAL USES									
Bed & Breakfast	S	S	S	S		S			
Dwelling, Duplex	S		S(?)	P		P			
Dwelling, Multiple-Family				P	S	S	P	P	
Dwelling, Single-Family	P	P	P	P	P	P			
Home Occupation	P*	P*	P*	P*		P*	P*	P*	
Live-Work Unit				P			P	P	
Manufactured Home	P	P(?)	P(?)	P					
Manufactured Housing Community					S				
Open Space Preservation Development	P	P	P	P	P				
Tenant Housing	P								
COMMERCIAL USES									
Automotive Major Repair									S
Automotive Services							S	S	S
Brewery	S								
Business Services						P	P	P	
AG: Agricultural SFR: Single Family Rural SFN: Single Family Neighborhood MHN: Mixed Housing Neighborhood MHR: Mobile Home Residential CS: Corridor-Commercial CF: Corridor Flexible LIW: Light Industrial & Warehousing									

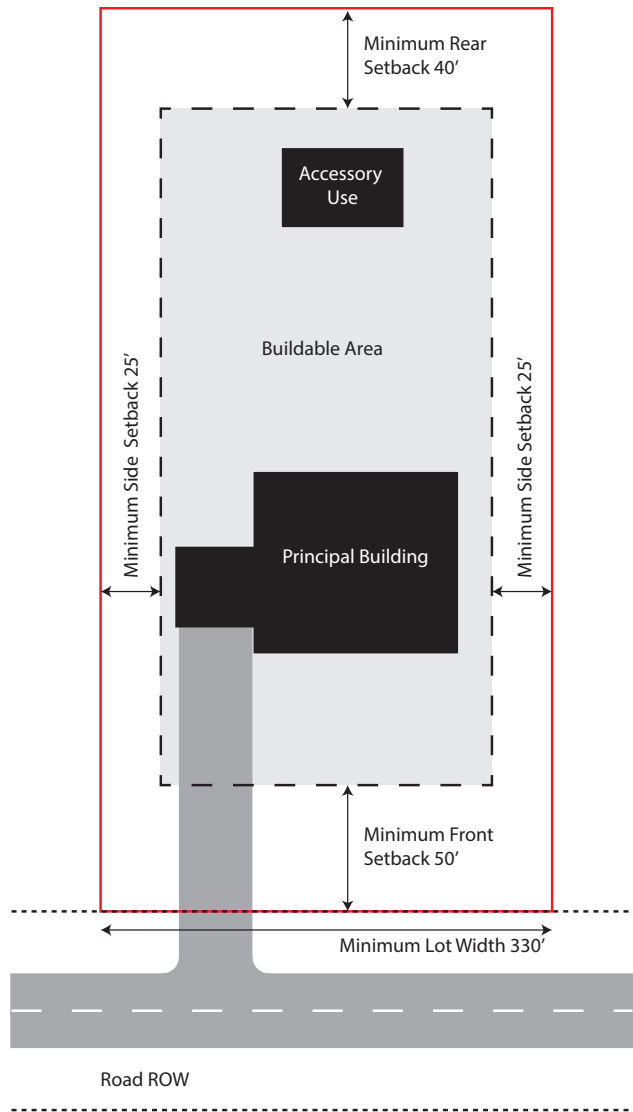
REGULATED USES [“ * “ indicates special provisions]	ZONING DISTRICTS								
	AG	SFR	SFN	MHN	MHR	CS	C	CF	LIW
Campground	S								
Community Kitchen	P(?)						P	P	
Computer Operations							P	P	P
Convalescent Home		S	S	P		S			
Convention Center							S	S	
Distillery	S								
Drinking Place (Alcoholic Beverages)							P	P	
Drive-In; Drive Through Services							S	S	
Financial Services							P	P	
Food Service Contractor							P	P	P
Health Care Services							P	P	
Hotel, Less Than 120 Rooms							P	P	
Hotel, More Than 120 Rooms							S	S	
Kennel	S								
Laboratory, Medical & Diagnostic							P	P	P
Laboratory, Testing									S
Marina						S			
Micro Brewery							P	P	
Mixed-Use Development						P	P	P	
Personal Services						P	P	P	
Professional Services						P	P	P	P
Restaurant							P	P	
Retail, Department								S	
Retail, Food & Beverage							P	P	
Retail, General							P	P	
Retail, Miscellaneous							P	P	
Retail, 10,000 sq ft or greater							S	S	
Small Distillery							P	P	
Small Winery							P	P	
Veterinary Services	S						P	P	P
Winery	S								
INDUSTRIAL USES									
Central Cleaning Facility									S
Contractor Establishment									P
Contractor Storage Yard									P*
Lumber Processing									S
Manufacturing, Food									P
Manufacturing, Light									P
Medical Marihuana Facility									P*
Research & Development									P(?)
AG: Agricultural SFR: Single Family Rural SFN: Single Family Neighborhood MHN: Mixed Housing Neighborhood MHR: Mobile Home Residential CS: Corridor-Shoreline C: Corridor-Commercial CF: Corridor Flexible LIW: Light Industrial & Warehousing									

[illegible]

3.11 SCHEDULE OF DIMENSIONAL REQUIREMENTS

The regulations in this section specify parcel dimensions, setback requirements and form-based code provisions (if applicable) for parcels in each Zoning District.

3.11.1 AGRICULTURAL DISTRICT (AG)



Min. Lot Size	5 acres
Min. Lot Width	330 ft
Front Yard Setback	50 ft
Side Yard Setback	25 ft
Rear Yard Setback	40 ft
Max. Density	0.2 du/ac
Min. Ground Floor Area	576 sq ft
Max. Height (ft/stories)	35 ft/2.5 ¹
Max. Lot Coverage	n/a
Max. Impervious Coverage	n/a

Notes

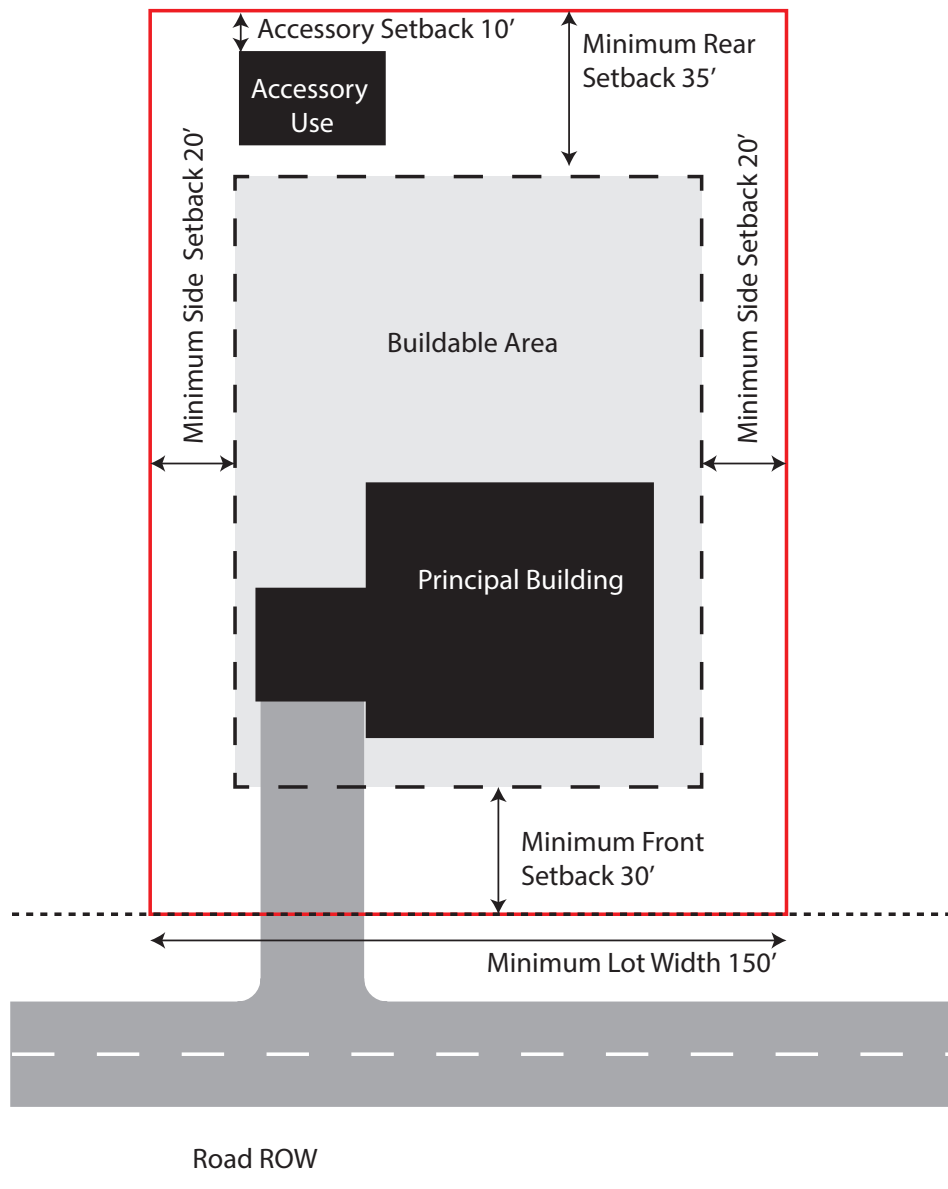
¹ Structures for agricultural uses, such as barns and silos, may be permitted up to 100 ft in height.

3.11.2 SINGLE-FAMILY RURAL DISTRICT (SFR)

Min. Lot Size	1 acre
Min. Lot Width	150 ft
Front Yard Setback	30 ft
Side Yard Setback	20 ft
Rear Yard Setback	35 ft ¹
Max. Density	1 du/ac
Min. Ground Floor Area	576 sq ft
Max. Height (ft/stories)	35 ft/2.5
Max. Lot Coverage	30%
Max. Impervious Coverage	30%

Notes

¹ Accessory uses are allowed within 10 feet of the rear property line.

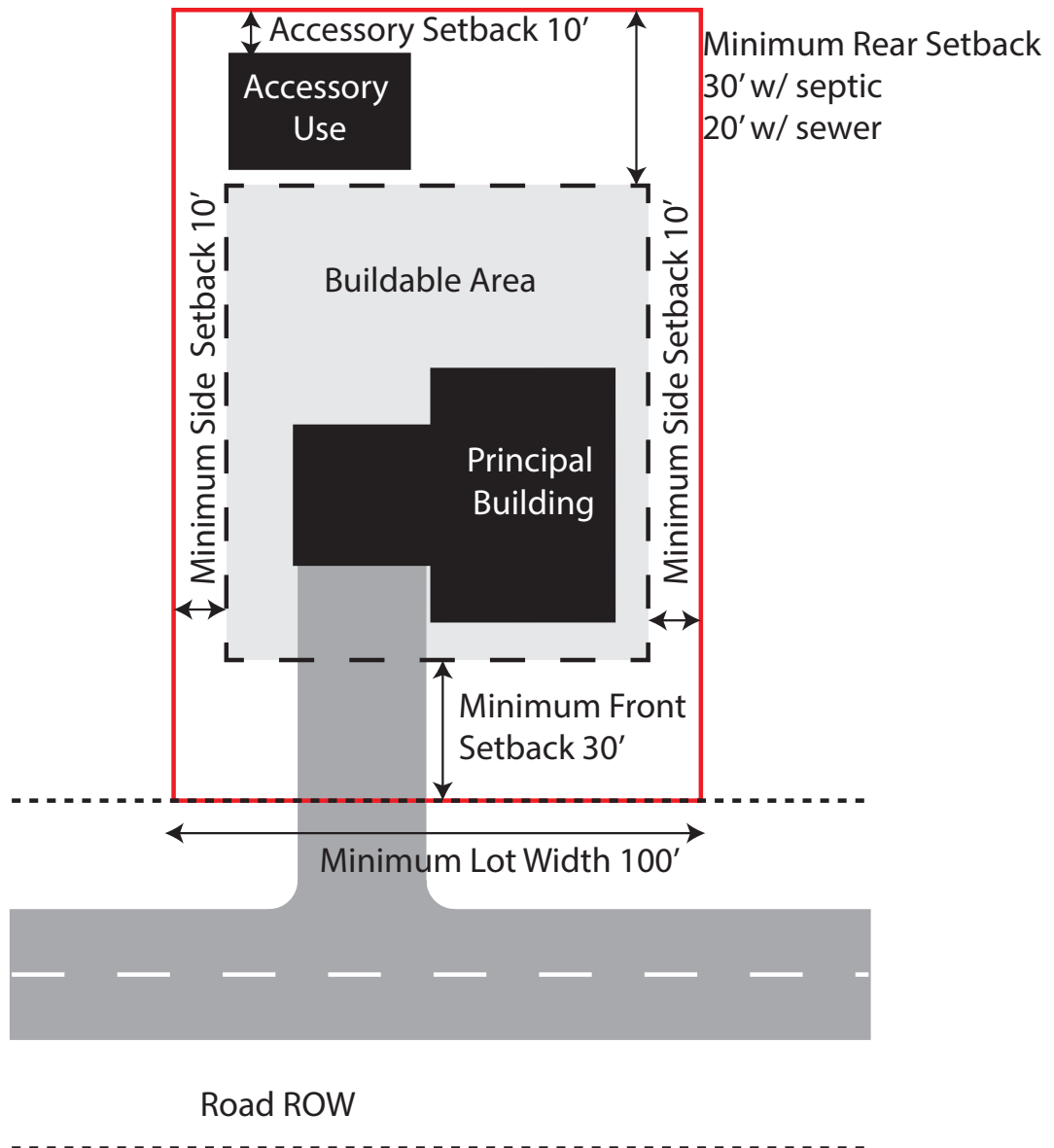


3.11.3 SINGLE-FAMILY NEIGHBORHOOD DISTRICT (SFN)

	w/sewer	w/septic
Min. Lot Size	15,000 ft ²	20,000 ft ²
Min. Lot Width	100 ft	100 ft
Front Yard Setback	30 ft	30 ft
Side Yard Setback	10 ft	10 ft
Rear Yard Setback	20 ft ¹	30 ft ¹
Max. Density	2.9 du/ac	2.2 du/ac
Min. Ground Floor Area	576 sq ft	576 sq ft
Max. Height (ft/stories)	35 ft/2.5	35 ft/2.5
Max. Lot Coverage	30%	30%
Max. Impervious Coverage	n/a	n/a

Notes

¹ Accessory uses are allowed within 10 feet of the rear property line.



3.11.4 MIXED-HOUSING NEIGHBORHOOD DISTRICT (MHN)

(Form-Based Code District¹)

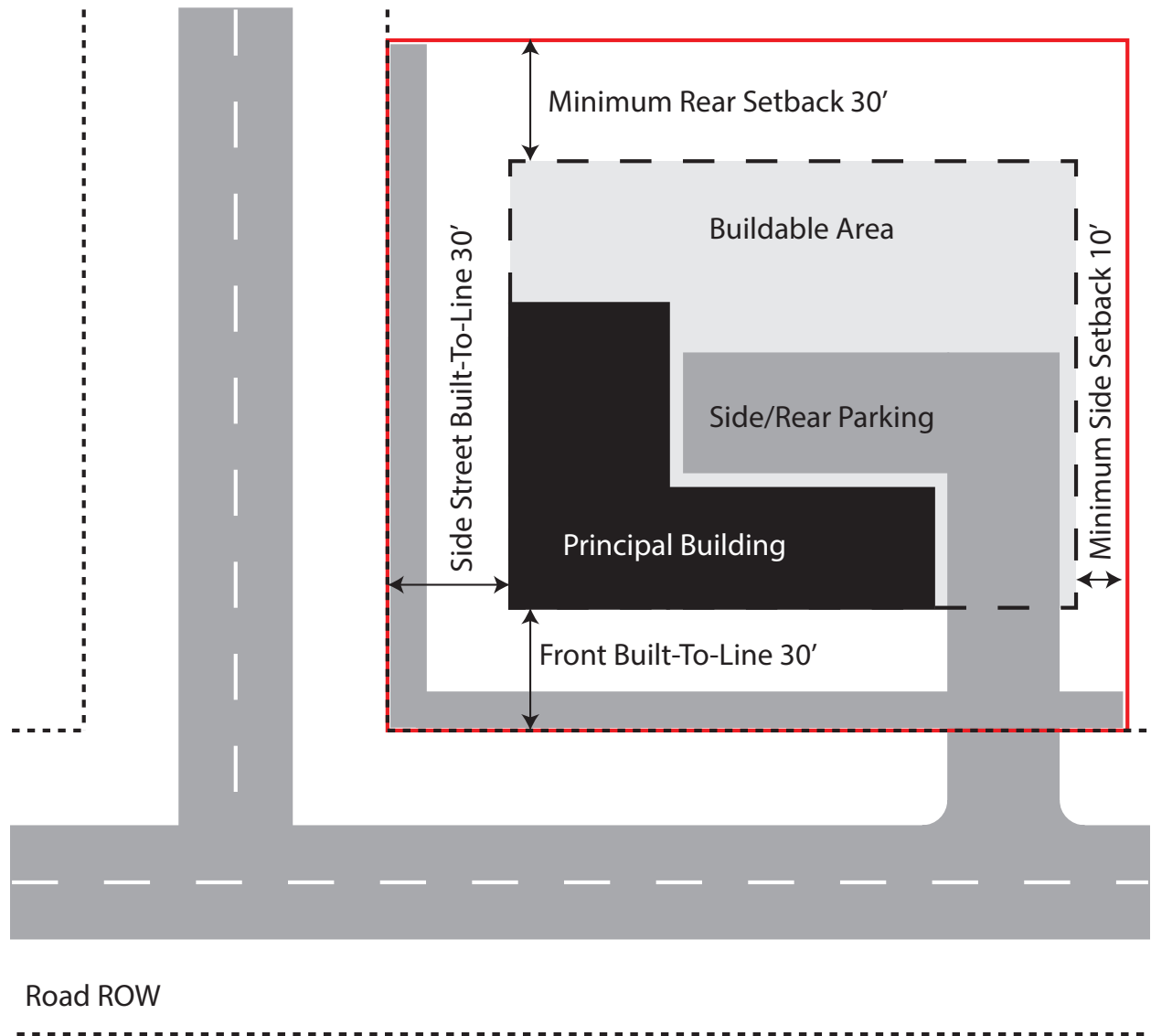
Front Built-To-Line (BTL)	30 ft
Side Street Built-To-Line	30 ft
Side Yard Setback	10 ft
Rear Yard Setback	30 ft
Front Facade as % of Lot Width (Min.)	n/a
Side Street Facade % of Lot Depth (Min.)	n/a
Lot Width (Min.)	n/a
Lot Width (Max.)	n/a
Max. Lot Coverage	n/a
Max. Impervious Coverage	60%
Max. Height (ft/stories)	45 ft/4
Story Height Difference Between Buildings	n/a
Ground Floor Finish Level Above Grade	6 inches
First Floor Ceiling Height	15 ft
Upper Floor(s) Ceiling Height	9 ft
Attached Garage (Max. ft behind BTL) ²	10 ft
Attached Garage (Max. ft in front of BTL) ²	0 ft
Max. Density	12 du/ac
Min. Sidewalk Width ³	8 ft

Notes

¹ Additional requirements of the Form-Based Code District can be found under Special Provisions in Section XX.XX

¹ Detached garages must be located behind the principal building.

² Sidewalks shall be constructed as prescribed in Section XX.XX.



ARTICLE 15 - DEFINITIONS

15.1 RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- a. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- b. The word “person” means an individual, firm, corporation, partnership, association, trust, the state or an agency of the state, or other legal entity, or any combination thereof.
- c. The word “lot” includes the word “plot”, “tract” or “parcel.”
- d. The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
- e. The words “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- f. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

15.2 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING: A subordinate building on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

ACCESSORY BUILDING OR STRUCTURE: Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

ACCESSORY STRUCTURE: A subordinate structure on the same lot with a principal or main building. Shall include but not be limited to the following: playground equipment, sport courts, children’s playhouses, dog houses or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbeque stoves, parking lots, and loading docks and radio and television antennas. Shall not include fences, hunting blinds or signs.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ACCESSORY USE: Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.

ADULT FOSTER CARE FACILITY: A governmental or nongovernmental establishment that

provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. (MCL 400.703(4)) **Included under INSTITUTION, ADULT CARE**

ADULT FOSTER CARE FACILITY LICENSING ACT: Act 218 of the Public Acts of 1979, as amended.

AGRICULTURAL ASSEMBLY (new): An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events.

AGRICULTURAL TOURISM: A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as “ag-tourism” or “agri-tourism”.

ALTERATIONS: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

APARTMENT: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended or designed for use as a residence by a single family.

AMENDMENT: Any change to the districts of the zoning map (rezoning) or text of this ordinance, master plan, sub area plan, or similar adopted plans or development approval.

APPEAL: An appeal to the Zoning Board of Appeals or designated body where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

APPROVAL AUTHORITY: Any Board, Commission, or administrative official tasked with rendering a final decision on an application

ASSEMBLY HALL: A building or portion hereto for the primary purpose of group gatherings of 50 people or more for any purpose.

ASSISTED LIVING FAMILY FACILITY: A residential facility housing six (6) or fewer people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory, assistance, prescription scheduling, laundry, housekeeping or shopping. **Included under INSTITUTION, ADULT CARE, but not as specifically**

ASSISTED LIVING GROUP FACILITY: A residential facility housing six (6) or more people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory, assistance, prescription scheduling, laundry, housekeeping or shopping. **Included under INSTITUTION, ADULT CARE, but not as specifically**

AUTOMOTIVE MAJOR REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (7 days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

AUTOMOTIVE SERVICES: A place where gasoline, kerosene, diesel, or any other motor fuel or lubricating oil or grease for operation is offered for sale to the public and/or delivered directly into motor vehicles, including sale of accessories, greasing, oiling, washing, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food and beverage sales may also be provided on the premises.

BAR: See DRINKING PLACE (ALCOHOLIC BEVERAGES)

BASEMENT: A story having part, but not more than one-half of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED AND BREAKFAST ESTABLISHMENT: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BERM: A mound of earth rising to an elevation above the ground of a parcel, which contributes to an opaque screening.

BOARD OF APPEALS: Acme Township Zoning Board of Appeals

BOARD OF TRUSTEES: Acme Township Board of Trustees

BOARDING RESIDENCE: A private residence where non-related individuals are provided with room and board on a permanent basis. *Transfer from previous...still necessary?*

BOAT HOUSE: An enclosed structure designed for the use and storage of private boats and marine equipment. *Still necessary, or just let fall under “accessory use/building”?*

BOND: Any form of a surety bond in an amount and form satisfactory to the reviewing authority. Bonds may require review and approval by the Garfield Township attorney whenever a bond is required by these regulations.

BREW PUB: A facility as defined by the Michigan Liquor Control Commission. *Just say See DRINKING PLACE (ALCOHOLIC BEVERAGES)?*

BREWER: A person as defined and licensed by the Michigan Liquor Control Code

BREWERY: A facility or facilities owned or controlled by a licensed Brewer

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the

shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

BUILDABLE AREA: The area of a lot defined by the minimum front, side and rear setbacks outside of which no principal building or structure may be located. **INSERT IMAGE EXAMPLE**

BUILDING AREA: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

BUILDING ELEVATION: The entire view of any building or other structure from one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level. **INSERT IMAGE EXAMPLES**

BUILDING ENVELOPE: See BUILDABLE AREA

BUILDING, FRONT LINE OF: The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed/**covered?** porches, but does not include steps.

BUILDING, HEIGHT OF: The vertical distance, measured from average grade of the finished lot grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between the eaves and ridge for gable, hip and gambrel roofs. **INSERT IMAGE EXAMPLES**

BUS SHELTER: A roofed structure with at least three walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.

BUSINESS SERVICES: Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

CAMPGROUND: Means any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

CAR WASH: See AUTOMOTIVE SERVICES

CEMETERY: Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries.

CENTRAL CLEANING FACILITY: An establishment that cleans clothes or other fabrics through a process that uses solvents and specialized equipment instead of using water, and may deliver the finished product to satellite locations. Examples include laundry facilities, dry cleaners, and carpet cleaners.

CHILD CARE ORGANIZATIONS ACT: Public Act 116 of the Public Acts of 1973, as amended.

COMMUNITY KITCHEN: A facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be used for cooking classes and/or other related activities.

COMPUTER OPERATIONS: Establishments primarily engaged in providing expertise in the field of information technologies through one or more of the following activities: (1) writing, modifying, testing, and supporting software to meet the needs of a particular customer; (2) planning and designing computer systems that integrate computer hardware, software, and communication technologies; (3) on-site management and operation of clients' computer systems and/or data processing facilities; and (4) other professional and technical computer related advice and services. (NAICS 54151 - Computer System Design and Related Services)

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects, such as condominium apartments, site condominiums, mobile home condominiums, campgrounds, and boat dock condominiums. For the purposes of this Zoning Ordinance, condominium terms shall be defined in the Condominium Act.

CONDOMINIUM ACT: Public Act 59 of the Public Acts of 1978, as amended.

CONDOMINIUM DOCUMENTS: Means the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

CONDOMINIUM SUBDIVISION: Shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Acme Township Subdivision Control Ordinance, as amended.

CONDOMINIUM SUBDIVISION PLAN: Means the drawings and information prepared pursuant to Section 66 of the Condominium Act.

CONDOMINIUM SUBDIVISION, SINGLE-FAMILY: A condominium subdivision created for detached dwelling units designed for the exclusive occupancy by a single family

CONDOMINIUM UNIT: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use, as defined by the Condominium Act.

CONDOMINIUM, SITE: Any parcel of land, which may be divided as a condominium under the Condominium Act into two (2) or more parts, including building sites or lots, for the purpose of being occupied by either separate or attached structures for the purpose of being dedicated to some common use. This definition shall include any other decision which may be statutorily or judicially required or which may be appropriate by common usage. Also referred to as a site condominium.

CONFERENCE FACILITY: See CONVENTION CENTER

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building

material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds. (NAICS 444 - Building Material and Garden Equipment and Supplies Dealers)

CONTRACTOR STORAGE YARD: An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable Zoning District standards and other legislative regulations.

CONVALESCENT HOME: A long-term recuperative care facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for the aged, the infirm or persons recovering from illness. An unlicensed extended care facility or chronic care facility providing twenty-four (24) hour nursing care shall mean the same.

CONVENTION CENTER: A facility used for business or professional conferences and seminars with an assembly hall, often with accommodations for sleeping, eating, and recreation. Also referred to as a conference center/facility.

COVERAGE, IMPERVIOUS: The percent of the lot covered by impervious surfaces including roofs, patios, driveways, and other hard surfaces that result in storm water run off.

COVERAGE, LOT: The percent of the lot covered by buildings and accessory structures.

DENSITY: The number of dwelling units developed, or to be developed, per net acre of land, expressed as du/ac.

DISTILLER: A person as defined and licensed by the Michigan Liquor Control Code

DISTILLERY: A facility or facilities owned or controlled by a licensed Distiller

DISTRIBUTION CENTER: See WAREHOUSING

DISTRICT: A zoning district as that term is used in the Michigan Zoning Enabling Act.

DRINKING PLACE (ALCOHOLIC BEVERAGES): Establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services (NAICS 722410). *Additional provisions and definitions may be provided by the Michigan Liquor Control Commission.*

DRIVE-IN: A business establishment or portion hereof that by design, physical facilities, service or by packaging procedures, encourages or allows customers to receive food, beverages, services, goods, or be entertained while remaining in their motor vehicle for consumption or use on the site of the establishment.

DRIVE-THROUGH: A business establishment or portion hereof that by design, physical facilities, service or by packaging procedures, encourages or allows customers to receive food, beverages, services, goods, or be entertained while remaining in their motor vehicle for consumption or use off the site of the establishment.

DRIVEWAY: A means of access for vehicles from a right-of-way to private property.

DRIVEWAY, COMMON: A driveway, defined herein, providing access to two or more separate parcels used or intended to be used for commercial or industrial purposes.

DWELLING: Any building or part thereof occupied as the home, residence, or sleeping place of one or more persons either permanently or transiently including an attached garage, but except manufactured homes, whether or not mounted on wheels.

DWELLING UNIT: A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

DWELLING, DUPLEX: A single building with two dwelling units designed for or occupied exclusively by two families living independent of each other.

DWELLING, MULTIPLE-FAMILY: A building used or designed to contain separate living units for three or more families, including apartment homes, cooperative, garden apartments, and condominiums.

DWELLING, SINGLE-FAMILY: A detached dwelling unit designed for the exclusive occupancy by a single family

EASEMENT: Authorization by a property owner for another to use the owner's property for a specified purpose.

EXISTING BUILDING: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

EXISTING USE: A use of land, buildings or structures actually in operation, openly, visibly, and notoriously prior to the effective date of this Ordinance or any amendment thereto.

FAMILY:

- a. An individual, or two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, 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 dwelling unit whose relationship is of a continuing 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 seasonable nature or **for an anticipated limited duration of a school term or other similar determinable period. (Limit students?)**

FARM OPERATIONS: Customary agricultural activities, as defined by the Right To Farm Act.

FINANCIAL SERVICES: Any federal or state-regulated business such as a bank, credit union, savings and loan company, or investment company.

FLOOD PLAIN: An area of land adjoining a river or stream that will be inundated by a 100-year flood. Michigan Administrative Rule 323.1311(f).

Floor Area: The area of all floors computed by measuring the dimensions of the outside walls, excluding attics, porches, patios, breezeways, carports, and garages (basements?).

FLOOR AREA RATIO: Expresses the relationship between the gross floor area permitted in a building (or buildings) and the area of the lot on which the building is constructed. It is calculated by dividing the gross floor area of a building by the total area of the lot, usually express as a decimal fraction.

FLOOR AREA, GROSS: Means the total enclosed floor area of all floors of a building (including mezzanines), measured from the exterior faces of exterior walls and from the center line of walls separating buildings, including basements, lobbies, common areas, elevator shafts, stairwells, mechanical or equipment rooms, common corridors, sanitary facilities, storage areas, enclosed garages, enclosed porches, attics (whether or not a floor has actually been laid, providing structural headroom of 6'6" or more), and any other fully enclosed spaces of the building or buildings. Gross floor area shall exclude rooftops, plazas, covered walkways, covered parking areas, outdoor dining or market areas, balconies, porches, terraces, loading docks, roof overhangs and any other non-enclosed areas.

FLOOR AREA, GROUND: Means the total area of the building measured from the exterior faces of the exterior walls at ground level.

FLOOR AREA, USABLE: That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

FOOD SERVICE CONTRACTOR: This use comprises establishments primarily engaged in providing food services at institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations for a specified period of time. These establishments provide food services for the convenience of the contracting organization or the contracting organization's customers. The contractual arrangements of these establishments with contracting organizations may vary by type of facility operated (e.g. cafeteria, resaurant, fast-food eating place), revenue sharing, cost structure, and personnel provided. Management staff is always provided by food service contractors. (NAICS 722310)

GARAGE: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles owned or used by the occupants of the building to which it is an accessory.

GAS STATION: See AUTOMOTIVE SERVICES

GRADE, AVERAGE: The average ground elevation on each of the four (4) sides of a building,

measured within six (6) feet of the building's exterior walls.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads, brought to grades as shown official plans or designs related hereto.

HEALTH CARE SERVICES: Health care services provided directly to ambulatory patients and do not provide inpatient services. Health practitioners provide outpatient services with the facilities and equipment not being the most significant part of the production process. (NAICS 621 - Ambulatory Health Care Services, modified). Examples include doctor's offices, clinics, urgent care centers, dental care, vision care, mental services and day treatment services.

HIGHWAY: A street, defined herein, which is under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as freeways and interstates.

HOME OCCUPATION: Examples of home occupations include personal services, professional services, artisan industries, and small item repair among others, but may include any business carried on by one or family members residing on the premises, provided all activities satisfy the requirements of Section X.XX

HOSPITAL: Facilities providing medical, diagnostic, and treatment services that include physician, nursing, and other health services to inpatients and the specialized accommodation services required by inpatients. Hospitals may also provide outpatient services as a secondary activity. Establishments provide inpatient health services, many of which can only be provided using specialized facilities and equipment that form a significant and integral part of the production process. (NAICS 622)

HOTEL: A facility, building, or group of buildings offering transient lodging accommodations to the general public and which may include additional facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities, but without an assembly hall.

IMPERVIOUS COVERAGE: See COVERAGE, IMPERVIOUS

INSTITUTION, ADULT CARE: Defined as an "Adult Foster Care Facility" by the Adult Foster Care Facility Licensing Act, a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1) of the Act, adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Exclusions from this definition as stated under MCL 400.703(4) are in effect. *Very broad classification. Does it deserve refinement?*

INSTITUTION, CHILD CARE: Defined as a "Child Care Organization" by the Child Care Organization Act, a governmental or nongovernmental organization having as their principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organizations include organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, cooperative preschools, foster homes, group homes, or child care homes. Exclusions from this definition as stated under MCL 722.111(1)(a) are in effect.

INSTITUTION, CULTURAL: A public or non-profit institution that engages in the cultural,

intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

INSTITUTION, EDUCATIONAL: Any public or private school for kindergarten through twelfth grade, or any colleges or universities, authorized by the State to award degrees.

INSTITUTION, RELIGIOUS: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held. May include child care centers, convents, parsonages, parish homes, and other housing for clergy.

INSTITUTION, SOCIAL: Any profit or non-profit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INSTITUTIONAL USE: Institutional land uses are generally defined as land uses which serve the community's social, educational, and cultural needs, including but not limited schools, libraries, places of worship, and government facilities **but not health care services**.

KENNEL: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five or more dogs, cats, or other household pets over the age of six (6) months.

LABORATORY, MEDICAL & DIAGNOSTIC: Establishments known as medical and diagnostic laboratories primarily engaged in providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner. (NAICS 62151)

LABORATORY, TESTING: Establishments primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing (except medical or veterinary), calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing. The testing may occur in a laboratory or on-site. (NAICS 541380)

LAKE: As defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, MCL 324.30101 et seq., namely, a natural or artificial lake, pond, or impoundment; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including Grand Traverse Bay.

LAND DIVISION ACT: Public Act 288 of the Public Acts of 1967, as amended.

LAND USE PERMIT: Shall mean the same as a zoning permit, per the Michigan Zoning Enabling Act.

LINE, STREET: The dividing line between a street right of way and a lot.

LIVE-WORK UNIT: A single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live-work unit shall be the primary dwelling of the occupant.

LOT: The parcel of land having frontage along a street or right-of-way on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance

LOT, CORNER: A lot which has at least two contiguous sides abutting upon a street for their full length.

LOT COVERAGE: See COVERAGE, LOT

LOT, DEPTH OF: The mean distances from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, FRONT OF: That lot line which is the street line of the principal street or right-of-way.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The lines bounding a lot as herein described.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds in Grand Traverse County or had been approved as a final plat by the Township Board prior to the date of this Ordinance. Also a lot described by metes and bounds, the deed or other conveyance to which has been recorded in the office of the Register of Deeds in Grand Traverse County prior to the date of this Ordinance, or a lot described by metes and bounds that has been created after the effective date of this Ordinance but only if the creation of the lot meets all the requirements of the Acme Township Zoning Ordinance and the creation of the lot has been approved pursuant to [Section 5.7](#) of the Acme Township Zoning Ordinance.

LOT, WIDTH OF: The width measured along the front line or street line.

LOT LINE, ZERO: A condition requiring no setback from one lot line as required by semidetached buildings.

LOW IMPACT DEVELOPMENT (LID): Means water quality technologies designed to mitigate and treat storm water runoff and shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission has the authority to determine the type of LID that will be used as part of the approval process.

LUMBER PROCESSING: A facility which receives and processes raw or partially finished lumber into a more finished form, and including their accessory uses such as sawing, milling and planing.

MAJOR THOROUGHFARE: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function being the provision of access to abutting property.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. Also referred to as a mobile home. (As defined by Public Act 96 of 1987)

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational 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 home. A person, as used in this definition, means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities. Also referred to as a mobile home park. (As defined by the Mobile Home Commission Act)

MANUFACTURING: The act of processing, assembling, or fabricating raw or unfinished materials into a more complete or finished product.

MANUFACTURING, FOOD: Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers, but establishments primarily engaged in retailing bakery and candy products made on the premises not for immediate consumption are included. (NAICS 311)

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

MASTER PLAN: Has the same meaning as in the Michigan Planning Enabling Act. MCL 125.3801.

MARIHUANA TRACKING ACT: Act 282 of the Public Acts of 2016, as amended.

MARINA: A commercial boat basin or dock with facilities for berthing and servicing all types of water craft, as well as providing supplies, provisions, service and fueling facilities.

MASTER DEED: Has the same meaning as in the Condominium Act.

MEDICAL MARIHUANA FACILITIES: Establishments involved in the growing, processing, transporting, testing, and selling of medical marihuana as defined by Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA FACILITIES LICENSING ACT: Act 281 of the Public Acts of 2016, as amended.

MEDICAL MARIHUANA GROWER: A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center, Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA LICENSING ACT: Act 283 of the Public Acts of 2016, as amended.

MEDICAL MARIHUANA PROCESSOR: A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center, as defined by the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA PROVISIONING CENTER: A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center, as defined by the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY: A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility, as defined by the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA SECURE TRANSPORTER: A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee, Medical Marihuana Facilities Licensing Act.

MICHIGAN LIQUOR CONTROL CODE: Public Act 58 of the Public Acts of 1998, as amended.

MICHIGAN MEDICAL MARIHUANA ACT: Initiated Law 1 of 2008, as amended.

MICHIGAN NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT: Public Act 451 of the Public Acts of 1994, as amended.

MICHIGAN PLANNING ENABLING ACT: Public Act 33 of the Public Acts of 2008, as amended.

MICHIGAN PUBLIC HEALTH CODE: Public Act 368 of the Public Acts of 1978, as amended.

MICHIGAN RIGHT TO FARM ACT: Public Act 93 of the Public Acts of 1981, as amended.

MICHIGAN ZONING ENABLING ACT: Public Act 110 of the Public Acts of 2006, as amended. Also referred to as MZEA.

MICRO BREWER: A person as defined and licensed by the Michigan Liquor Control Code

MICRO BREWERY: A facility or facilities owned or controlled by a licensed Micro Brewer

MIXED-USE DEVELOPMENT: Means a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation, or other functions. It shall be pedestrian-oriented and contain elements of a work-live-play environment that maximizes space usage, has amenities

and architectural expression, and mitigates traffic and sprawl. **Worth defining?**

MOBILE HOME: See MANUFACTURED HOME

MOBILE HOME COMMISSION ACT: Public Act 96 of the Public Acts of 1987, as amended.

MOTEL: See HOTEL

MUTUAL ACCESS AGREEMENT: An agreement that allows neighboring property owners to share access way between two properties, allowing for convenient and efficient flow of vehicular and pedestrian traffic. The agreement may allow access of each party and their affiliates to cross over the other owner's property while entering, circulating, parking, leaving an area, or sharing a driveway.

NADIR: The vertical position directly under a light source.

NONCONFORMING USE: A building, structure, or use of land which existed at the time of the enactment or later amendment of this Ordinance, and which does not conform to the regulations of the Zoning District in which it is situated.

NON-USE VARIANCE: A dimensional variance to standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. These variances are granted based on a showing of a practical difficulty.

NORMAL STREAM OR RIVER BANK: That bank or steep slope which confines waters of a stream or river during normal periods of flow.

NURSING HOME: A state licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for seven (7) or more aged, infirm persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, a State Licensed Home for the Aged, a State Licensed Nursing Home, or a State Licensed Hospice Facility providing twenty-four (24) hour care shall mean the same.

ORDINARY HIGH WATER MARK: A line between upland and bottomland, which persists through successive changes in water levels, below which the present action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. For the purposes of this Ordinance, the Ordinary High Water Mark along Grand Traverse Bay shall be 580.5 feet above the International Great Lakes Datum 1985, as established by the U.S. Army Corps of Engineers and defined by the Michigan Natural Resources and Environmental Protection Act, as amended. **Call out the exact elevation? A changed by the Corps would require an amendment.**

OPEN SPACE: A typically vegetative area designed, depending upon the particular situation, for environmental, scenic, or recreational enjoyment, but not including supplemental setback areas, parking areas, drainage basins or areas within individual lots. Open space shall be consolidated and contiguous to the greatest extent reasonably possible so as to provide usable park-like areas.

OPEN SPACE PRESERVATION DEVELOPMENT: A development option that allows property zoned for residential uses to be developed with the same number of dwelling units, but on smaller parcels than would otherwise be required by this Zoning Ordinance, in return for the preservation of part of the

property in an undeveloped state. (As defined by MCL 125.3506 of the Michigan Zoning Enabling Act)

OUTDOOR STORAGE: The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

PATTERN BOOK: A visual presentation of the architectural styles of buildings, including the height of cornice lines, roof profiles, finish materials, windows, and ornamentation as it relates to the project and that is adopted as part of the record of an approval.

PERSON: Any natural person, corporation, partnership, joint venture, association (including homeowners' or neighborhood associations), trust, or any other entity recognized by law.

PERSONAL SERVICES: Services primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, beauty parlors, nail salons, and tailors among others.

PLANNED DEVELOPMENT: Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Article, establishing functional use areas, density patterns, a fixed network of streets (where necessary) provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

PLANNED SHOPPING CENTER: A development of one or more buildings on a single site having grouped retail stores and service establishments. *Is this a definition and use we want to keep? Conjures up an image of strip malls to me. Mixed-Use Development seems more appropriate to today's development trends.*

PRACTICAL DIFFICULTY: A situation whereby a property owner, through no fault of their own, cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owners desire to establish a use greater than the "minimum practical" standard or to enhance economic gain greater than associated with a "minimum practical" standard or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty.

PRINCIPAL BUILDING: A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

PRINCIPAL USE: The primary and predominate use of the premises including customary accessory uses.

PROFESSIONAL SERVICES: Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

PROPERTY OWNER: An owner of (i) a metes and bounds described parcel(s); (ii) a lot(s) in a platted subdivision, duly established under the provisions of the Land Division Act (MCL 560.101, et seq.); (iii) a condominium unit(s) in a condominium project duly established under the provisions of the Condominium Act (MCL 559.101, et seq.) or (iv) the holder of a lessee's interest in any one of the foregoing which exceeds three (3) years in duration. In the event an owner's interest as defined in (i), (ii) or (iii) above is subject to a lease term in excess of three (3) years as provided in (iv) above, the holder of

such lessee's interest shall be deemed to be an owner for purposes of this section (which shall supersede and replace the owner/lessor's interest for purposes of this section).

PUBLIC USE, CRITICAL: Including, but not limited to, fire station, ambulance service, police station, etc., and associated facilities.

PUBLIC USE, ESSENTIAL: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare. Buildings associated with Essential Public Uses require Special use Permit Approval, pursuant to Section 9.1.

PUBLIC USE, SUPPORTING: Including, but not limited to, township hall, library, civic center, official government office, authority office, post office, etc., and associated facilities.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public services such as electricity, gas, steam, telephone, transportation or water, sewer or cable television.

RECREATION, PRIVATE: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or artificial apparatus which are necessary to form the basis for said use. *I feel this is covered under INSTITUTIONAL, SOCIAL*

RECREATIONAL UNIT: A tent, or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include travel trailer, camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, watercrafts, snowmobiles, special terrain vehicles, and utility trailers.

REGISTERED PRIMARY CAREGIVER: A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana act.

REGISTERED QUALIFYING PATIENT: A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

RESEARCH & DEVELOPMENT: Establishments engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). Techniques may include modeling and simulation. The industries within this industry group are defined on the basis of the domain of research; that is, on the scientific expertise of the establishment. (NAICS 5417)

RESTAURANT: Establishments primarily engaged in one of the following: (1) providing food services

to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating; (2) providing food services to patrons who generally order or select items (e.g., at a counter, in a buffet line) and pay before eating; or (3) preparing and/or serving a specialty snack (e.g., ice cream, frozen yogurt, cookies) and/or nonalcoholic beverages (e.g., coffee, juices, sodas) for consumption on or near the premises. (NAICS 72251)

RETAIL, DEPARTMENT: Establishments known as department stores that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant. Department stores may have separate checkout areas in each department, central customer checkout areas, or both. (NAICS 452210 - Department Stores)

RETAIL, FOOD AND BEVERAGE: Establishments that retail food and beverage merchandise from fixed point-of-sale locations and have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority. Includes grocery stores, specialty food stores, and beer, wine and liquor stores. (NAICS - 445 Food and Beverage Stores)

RETAIL, GENERAL: Establishments primarily engaged in retailing new goods in general merchandise stores (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating. (NAICS 452319 - All Other General Merchandise Stores)

RETAIL, MISCELLANEOUS: Establishments that retail merchandise from fixed point-of-sale (except new or used vehicles and parts; new furniture and home furnishings; new appliances and electronic products; new building materials and garden equipment and supplies; food and beverage; health and personal care goods; new clothing and accessories; and new sporting goods, hobby goods, books, and music). Establishments include stores with unique characteristics, such as florists, used merchandise stores, and pet and pet supply stores. (NAICS 453 - Miscellaneous Store Retailers)

RIDING HORSES: Keeping of riding horses for the use of residents of the property provided the parcel of land shall contain not less than five acres*****

RIDING STABLES & LIVESTOCK AUCTION YARDS: not yet defined.

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

ROAD: See STREET.

ROAD, ARTERIAL: Do we want to name specific streets for these road classifications? May be helpful in identifying requirements, such as sidewalks.

ROAD, PRIMARY:

ROAD, LOCAL:

SETBACK: The distance required between a lot line and a structure.

SETBACK, FRONT: The minimum required distance, extending the full lot width, between any structure and the front lot line.

SETBACK, REAR: The minimum required distance, extending the full lot width, between any structure and the lot line opposite the front line.

SETBACK, SIDE: The minimum required distance, extending from the front setback to the rear setback, between any structure and the side lot line.

SHORT-TERM RENTAL:

SHARED WATERFRONT PARCEL: Any waterfront parcel to be used by more than one family.

SIGN: To be defined by new police power ordinance

SITE CONDOMINIUM: See CONDOMINIUM, SITE

SMALL DISTILLER: A person as defined and licensed by the Michigan Liquor Control Code

SMALL DISTILLERY: A facility or facilities owned or controlled by a licensed Distillery

SMALL WINE MAKER: A person as defined and licensed by the Michigan Liquor Control Code

SMALL WINERY: A facility or facilities owned or controlled by a licensed Small Wine Maker.

SPECIAL USE PERMIT: An approval for a special land use, pursuant to Section 502 of the Michigan Zoning Enabling Act.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as defined in that act, MCL 125.3102. Would this fall under INSTITUTIONAL, ADULT CARE?

STORAGE, MINI: Establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods. All items must be stored in an enclosed building and not be visible from outside the building. (NAICS 531130)

STORAGE, SELF: See STORAGE, MINI

STREAM: Shall be as defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, namely, a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow.

STREET: A publicly or privately owned right-of-way, easement, or general common area (in the case of a site condominium subdivision) that provides direct vehicular access to abutting properties.

STRUCTURE: A structure is any production or piece of material artificially built up or composed of

parts jointed together in some definite manner; any construction, including dwelling, garages, buildings, manufactured homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, pipes, or other objects, but not including fences.

SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area created by successive divisions within a period of ten (10) years. (source: Acme Township Subdivision Control Ordinance No. 80-1)

SUBDIVISION CONTROL ACT: Public Act 288 of the Public Acts of 1967, as amended.

TAP ROOM: See DRINKING PLACE (ALCOHOLIC BEVERAGES)

TASTING ROOM: A facility as defined by the Michigan Liquor Control Commission. *Just say See DRINKING PLACE (ALCOHOLIC BEVERAGES)?*

TAVERN: See DRINKING PLACE (ALCOHOLIC BEVERAGES)

TELECOMMUNICATIONS: Establishments that provide telecommunications and the services related to that activity (e.g., telephony, including Voice over Internet Protocol (VoIP); cable and satellite television distribution services; Internet access; telecommunications reselling services). Primarily engaged in operating and/or providing access to facilities for the transmission of voice, data, text, sound, and video. Transmission facilities may be based on a single technology or a combination of technologies. Establishments include (1) those that operate transmission facilities and infrastructure that they own and/or lease, and provide telecommunications services using those facilities; and (2) those that provide support activities, telecommunications reselling services, or many of the same services, but do not operate as telecommunications carriers. (NAICS 517)

TEMPORARY OUTDOOR SALE: A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

TENANT HOUSE: Any facility, structure, real property, or other unit that is established, operated, or used as living quarters for full-time farm employees associated with the principle use and subject to the same height and setback requirements as the principle dwelling.

TERMINALS: See WAREHOUSING

TOURIST HOME:

TOWNSHIP BOARD: Acme Township Board of Trustees.

TRIP END: Means the total number of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

UNDEVELOPED STATE, LAND IN: A natural state preserving natural resources, natural features,

scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park, as defined by the Michigan Zoning Enabling Act.

USE: The purpose for which land or a building(s) is arranged, designed or intended, or for which land or a building may be occupied.

VACATION RENTAL:

VEHICLE, MOTOR: A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

VEHICLE, RECREATION: See RECREATIONAL UNIT

VETERINARY SERVICES: Establishments of licensed veterinary practitioners engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners (NAICS 541940). Use as a kennel shall be limited to short-time boarding and shall be only incidental to the principal use.

WAREHOUSING: The receiving and storing of different types of equipment and merchandise indoors to be shipped or sold for resale. Also referred to as distribution center or transfer center

WATERFRONT PARCEL: Any parcel of land having frontage along the shore or bank of a lake or stream.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
2. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subparagraph shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the department certifies to the commission it has substantially completed its inventory of wetlands in that county.
3. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subparagraph may be utilized regardless of wetland size in a county in which subparagraph (ii) is of no effect; except for the purpose of inventorying, at the time. MCL 324.30301(p). **Include these three qualifiers, or just reference the Natural Resources and Environmental Protection Act (MCL 324.30301(m))?**

WHOLESALE ACTIVITIES: Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WINE MAKER: A person as defined and licensed by the Michigan Liquor Control Code

WINERY: A facility or facilities owned or controlled by a licensed Wine Maker.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

YARD, REAR: An open space on the same lot with a main building, unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building.

YARD, SIDE: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

ZONING DISTRICT, AGRICULTURAL: The district zoned AG, as defined by this Ordinance.

ZONING DISTRICT, COMMERCIAL: Those districts zoned CS, C, and CF, as defined by this Ordinance.

ZONING DISTRICT, INDUSTRIAL: The district zoned LIW, as defined by this Ordinance.

ZONING DISTRICT, RESIDENTIAL: Those districts zoned SFR, SFN, MHN, and MHR, as defined by this Ordinance.

Definitions needed that relate to wind energy, solar energy, wireless telecommunications?