

## **ARTICLE II DEFINITIONS**

For the purpose of this Ordinance, certain terms, words, and phrases shall, whenever used in this Ordinance, have the meanings herewith defined as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure" and "dwelling" includes "residence", and the word "person" includes "corporation", "co-partnership", "association", as well as an "individual" the word "shall" is mandatory and not directory.

Terms not herein defined shall have the meaning customarily assigned to them.

**ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental and subordinate to that of the main building or to the use of the land.

**ACCESSORY USE:** A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use.

**ADULT CARE FACILITIES:** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations include governmental or nongovernmental establishment that provide foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such facilities shall be further defined as follows:

- a. **Adult foster care family home:** means a private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b. **Adult foster care small group home:** means a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**ADULT ENTERTAINMENT FACILITIES:** Facilities, which exclude minors by virtue of age and further defined as follows:

- a. **Adult Bookstore or video store:** An establishment having as a substantial or significant portion of its stock in trade devoted to the sale, barter, or rental of books, magazines, other periodicals, posters, films, video tapes, video discs, or other media, whether printed or electronic, which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas.

- b. **Adult Cabaret:** An establishment, which features one or more topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- c. **Adult Motion Picture Theater:** An establishment used for presenting to others motion picture films, video cassettes, cable television or other visual media, distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- d. **Adult Motel:** A motel which presents materials distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for the entertainment of its patrons.
- e. **Adult Personal Service Business:** A business whose activities include a person or persons, while nude or displaying specified anatomical areas, providing personal services to another person or persons. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, theatrical performances, tattoo studios, body painting studios, and massage studios.

**AGRICULTURE:** The use of land for the raising of field or tree crops or animal or poultry husbandry as a principal means of livelihood.

**AIRPORTS:** Private and Public.

**ALLEY:** Any dedicated public way offering a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed".

**ALTERNATIVE ENERGY FARM:** A solar collection system or wind energy conversion system or collection of devices or elements which rely upon direct sunlight or wind as an energy source, and where energy produced is for commercial purposes rather than to serve an individual site.

**ALTERNATIVE TOWER STRUCTURE:** Clock towers, bell steeples, light poles, electric power transmission towers, and other similar mounting structures that support and/ or camouflage the presence of wireless telecommunication facilities.

**APARTMENT:** A room or suite of rooms used as a dwelling for one family which does its cooking within.

**APARTMENT HOUSE:** A residential structure containing three (3) or more attached apartments.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sill, lintels, bay windows, chimney and decorative ornaments.

**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, vehicle rust-proofing and any related activities (transmission repair).

**AUTOMOBILE SERVICE STATIONS:** A place where gasoline or any other automobile engine fuel, (stored only in underground tanks), kerosene, motor oil and lubricants or grease (for operation of motor vehicles), are retailed directly to the public on the premises; including the sale of minor accessories and services for motor vehicles, but not including bumping, painting, or rust-proofing.

**AUTOMOBILE WASH ESTABLISHMENTS:** A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**BASEMENT:** That portion of a building which is partially or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

**BEDROOM:** A room in a dwelling unit for or intended to be used solely for sleeping purposes by human beings.

**BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known of the general public. This definition does not include any bulletin boards used to display official court or public office notices.

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

**BOARD OF ZONING APPEALS:** The words "Board of Appeals" shall mean the Board of Zoning Appeals for the Township of Dundee.

**BOARDING HOUSE:** A dwelling where meals or lodging and meals are provided for compensation to four (4) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

**BUILDING:** An independent structure having a roof supported by columns or walls intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

**BUILDING AREA:** The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

**BUILDING INSPECTOR:** This term shall refer to the Building Inspector of the Township of Dundee or his authorized representatives.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**BUILDING PERMITS:** A building permit is the written authority issued by the Building Inspector of the Township of Dundee permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

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

**CHILD CARE FACILITY:** A facility for the care of children less than eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

- a. **Foster family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- b. **Family day care home:** A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, including children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- c. **Group day care home:** A private home in which seven (7) to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- d. **Nursery schools, day nurseries, child care centers:** A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

**CLINIC:** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as physicians, dentists, or the like.

**CLUSTER SUBDIVISION:** A subdivision of single-family structures arranged in closely related groups wherein the developer is allowed to reduce the minimum lot size requirements below the minimum permitted in the zoning district in which the subdivision is located, if the land thereby gained is preserved as permanent open space.

**CO-LOCATION:** The use of a wireless telecommunication tower by more than one

wireless telecommunication provider.

**COMMERCIAL USE:** A commercial use related to the use of property in connection with the sale, purchase, barter, display or exchange of goods, ware, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales or flea markets conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

**COMMISSION:** This term, and the term "Planning Commission", shall mean the Township of Dundee Planning Commission.

**CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under applicable State laws, even though State law may provide for different size regulations.

**DENSITY:** The number of dwelling units developed on an acre of land.

**DISTRICT:** A portion of the Township within which certain uses of land and/ or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRIVE-IN:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DWELLING UNIT:** A dwelling unit is any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall trailer coach automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit or the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

**DWELLING, MULTIPLE:** A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.

**DWELLING, ONE-FAMILY:** A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

**DWELLING, ROW, TERRACE, OR TOWNHOUSE:** A row of three or more attached one-family dwellings, not more than two and one half (2 1/2) stories in height, in which each dwelling has its own front entrance and rear entrance.

**DWELLING, TWO-FAMILY:** A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

**EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room,

exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

**ERECTED:** The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered as part of erection.

**ESSENTIAL SERVICE:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection with, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety and welfare. Wireless telecommunications facilities and antenna are not included in this definition.

**FAMILY:** One person, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operated, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten (10) or more acres in area; provided further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but establishments keeping or operating commercial dog kennels, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bonafide farm operations on the same continuous tract of land of not less than forty (40) acres.

**FARM BUILDINGS:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**FILLING:** Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

**FLOOD:** Flood shall mean an overflow of water onto lands, not normally covered by water, that are used or usable by man. Floods have two essential characteristics: The inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.

**FLOOD BOUNDARY AND FLOODWAY MAP:** That map or maps prepared by the U.S. Department of Housing and Urban Development, which indicate the location of the Floodway and Floodway Fringes within the Township, a copy of which is available for examination at the Office of the Building Official of the Township of Dundee.

**FLOOD INSURANCE RATE MAP:** The map or maps prepared by the US Department of Housing and Urban Development, which classifies the Floodplain into various zones for the purpose of determining flood insurance rates within the Township. A copy of which is available for examination at the Office of the Building Official of the Township of Dundee.

**FLOOD-100 YEAR:** A one-hundred year (100 year) flood shall mean a flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

**FLOOD PLAIN:** Flood plain shall mean the relatively flat area or low lands adjoining the channel or watercourse or a body of standing water, which has been or may be covered by floodwater.

**FLOODPROOFING:** Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge, flood water.

**FLOOD AREA, GROSS:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of the building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

**FLOOR AREA, USABLE:** The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients· including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story, the usable floor area shall be considered to be only that portion having a clear height above it of five (5) feet or more.

**GARAGE, COMMUNITY:** A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

**GARAGE, PRIVATE:** A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his family or domestic employees, and with a capacity of not more than three (3) vehicles, only one (1) of which may be a commercial vehicle with not more than a two and one-half (2 1/2) ton capacity.

**GARAGE, PUBLIC:** A space or structure other than a private garage for the storage, care, repair, or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be

considered as a public garage for the purpose of this Ordinance.

**GARBAGE:** The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

**GRADE:** Grade is the highest point of ground contacting a portion of the base or foundation of a dwelling at least eight (8) inches above the center line of road.

**GREENBELT:** A strip of land, which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission.

**HOME OCCUPATION:** Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby, provided further, that:

1. Not more than one (1) person outside of the family residing on the premises shall be engaged in such operations.
2. No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
3. No home occupation shall be conducted in any accessory building.
4. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
5. No home occupation shall generate other than normal residential traffic either in amount or type.
6. Parking needs generated by a home occupation shall be provided for in an off- street parking area, located other than in a required front yard.
7. One (1) non-illuminated nameplate, no more than two (2) square feet in area, may be attached to the building, which shall contain only the name and occupation of the resident of the premises.
8. No equipment \_or process shall be used in such home occupation, which creates noise, glare, vibrat10n, fumes, odors or electrical interference detectable to the normal senses on the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
9. Tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, among others shall not be deemed to be home occupations.

**HOMESTEAD RESIDENTIAL SITE:** A homestead residential site is the original dwelling that has existed at least thirty (30) years, divided from a tract a land in an

Agricultural District, pursuant to Act 281, P.A. 1967, as amended, the Income Tax Act of Michigan. This homestead residential site shall be listed as a conforming use as a single family dwelling by the Building Inspector and meet the regulations outlined in Article XIV, Schedule of Regulations.

**JUNK:** For the purposes of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose of which the product was manufactured.

**JUNK YARDS:** A "junk yard" is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and includes any area of more than two hundred (200) square feet, but does not include uses established entirely within enclosed buildings.

**KENNEL, COMMERCIAL:** Any lot or premises on which three (3) or more dogs are kept either permanently or temporarily boarded.

**LOADING SPACE:** An off-street space on the same or adjacent lot with a building, or group of buildings for a temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

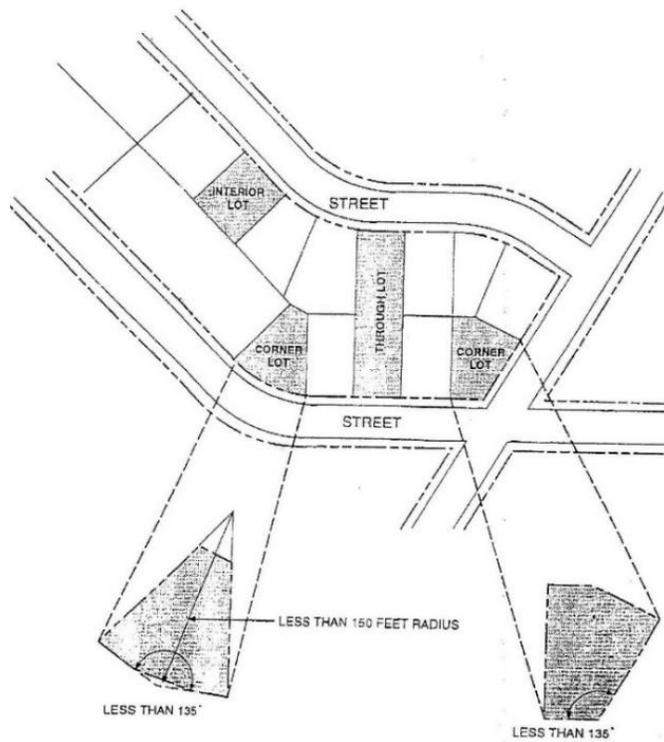
**LOT:** A lot is a regularly shaped and proportioned parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including open spaces and yards as required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision plat. (See the Lot Type Illustration for acceptable lot configurations.) Contiguous lots under single ownership and control and designated by its owner or acquired as a tract to be used, developed, or built upon as a unit shall be considered as a single lot for zoning purposes. In such case the outside perimeter of such lots shall constitute the front, rear and side lot lines thereof and shall be referred to as a zoning lot. (Eff. 3/97)

**LOT AREA:** The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said street.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**LOT, COVERAGE:** The part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.

## LOT TYPES



**MOBILE HOME COMMISSION ACT:** Act 419, Public Acts of 1976.

**MOBILE HOME PARK:** Means any parcel or tract of land under the control of any person, upon which three (3) or more Mobile Homes are located on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made, therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a Mobile Home and which is not intended for use as a temporary Trailer Park.

**MOBILE HOME SITE:** A parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirements of this Ordinance for a mobile home dwelling unit and meeting the requirements of this Ordinance for a mobile home site.

**MOBILE HOME STAND:** That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

**MOTEL:** A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager and/or caretaker. Units shall contain not less than two hundred and fifty (250) square feet of net floor area. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

**MOTOR HOME:** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.

**NON-CONFORMING USE OR BUILDING:**

a. ***NON-CONFORMING USE:*** A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendment thereto, and that does not conform to the USE regulations of the zoning district in which it is located.

b. ***NON-CONFORMING BUILDING:*** A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g. Setbacks, height, lot coverage, parking) of this Ordinance in the zoning districting which it is located.

**NURSERY, PLANT MATERIALS:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. The definition of nursery within the meaning of the Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

**OCCUPIED:** The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two motor vehicles.

**OPEN AIR BUSINESS USES:** Open air business uses shall include the following business uses:

- a. Retail sale of trees, shrubbery, plant, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
- d. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products.

**OPEN SPACE:** Any area (open to the sky) on a lot not covered by a principal or accessory building.

**OPEN STORAGE:** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

**PARK:** A tract of land, designated and used by the public for active and passive recreation. (Ord. 23, eff. July 25, 1996)

**PARKING SPACE:** Is hereby determined to be an area of one hundred and eighty (180) square feet, and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for storage or parking of permitted vehicles.

**PLACE OF WORSHIP:** A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis by a religious congregation. (Ord. 23, eff. July 25, 1996)

**PLANNED UNIT DEVELOPMENT (PUD):** A development which is planned to integrate residential use with collateral uses and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and to make provisions for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

**POND, FARM:** A body of water ranging in size from 1/4 acre to 1 acre in total area, from which none of the excavated material has been removed from the site, and which is being used for one or more of the following uses: to provide water for livestock, fish and wildlife, irrigation, fire control, or crop and orchard spraying.

**POND, RECREATIONAL:** A water impoundment made by constructing a dam or embankment, or by excavating a pot or "dugout" to provide for fish and wildlife, swimming, boating and other related uses.

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PUBLIC BUILDING:** Buildings that are financed largely by public funding and are available for public uses, as distinguished from buildings that are government financed but are intended for private use such as public housing. (Ord. 23, eff. July 25, 1996)

**PUBLIC UTILITY:** Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewage, communication, telegraph, transportation or water.

**QUARRY EXCAVATION:** Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

**RESTAURANT, CARRY-OUT:** An establishment where food is prepared and served to customers solely for consumption off the premises.

**RESTAURANT, DRIVE-IN:** An establishment where food is prepared and served on the premises for consumption within automobiles, and an establishment with combined drive-in and sit-down facilities.

**RESTAURANT, SIT-DOWN:** An establishment where food is prepared and served for consumption within the principal building, with or without carry-out facilities.

**ROADSIDE STANDS:** A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land, which would otherwise be agricultural, nor shall its use be deemed a commercial activity. Such stand, if of a permanent character, shall not be more than one story high nor larger than twenty by twenty feet (20' x 20'), and must be set back from the nearest highway right-of-way line at least twenty-five (25) feet.

**ROOMING HOUSE:** See “Boarding House”.

**RUBBISH:** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

**SETBACK:** The minimum horizontal distance required to exist between the frontline of the building, excluding steps or unenclosed porches and the front street or right-of-way line.

**SCHOOL:** Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge. (Ord. 23, eff. July 25, 1996)

**SIGN, OUTDOOR ADVERTISING:** Any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in the definition of “Outdoor Advertising Sign”, and “Outdoor Advertising Structure” shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded:

- a. Signs not exceeding one (1) square foot in area and bearing only property number, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- b. Flags and insignia of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- d. Integral decorative or architectural features or buildings, except letters, trademarks, moving parts, or moving lights.

- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**SIGNS, NUMBER AND SURFACE AREA:** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

**SINGLE PARCEL OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots or record shall constitute the front, rear and side lot lines thereof.

**SOIL REMOVAL:** Shall mean removal of any kind of soil or earth matter, including top soil, sand, gravel, clay or similar materials or combination thereof, except common household gardening and general farm care.

**SPECIFIED ANATOMICAL AREAS:** Less than completely covered human genitals, pubic region, buttock, anus, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 23, eff. July 25, 1996)

**SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation; acts of human masturbation, sexual intercourse, oral copulation, sodomy, or bestiality; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 23, eff. July 25, 1996)

**STABLE, PRIVATE:** A stable for the use of the property owner or tenant and members of his immediate family only with capacity for not more than two (2) horses provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains an area of not less than ten thousand (10,000) square feet for each additional horse stabled.

**STABLE, PUBLIC:** A stable other than a private stable, with a capacity for more than two (2) horses, and which is used for the boarding, breeding, and other equestrian activities for which a fee is charged.

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- a. A "Mezzanine" shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

**STREET:** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**STRUCTURE:** Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

**STRUCTURE, OUTDOOR ADVERTISING:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed including outdoor advertising statuary.

**SWIMMING POOL:** The term "swimming pool" shall mean any structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth of greater than thirty (30) inches.

**TEMPORARY BUILDING AND USE:** A structure or use permitted by the Board of Zoning Appeals to exist during periods of construction of the main use or for special events, not to exceed one (1) year.

**TENTS:** Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provisions for meals.

**TOWNSHIP BOARD:** Whenever in this Ordinance appear the words "Township Board", or "Board" it shall mean the Township Board of Dundee.

**TRAVEL TRAILER:** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but does not exceed eight (8) feet in width or forty (40) feet in length. This term also includes folding campers and truck mounted campers but not mobile homes.

**USABLE FLOOR AREA:** For the purpose of computing parking: Is that area used for or intended to be used for the sale of merchandise or services or for the use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area".

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

**UTILITY ROOM:** A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

**VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance, which is granted when strict enforcement would cause undue hardship owing to circumstances unique to

the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

**WIRELESS TELECOMMUNICATION ANTENNA:** The device through which wireless communication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

**WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER:** The structure in which the electronic receiving and transmitting equipment for wireless telecommunications is housed.

**WIRELESS TELECOMMUNICATION FACILITY:** A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer, which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to: private and commercial mobile radio service facilities, personal communication service towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

**WIRELESS TELECOMMUNICATION TOWER:** A structure, other than an alternative tower structure, intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

**YARD:** An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height is provided above the adjacent ground level.