

ARTICLE 2: DEFINITIONS AND RULES APPLYING TO TEXT

Section 2.01 Definitions and Rules Applying to Text

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely discretionary. Whenever the word "owner" appears it is to be interpreted as including the owner, or his agent, as the case may be. Terms not defined shall be assumed to have the meaning customarily assigned them.

Accessory Dwelling: An Accessory Dwelling is a dwelling unit or living unit that is accessory to a single-family residence. When located in an accessory structure it is not permitted under Article 3.03.5 of this ordinance.

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adjacent Property: Property, nearby but not necessarily touching (separated by a road or aquatic feature), which adjoins any side or corner of a specific parcel of land.

AG – Agricultural: A zoning district designated in the Curtis Township Zoning Ordinance.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

Alterations: Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Anemometer: An instrument for measuring and recording the speed of the wind.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

Animal Shelter: A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

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Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Appearance Ticket: see Municipal Civil Infraction Citation.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair Shop: A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment, which carry a valid title and show a work order, all others shall be classified as salvage and/or junk.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the lodgers for compensation. For the purpose of this Ordinance, the bed and breakfast facility also includes tourist home.

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

Board of Appeals: As used in this Ordinance, this term means the Curtis Township Zoning Board of Appeals.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The vertical distance measured from the average finished natural grade to the highest part of the roof.

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Buildable Width: The width of a lot left for building after required side yard setbacks are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Campgrounds: 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/Auto Detailing Shop: A building, or portions thereof, the primary use of which is washing and cleaning of motor vehicles.

CBCC - Central Business/Commercial Corridor District: A zoning district designated in the Curtis Township Zoning Ordinance.

Cemetery – Any land or structure dedicated to and used, or intended to be used, for interment of human remains which is owned, managed, or controlled by any municipality or religious institution within this state or owned and managed by any nonprofit cemetery corporation in the State of Michigan. Mausoleums and columbarium shall be included within the term "cemetery".

Church: See Place of Worship.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. **Family Day Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
2. **Group Day Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
3. **Child Care Center or Day Care Center:** A facility, other than a private home, 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. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

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The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group or drop-in center. Child Care Center or Day Care Center does not include a Sunday school conducted by a religious institution or a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services.

4. Private Home: A private residence in which the registered facility operator permanently resides as a member of the household.

Clinic: A building or a portion of a building, or group of buildings where patients are admitted for examination and treatment by one or more professionals, such as a physician, dentist, or the like, except that patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of 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.

Cottage Industry: A home-based business conducted primarily within a portion of the dwelling or an accessory structure, with outdoor storage allowed only with Planning Commission approval.

Decibel Scale: The decibel is commonly used in acoustics to quantify sound levels relative to some zero dB reference. The reference level is typically set at the threshold of perception of an average human and there are common comparisons used to illustrate different levels of sound pressure. Since the range of intensities which the human ear can detect is large, the scale which is frequently used by physicists to measure intensity is a scale based on multiples of 10. This type of scale is sometimes referred to as a logarithmic scale. The scale for measuring intensity is the **Decibel Scale**. The threshold of hearing is assigned a sound level of 0 decibels (abbreviated 0 dB). A sound which is 10 times more intense is assigned a sound level of 10 dB. A sound which is 10 x 10 or 100 times more intense is assigned a sound level of 20 db. A sound which is 10 x 10 x 10 or 1000 times more intense is assigned a sound level of 30 db. The table below lists some common sounds with an estimate of their intensity and decibel level.

Examples of sound pressure and sound pressure levels

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Source of sound	Sound pressure level
Sound in air	dB
Krakatoa explosion at 100 miles (160 km) in air	180 dB
.30-06 rifle being fired 1 m to shooter's side	171 dB (peak)
Instant Perforation of Eardrum	160 dB
Jet engine at 30 m	150 dB
Threshold of pain	130 dB
Hearing damage (possible)	approx. 120 dB
Front Rows of Rock Concert	110 dB
Jack hammer at 1 m	approx. 100 dB
Large Orchestra	98 dB
Traffic on a busy roadway at 10 m	80 – 90 dB
Hearing damage (over long-term exposure, need not be continuous)	78 dB
Passenger car at 10 m	60 – 80 dB
Vacuum Cleaner	80 dB
TV (set at home level) at 1 m	approx. 60 dB
Normal conversation at 1 m	40 – 60 dB
Very calm room	20 – 30 dB
Whisper	20 dB
Light leaf rustling, calm breathing	10 dB
Threshold of Hearing (TOH)	0 dB

Driveway, Private: A private lane, which is used for vehicular ingress or egress.

Drive-Thru Business: Any business with an auto service window.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, permanently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit occupied for residential use.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

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1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

Dwelling, Multiple Family: A building containing three or more dwelling units occupied for residential use.

Dwelling, Two Family: A building containing not more than two separate dwelling units occupied for residential use.

Electronic Message Center: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt, except for common household gardening or agriculture practices.

Family: An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities.

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Farm: All of the contiguous, neighboring, or associated land operated as a single unit, on which bonafide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of agricultural use.

Farm, Hobby: An activity carried out in rural areas which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is a minimum of ten (10) acres.

Farm Use Building: For a building to be considered a "Farm Use Building" the property must be actively farmed and considered a farm by definition.

Fence: A physical barrier of any type of construction used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy or confinement.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable: The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls).

FR - Forest Recreation District: A zoning district designated in the Curtis Township Zoning Ordinance.

Foster Care Home: A State licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year.

Frontage: That portion of a lot, parcel, tract or block abutting upon a street, roadway or aquatic body. See "yard front".

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including replacing of fenders, or painting motor vehicles.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before construction and improvements.

Greenbelt: A strip of land and vegetation providing natural screening of a use.

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Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Home Occupation: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms which may contain provisions for cooking.

I - Industrial District: A zoning district designated in the Curtis Township Zoning Ordinance.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

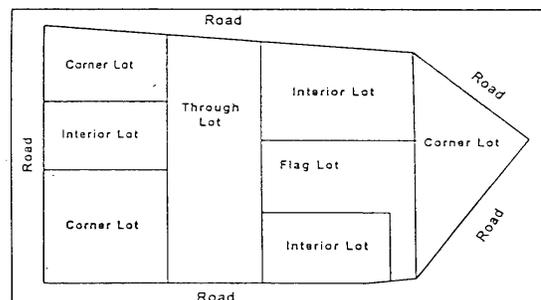
Industry: The commercial and wholesale production of goods and services.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services as available in attractive surroundings among compatible neighbors.

Junkyard: 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 or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which five (5) or more dogs, cats, or other household pets of the same species are boarded temporarily or permanently, used for breeding purposes or kept for purchase or sale.

Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.



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

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner: A lot situated at the junction of two or more streets.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.

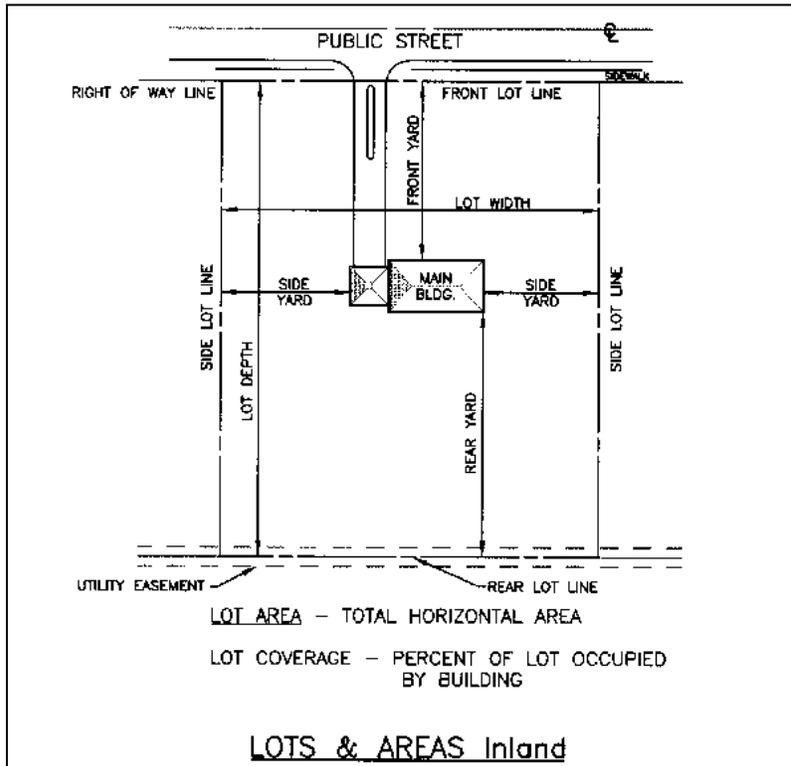
Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The lot line of the property that borders on a road or waterfront. Where a lot is a corner lot, or for a waterfront lot there shall be two front lot lines, and the setback from the front yard shall be maintained on each front yard.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



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Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by Master Deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion considered the "ordinary high water mark" is considered the waterfront lot line. In this case, the waterfront lot line is considered the front lot line.

Lot Width: The distance between the side lot lines measured at the required front building set back line or in the case of an irregular shaped lot the front building line.

Manufactured Home: see Dwelling, Manufactured.

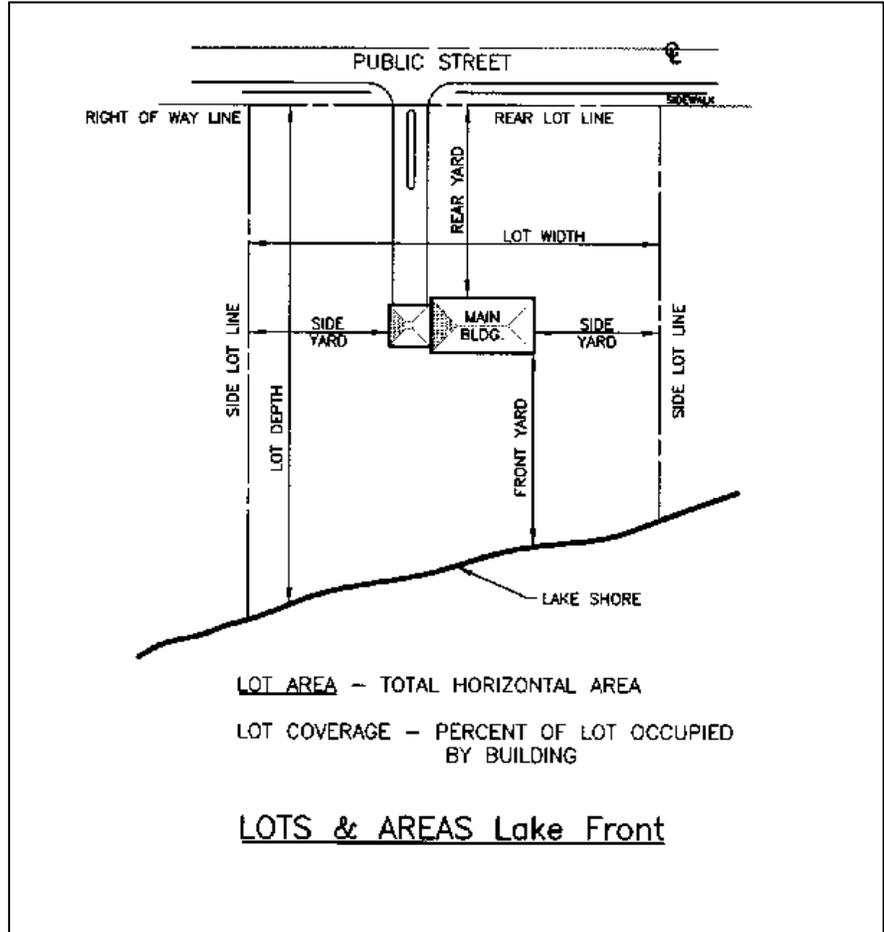
Master Plan: The statement of policy by the Curtis Township Planning Commission and the Curtis Township Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Mezzanine: A partial story or a low story (not on the same level with the main part of the building) between two other stories of greater height in a building.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.



Motel: see Hotel.

MR – Mixed Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

Municipal Civil Infraction Citation: A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

NB - Neighborhood Business: A zoning district designated in the Curtis Township Zoning Ordinance.

Nonconforming Lot of Record: A lot of record lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the dimensional regulations of the Zoning District in which it is located.

Nonconforming Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in 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 retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

Off Street Parking Lot: A location providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall be provided for.

Open Air Business: A use operated, or intended to be operated, for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, amusement park or similar recreation uses.

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Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

Ordinary High Water Line: "Ordinary high-water mark" means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Person: The term "person" shall mean an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity, or their agents.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Curtis Township Planning Commission.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval by the Curtis Township Planning Commission, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with ordinance standards and requirements.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Private Family Burial Grounds: A private parcel of land, no larger than one (1) acre, dedicated to and used, or intended to be used, for interment of human remains all belonging to one family.

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Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and others, through training, which are qualified to perform services which are of a professional nature.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Recreational Unit: A vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either is self-powered or is mounted on or drawn by another vehicle which is self-powered. **Recreation Unit** shall include: "Camping trailer", "Chassis-mount camper", "Motor home", "Slide-in-camper", "Trail Coach", "Travel trailers" and "Truck camper" as defined in Act 171 of the Public Acts 1970, as amended.

Recreational Vehicle: See Recreational Unit.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and/or fishing and related or similar uses normally associated with recreational resorts.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Riding Arena: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

Road, Private: A right-of-way or easement for purposes of access which is in private ownership and which has not been dedicated to or accepted for maintenance by a public agency.

Road, Public: A road right-of-way which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or **Federal Government**.

Road Right-of-Way: A street, alley, other thoroughfare or easement permanently established for passage of persons or vehicles

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Roadside Stand: An accessory and/or temporary structure operated for the purpose of selling products grown or produced on premises.

RR - Rural Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Use: Any use or activity that cannot be conducted or should not be conducted each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, water feature or property line of a lot within which no buildings or structures may be placed, except as otherwise provided in this Ordinance.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) Adult Arcade; (2) Adult Bookstore or Adult Video store; (3) Adult Cabaret; (4) Adult Motel; (5) Adult Motion Picture Theater; (6) Adult Theater; (7) Escort; (8) Escort Agency; and/or (9) Nude Model Studio.

- 1. Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- 2. Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an

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establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- 3. Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

 - A. Persons who appear in a state of nudity;
 - B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

- 4. Adult Motel:** A hotel, motel or similar commercial establishment that:

 - A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 - B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- 5. Adult Motion Picture Theater:** A commercial establishment which for any form, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

- 6. Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

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- 7. Escort:** A person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 8. Escort Agency:** A person or business association, who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 9. Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

SFR - Single Family Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Sign: Any advertising device. For further information refer to the Curtis Township Sign Ordinance # 29-00.

Site Condominium Unit: That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Special Use Permit: A permit granted with approval by the Curtis Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

Stable, Private: A building or structure, and/or land use where horses are housed, bred, reared, and/or trained for the private use of the owner of the property on which located.

Stable, Commercial: A building, structure and/or land use where horses are boarded, bred, reared, trained, and/or rented for the benefit of individuals other than the owner of the property on which located and either for remuneration or free of charge.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full

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

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected having a permanent location or attachment to a permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are included in this definition.

Towers: All structures and accessory facilities, including 1. Telecommunication Towers, 2. Wind Turbine Generators, 3. Alternative Tower Structures, 4. Anemometer Towers.

- 1. Telecommunication Towers:** relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.
- 2. Wind Turbine Generator:** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - A. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - B. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - C. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
 - D. Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
 - E. Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
 - F. Wind Turbine Generator Tower Height: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

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3. **Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
4. **Anemometer Tower:** A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Township: For the purpose of this Ordinance the term Township is deemed to mean the Curtis Township.

Township Board of Trustees: For the purpose of this Ordinance the phrase 'Township Board of Trustees' is deemed to mean the Curtis Township Board of Trustees.

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

Yard: An existing or required space not occupied or not to be occupied by a principal use of building on the same lot, parcel or tract with a principal use or building.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Zoning Issues: Any zoning concern brought to the attention of the Curtis Township Planning Commission.

Zoning Permit: Written authority issued by the Zoning Administrator on behalf of the Curtis Township permitting the use of land or the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.