

Chapter 2, Definitions

SECTION 2.00 CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future, words used in the singular shall include the plural, and the plural shall include the singular unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes any individual, corporation, firm, partnership, joint venture, trust, incorporated association, or a combination thereof, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.01 A

ACCESSORY OR ACCESSORY USE – A use of a lot which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces, or loading) located on the same lot as the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use.

ACCESSORY BUILDING – A building that is located on the same lot as and supplementary to the main building, or part of the main building, occupied by or devoted exclusively to an accessory use, including but not limited to, the storage of goods and materials owned by the occupant of the principal building, private garages, carports, and sheds. When an accessory building is attached to the main building in a substantial manner (such as a wall or roof), the accessory building shall be considered part of the main building for setback purposes.

Accessory Dwelling Unit (ADU) – A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is fully and integrally attached to an existing single-family dwelling. ADUs are also known as “mother-in-law apartments” or “bunk houses.”

ACCESSORY STRUCTURE – A structure that is clearly subordinate or incidental to a principal structure or principal use on the same lot. Accessory structures include, but are not limited to, greenhouses, decks, gazebos, school bus stop shelters, and similar structures.

Adult day care facility – A facility providing daytime care for any part of a day but less than 24 hours, for functionally impaired elderly persons and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client’s home.

Adult Foster Care Facility – A governmental or non-governmental building having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
- B. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- C. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- D. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended

ADULT FOSTER CARE FAMILY HOME – An adult foster care facility that is a private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

ADULT FOSTER CARE SMALL GROUP HOME – An adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provided supervision, personal care, and protection, in addition to room and board, 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks.

ADULT FOSTER CARE LARGE GROUP HOME – An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and

protection, in addition to room and board, 24 hours a day, 5 or more days a week, for 2 or more consecutive weeks.

ADULT FOSTER CARE CONGREGATE FACILITY – An adult foster care facility with the approved capacity to receive more than 20 adults to be provided supervision, personal care, and protection, in addition to room and board, 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks.

ADULT USE – An enclosed building used for an adult bookstore, adult live entertainment theater, massage parlor, or adult motion picture theater, as hereinafter defined:

- A. **ADULT BOOKSTORE** – An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined in this Ordinance, for sale, lease or gift to patrons therein.
- B. **ADULT ENTERTAINMENT FACILITY** – An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see-through clothing which permits the view of “specified anatomical areas”, individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas”, or individuals conducting “specified sexual activities”.
- C. **ADULT MOTION PICTURE THEATER** – An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- D. **MASSAGE PARLOR** – Any establishment having a fixed place of business where massages are administered for pay, including but not limited to, massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:
 - 1. Proof of graduation from a school of massage licensed by the State of Michigan;
 - 2. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
 - 3. A current occupational license from another state.
- E. **SPECIFIED ANATOMICAL AREAS**

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

F. SPECIFIED SEXUAL ACTIVITIES

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Airport – Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply, or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way, either heretofore or hereafter established.

ALLEY – Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS – Any change, addition, or modification in construction, composition, or type of use or occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girders.

Animal Day Care Facility – A facility providing such services as animal day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Animal Grooming Service – Any property, structure, building, or premise in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

Art Gallery – An establishment in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public. An art gallery does not include libraries or museums.

Assisted Living Center – A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older, or couples residing together where either person is 60 years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No.139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Automobile Gasoline Station – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; but which does not include an automobile service center.

Automobile Sales Facility – An open air business selling new or pre-owned motor vehicles.

AUTOMOBILE SERVICE AND REPAIR FACILITY, Major – An establishment engaged in the general repair, engine rebuilding, transmission rebuilding, overhaul or reconditioning of motor vehicles; collision repair services, such as body, frame, or fender straightening and repair; major welding activities; and overall painting and undercoating of automobiles.

Automobile service and repair facility, minor – An establishment engaged in the general mechanical repair and maintenance of passenger automobiles and trucks weighing less than seven thousand (7,000) pounds, including muffler repair, suspension, and brake repair, upholstery repair, oil change, and general lubrication service, and tire service, but not including major automobile repair.

Automobile wash – Any building or premises or portions thereof used for the commercial washing automobiles.

AVERAGE GRADE – See Grade, Average.

SECTION 2.02 B

Bakery – An establishment primarily engaged in the retail sale of baked products for consumption on or off-site. The products may be prepared either on or off-site and may include incidental food service.

BASEMENT – That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure 2.1)

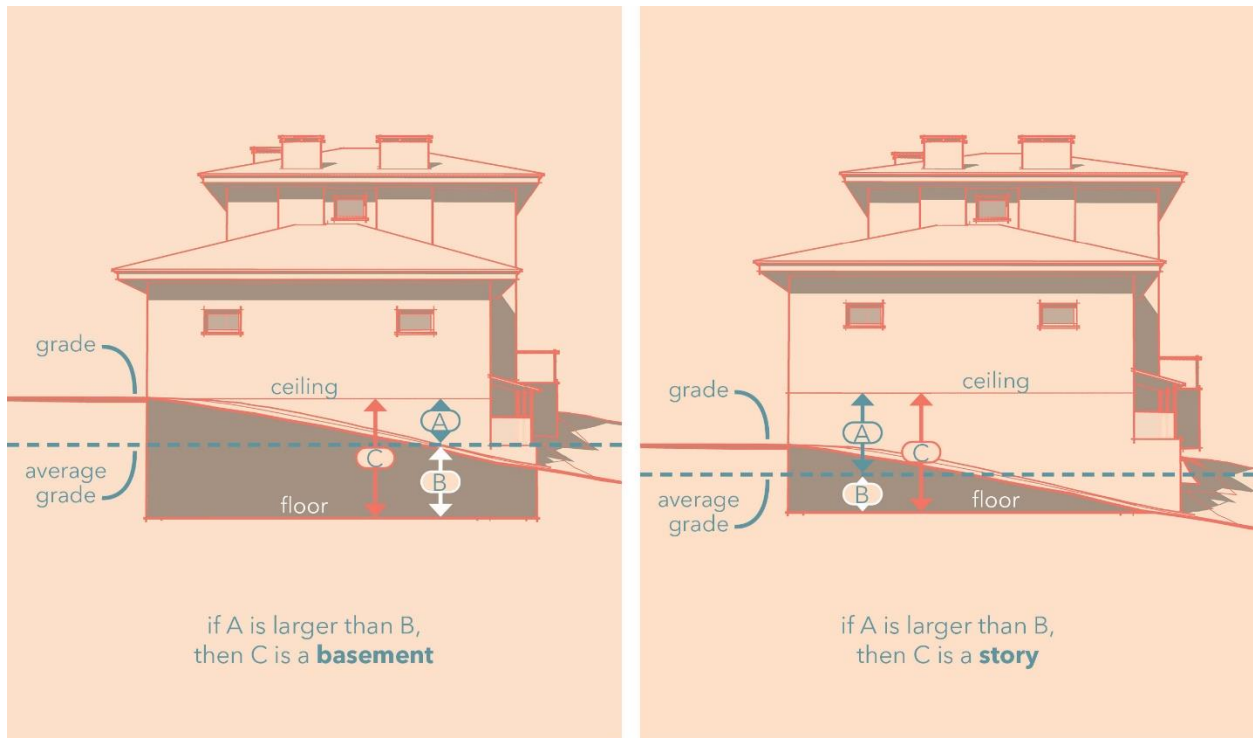


FIGURE 2.1 BASEMENT & STORY

BED AND BREAKFAST INN – A owner-occupied single-family dwelling house, or portion thereof, where short-term lodging rooms and meals are provided to transients for compensation, for periods no longer than 14 days, and operated as a commercial business.

BERM – A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BLOCK – The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BLUFF – A bank that rises at a slope of 33 degrees or greater from within 10 feet of the river’s edge. The crest of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet. If an existing flat area begins at the water’s edge before rising into the bank, the bluff setback does not apply.

BUFFER ZONE – A strip of land of definite width and location required between certain Zoning Districts reserved for the planting of shrubs, trees, or grasses; berms; walls; or fencing to serve as a visual and noise barrier or an obscuring screen necessary to carry out the requirements of this Ordinance.

BUILDING – A structure, either temporary or permanent, having a roof supported by columns or walls, and designed primarily for the shelter, support, or enclosure of persons, animals, equipment, goods, or

materials of any kind. Also, a structure erected or placed on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals or property of any kind.

BUILDING CODE – The code or codes governing the erection and maintenance of buildings as currently adopted by Eureka Charter Township/State of Michigan.

Building envelope – The three-dimensional space within which a structure may be built on a lot and that is defined by the maximum height regulations and minimum yard setbacks. (See Figure 2.2)

Building footprint – The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building, exclusive of unroofed porches, terraces, patios, decks, steps, awnings, and nonpermanent canopies. (See Figure 2.2)

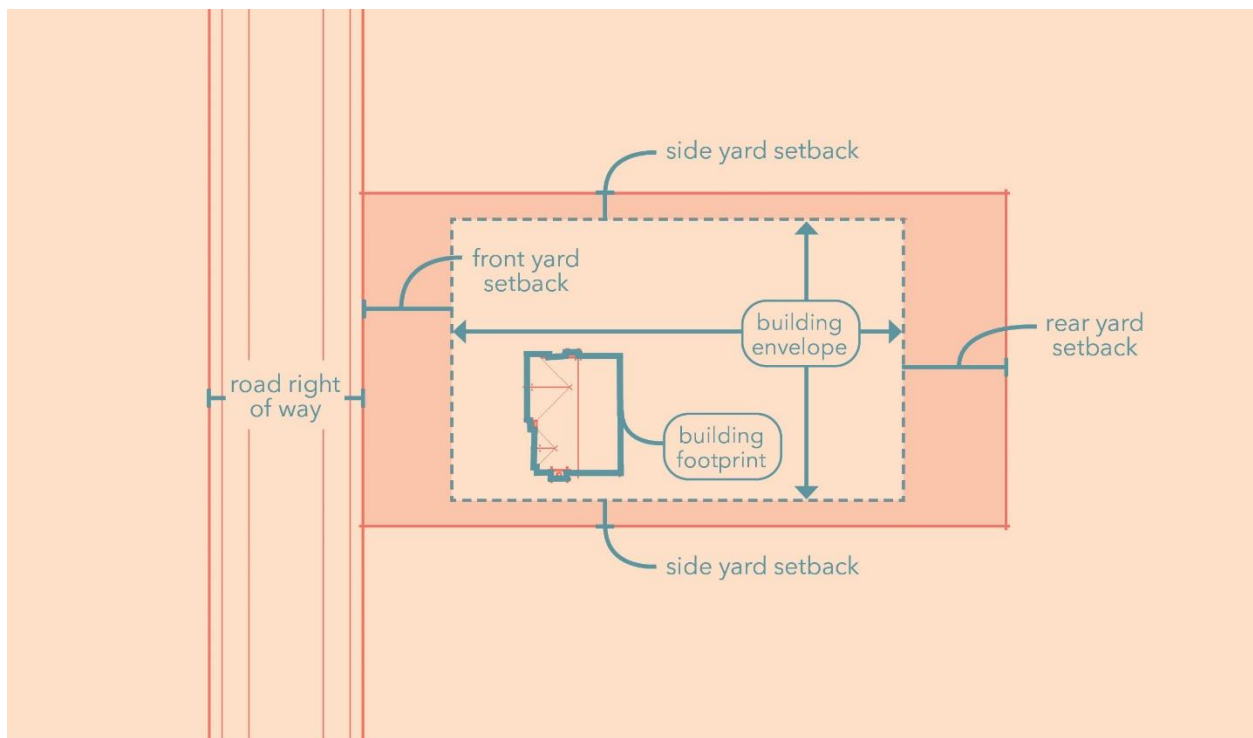


FIGURE 2.2 BUILDING ENVELOPE & FOOTPRINT

BUILDING LINE – The outermost wall of the building foundation. (See Figure 2.10)

Building Materials Sales and Storage – An establishment primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, including but not limited to building material stores and home supply establishments.

BUILDING OFFICIAL – The party designated by Eureka Charter Township to administer the provisions of the adopted Building and Fire Code for the Township.

SECTION 2.03 C

Campground – Any parcel or tract of land under the control of any person, organization, or governmental entity, wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites generally for recreational purposes through the use of tents or recreational vehicles.

Cemetery and/or crematorium – Grounds and facilities including any one or a combination of more than one of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

CERTIFICATE OF OCCUPANCY – A document signed by an authorized Township official as a condition precedent to the commencement of a use or the occupation of a structure or building which acknowledges that such use, structure, or building complies with the provisions of the Zoning Ordinance and Building Code.

Child CARE Center – A facility other than a private residence, licensed by the Michigan Department of Social Services, in which one or more preschool or school-age children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. 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 any of the following:

- A. A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for not greater than four hours while persons responsible for the children are attending religious classes or services.

Child Care Family Home – A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which one but less than seven minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Child Care Group Home – A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.

CLUB or lodge – An organization of persons, or their location thereof, for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMPASSION CLUB or MEDICAL MARIHUANA DISPENSARY – Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to be sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- A. A primary caregiver (as defined by Michigan Initiated Law I of 2008 as amended, being MCL 333.26421 et seq., as amended.)
- B. A qualifying patient (as defined by Michigan Initiated Law I of 2008 as amended, being MCL 333.26421 et seq., as amended.)
- C. Members of the general public.

A medical marihuana dispensary (compassion club) shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed, where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility, or on a public or governmental property.

A medical marihuana dispensary (compassion club) does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five(5) qualifying patients (as defined by Michigan Initiated Law I of 2008, as amended (being MCL 333.26421 et seq. as amended), so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and is done in full compliance with Eureka Charter Township and Michigan Initiated Law I of 2008 as amended, being MCL 333.26421 et seq., as amended.

Contractor’s Establishment – A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

CONVALESCENT OR NURSING HOME – A residential care facility providing long-term care on a full-time basis for elderly, infirm, terminally-ill, physically, emotionally, and/or developmentally disabled persons, including meals, nursing, and medical care, and which is licensed in accord with Article 17 of Act 368 of 1978, as amended.

SECTION 2.04 D

DISTRICT (OR ZONING DISTRICT) – A zoning district as listed or described in Chapter 5 of this Ordinance.

DRIVE-THROUGH OR DRIVE-THROUGH FACILITY – A principal use or accessory use of a commercial establishment that utilizes a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle.

driveway - An improved or unimproved path or road extending from a public right-of-way or private road easement to a single building, dwelling, or structure, intended to provide ingress and egress primarily for the occupants thereof. A driveway is located entirely upon the lot which it serves.

DUMPSTER – A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having a capacity of at least one cubic yard.

Dwelling – A building or portion thereof that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation.

DWELLING, MULTIPLE FAMILY – A dwelling designed or used exclusively for occupancy by three or more families living independently of each other in individual, attached dwelling units.

DWELLING, SINGLE FAMILY– A dwelling designed exclusively for and occupied exclusively by one family and that is not attached to any other dwelling by any means.

DWELLING, TWO-FAMILY – A dwelling designed or used exclusively for occupancy by two families living independently of each other in individual, attached dwelling units.

SECTION 2.05 E

Eating and Drinking Establishment – A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Educational facility – A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels, or colleges or universities, in the branches of learning and study required to be taught in the public schools of Michigan.

ERECTED – Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and similar activities.

ESSENTIAL PUBLIC SERVICES – The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, street lighting, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, street lights, traffic signals, hydrants, and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. This definition does not include Wireless Communication Facilities. Landfill operations are specifically excluded, as are buildings, water systems (public or private) serving more than three dwellings, and sewage systems (public or private) serving more than three dwellings.

EVENT VENUE - A facility or property made available on a lease or rental basis as a venue for events that are open on an invitation-only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers.

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

SECTION 2.06 F

FAMILY – An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. Also, a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, boarding house, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM – The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

farm operation – The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

Farm Market – A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property

controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products, as well as processed products, may be sold at the farm market. At least 50 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Financial Institution – Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

FLOOR AREA, GROSS (GFA) – The sum of the horizontal areas of the several floors of a building or structure on a lot, measured from the exterior faces of exterior walls, or from the centerline of a wall separating two buildings. (See Figure 2.3)

FLOOR AREA, USABLE (UFA) – The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and not including those areas which are used or intended to be used principally for parking, the storage or processing of merchandise, hallways, or for utilities or sanitary facilities. (See Figure 2.3)

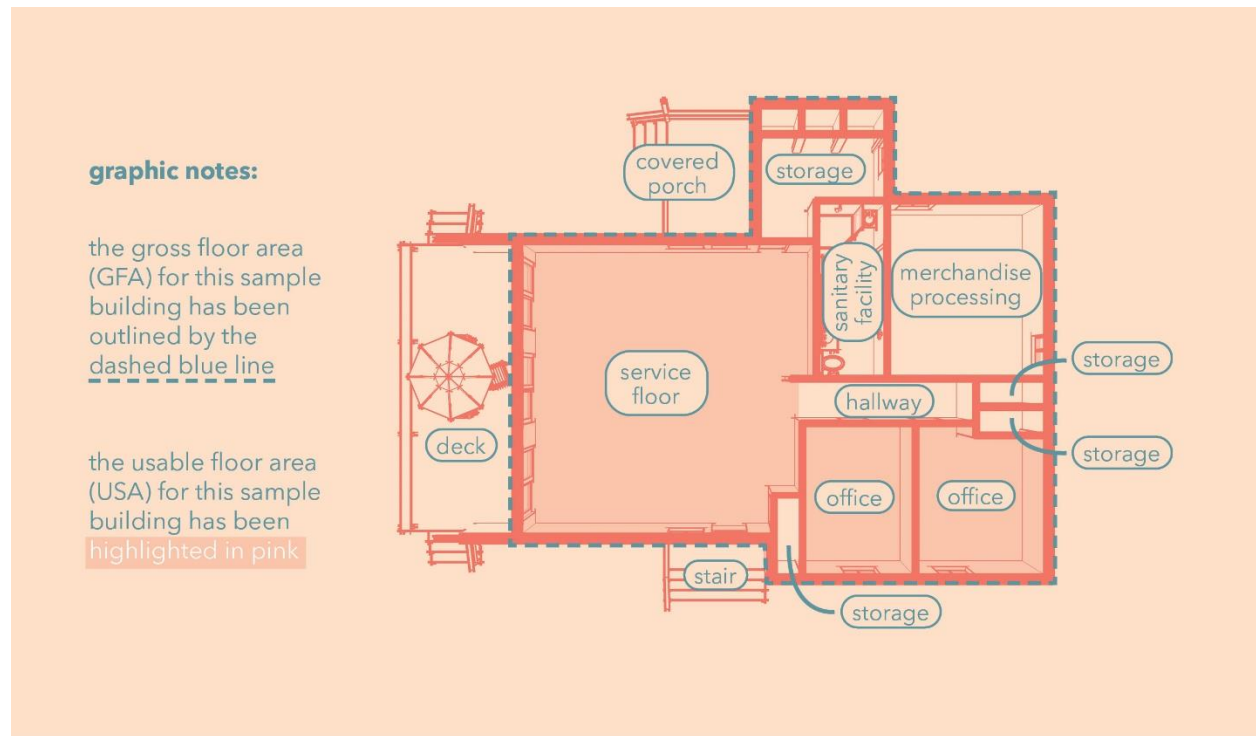


FIGURE 2.3 FLOOR AREA

FOOD TRUCK - A business serving or offering for sale food and/or beverages from a truck, trailer, van, or similar mobile food unit that is a self-contained, fully enclosed unit, including trailers.

FRONTAGE – For purposes of street or road frontage, that portion of a lot which fronts and abuts a lawful road or street. For purposes of lake, stream, or other water frontage, that portion of a lot which fronts and abuts the lake, stream, or other body of water.

Funeral Home – A facility used for the preparation of the deceased for burial, visitation, and the conduct of memorial and funeral services.

SECTION 2.07 G

Garage, private – A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and other storage incidental to a residential use such as rakes, lawnmowers, garbage cans, etc., and that is not a separate commercial enterprise available to the general public.

Golf Course – A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

GOVERNMENT BUILDING – The official offices of any department, commission, independent agency, officer, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

GRADE – The gradient, the rate of incline or decline expressed as a percentage. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25%.

Grade, AVERAGE – The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured. (See Figure 2.4)

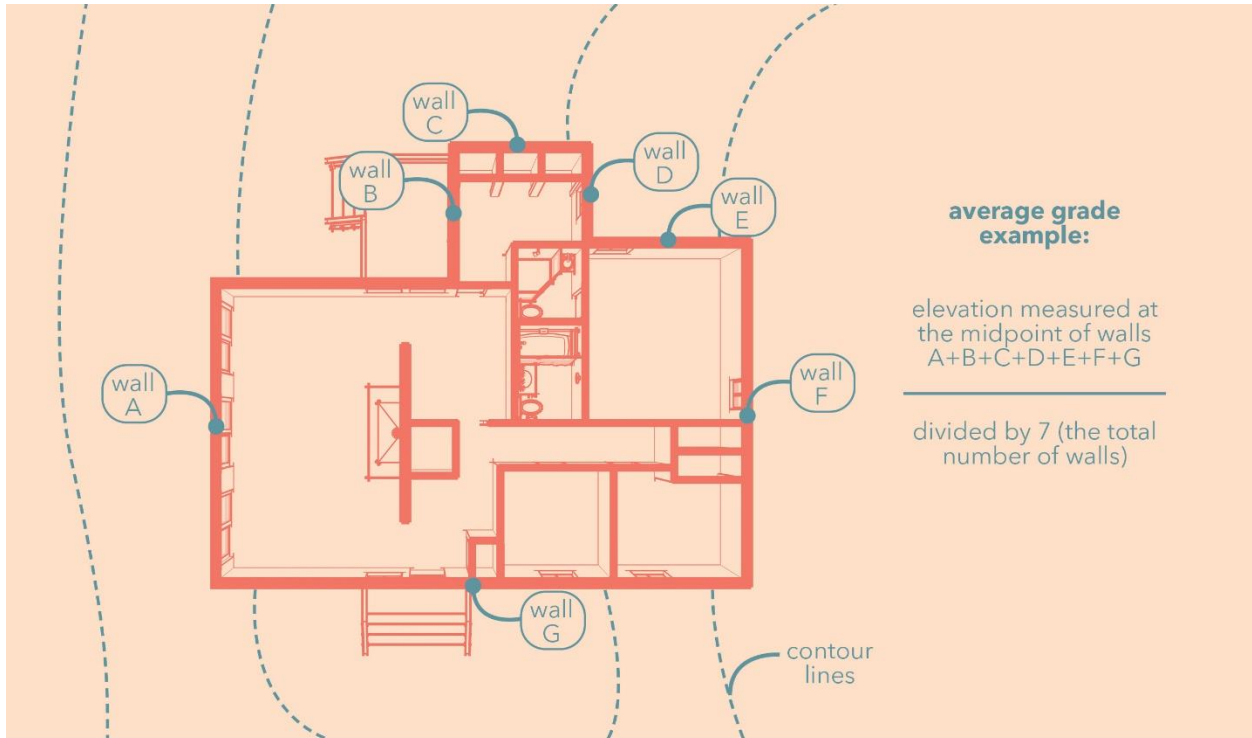


FIGURE 2.4 AVERAGE GRADE

GREENBELT – A strip of land of definite width and location reserved for the planting of shrubs, trees or grasses to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Greenhouse – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, but excluding medical marihuana, for subsequent sale, distribution, or for personal enjoyment.

SECTION 2.08 H

HEIGHT – The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof, to the deck line of mansard roofs, and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs. (See Figure 2.5)

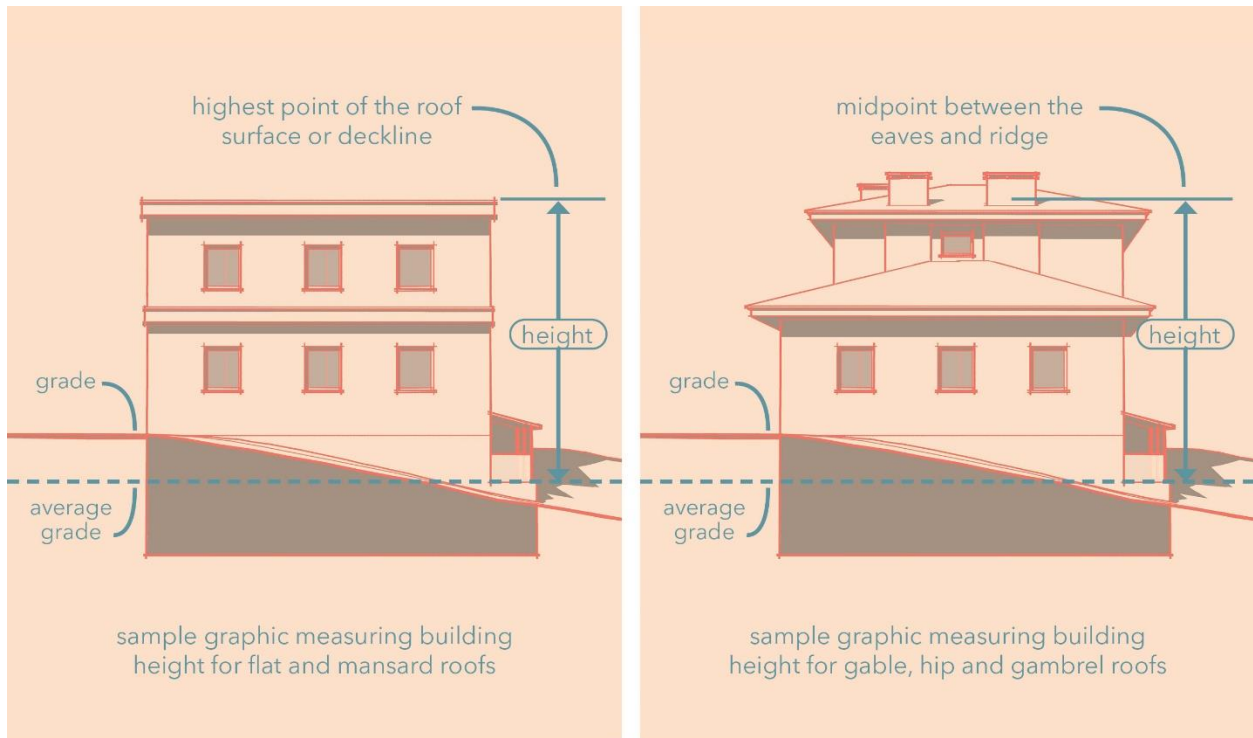


FIGURE 2.5 HEIGHT

Hospital – A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the hospital facility.

HOTEL/MOTEL – A facility offering transient lodging accommodations for travelers at a daily rate to the general public and which may or may not provide additional services such as restaurants, meeting rooms, or recreational facilities.

SECTION 2.09 I

Indoor Recreation facility – A permanent building containing facilities for recreational activities, such as tennis, bowling, billiards, platform games, swimming, exercise rooms, handball, and similar activities.

INOPERABLE VEHICLE – A motor vehicle that can no longer propel itself and/or is not legal to operate on a public road.

SECTION 2.10 J

JUNK – Any worn out or discarded materials including but not limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage, discarded appliances, and yard debris.

JUNKYARD or salvage yard – An open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 2.11 K

KENNEL – Any lot or premises on which three (3) or more dogs over the age of four months old are either permanently or temporarily boarded or trained for remuneration.

SECTION 2.12 L

Laundromat – A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents, but which does not include a dry cleaning plant.

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

LOT – A parcel of vacant or occupied land, land intended to be occupied by a building and accessory buildings, or land utilized for principal accessory uses together with setbacks, yards, and open spaces as required by this Ordinance. A lot shall also mean a portion of a condominium project, as regulated by Public Act 215 under the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership as use. The definition of “Lot” shall also include any parcel, platted lot, metes and bounds parcel, or site condominium unit. Land separated by a public or private road or street shall be considered separate lots for the purposes of this Ordinance.

LOT, CORNER – Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. (See Figure 2.6)

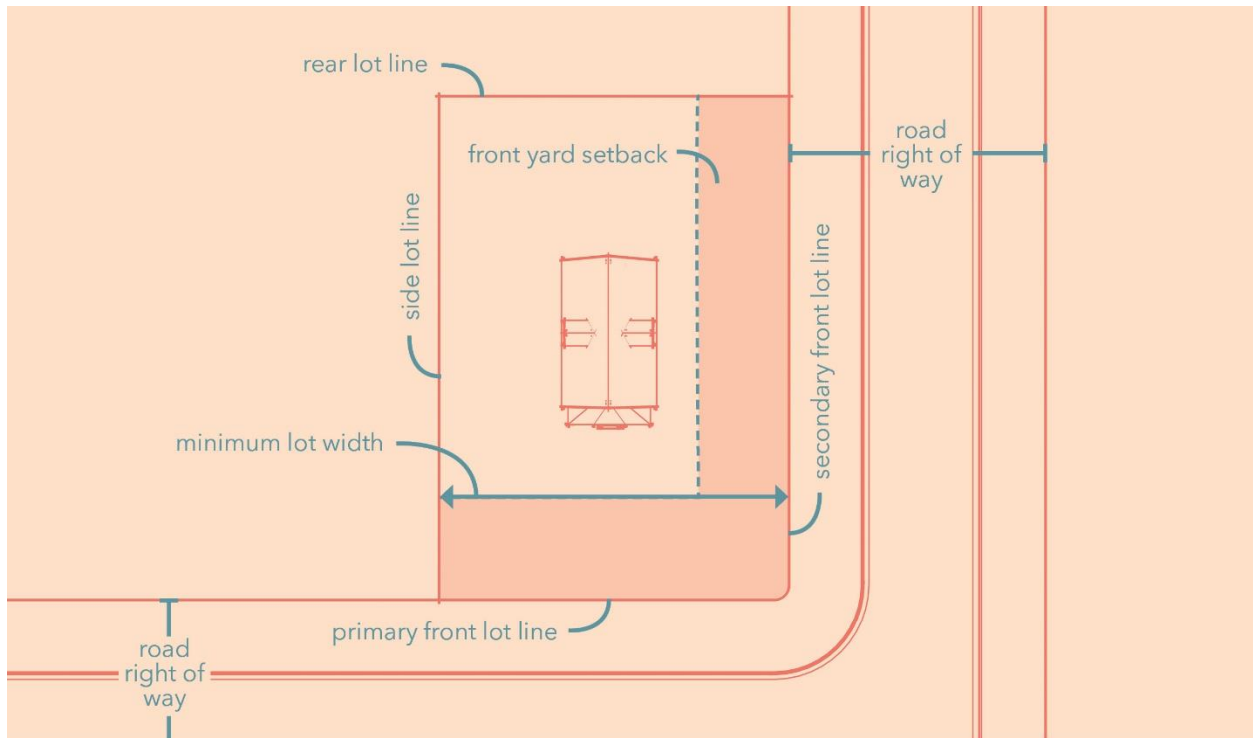


FIGURE 2.6 CORNER LOT

LOT, CUL-DE-SAC – A lot having more than one-half of its required frontage on a cul-de-sac street right-of-way line.

LOT, INTERIOR – A lot other than a corner, cul-de-sac, or through lot. (See Figure 2.7)

LOT, THROUGH – Any interior lot having frontage on two parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required. (See Figure 2.7)

LOT AREA – The total horizontal area within the lot lines.

LOT COVERAGE – The part of the lot, measured as a percentage of the total lot area, occupied by any building, including accessory buildings.

LOT DEPTH – The horizontal distance between the front and rear lot lines, measured from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line. (See Figure 2.8)

LOT LINES – The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE** – In the case of an interior lot, is that line separating the lot from the street right of way.
 1. In the case of a through lot, the line separating said lot from either street right of way.

2. In the case of a corner lot, there shall be a primary front lot line and a secondary front lot line. The front lot line shall be the shorter of the two lot lines adjacent to a street, provided, however, where a front lot line has been established by the erection of a structure, such front lot line shall take precedence. In the case of the two front lot lines being of equal length, the Zoning Administrator shall determine the front lot lines, and once determined, shall remain as such. (See Figure 2.7)
- B. REAR LOT LINE – That lot line opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite the primary front lot line. In the case of a lot that is pointed in shape at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot. (See Figure 2.7)
 - C. SIDE LOT LINE – Any lot line other than the front lot line or rear lot line. In the case of a corner lot, the side lot line shall be opposite the secondary front lot line. A side lot line separating a lot from another lot is an interior side lot line. (See Figure 2.7)

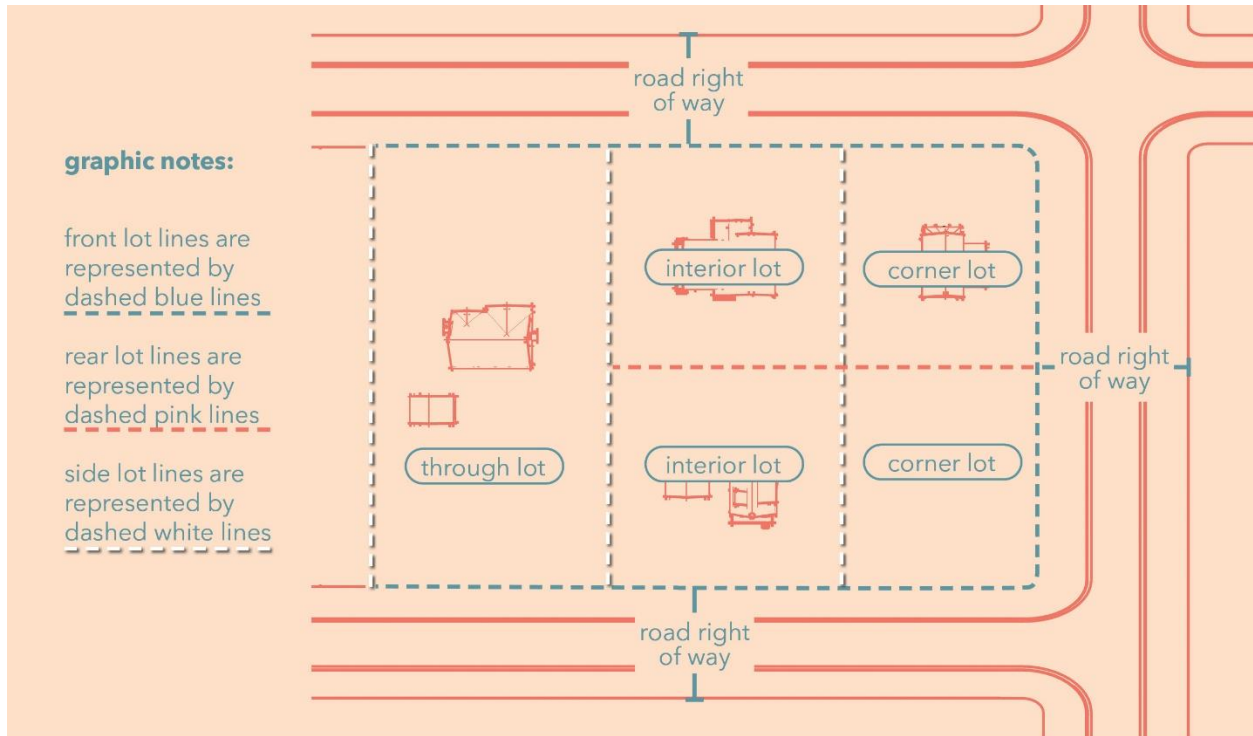


FIGURE 2.7 LOT TYPES & LOT LINES

LOT OF RECORD – A lawful parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by township or county officials which actually exists as shown and was lawful when created, or any part of such parcel held in a record of ownership separate from that of the remainder thereof.

LOT WIDTH (FRONTAGE) – The horizontal straight-line distance between the side lot lines, measured between the two points where the front setback intersects the side lot lines. (See Figure 2.8)

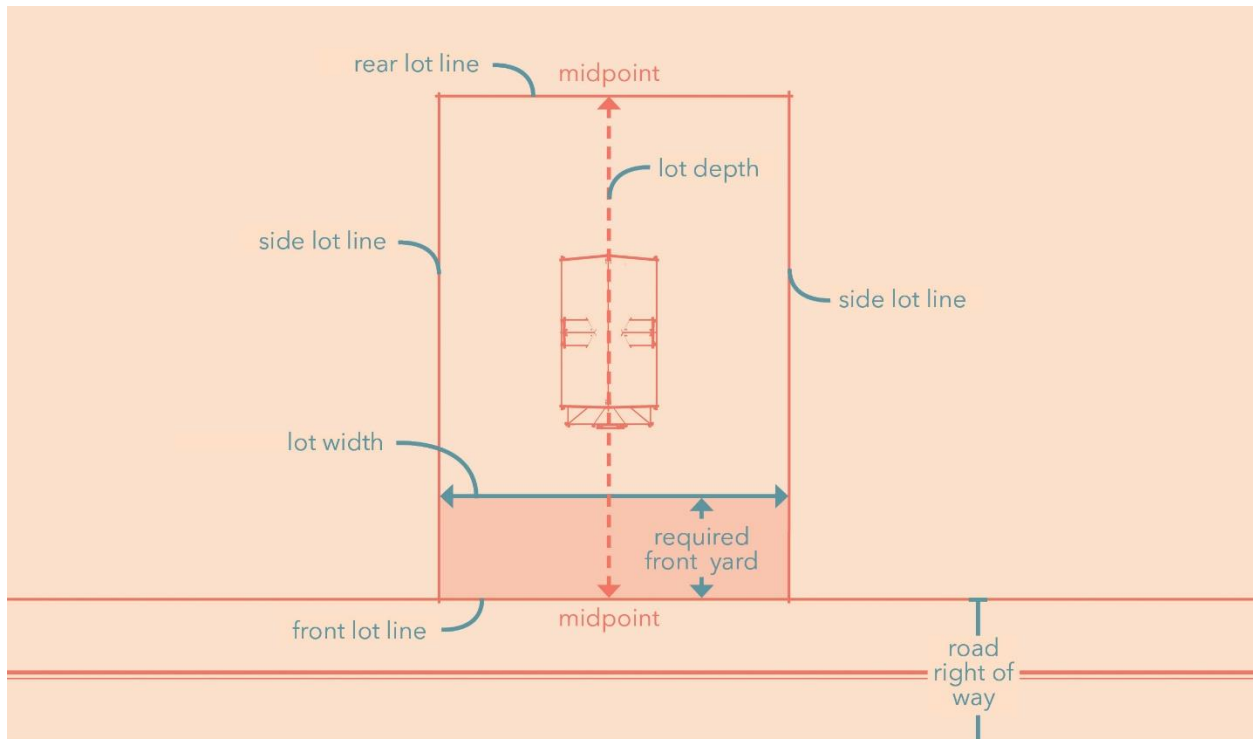


FIGURE 2.8 LOT WIDTH & DEPTH

SECTION 2.13 M

Machine shop – An enclosed establishment where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used, including but not limited to, a blacksmith, tin-smith, welding, and sheet metal shops.

MAIN BUILDING – A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED or mobile HOME – A transportable, factory-built, structure that is building on a permanent chassis and designed to be used as a year-round residential dwelling with or without a permanent foundation, that is connected to required utilities, is manufactured or constructed under the authority of the National Manufactured Home Construction and Safety Standards Act, and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

MANUFACTURED or mobile HOME PARK – A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made thereof, together with any

building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and is not intended for use as a temporary trailer park.

Manufacturing, processing, and/or assembly, SMALL – An enclosed establishment less than 40,000 square feet in area engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

Manufacturing, processing, and/or assembly, LARGE – An enclosed establishment 40,000 square feet in area or greater engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

MASTER PLAN – The Master Plan currently adopted by Eureka Charter Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan and any amendment to such plan.

Medical Office – A facility in which medical, health, and related providers maintain offices and provide services to patients on an outpatient basis.

Mining – The removal, loading, processing, and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract, or parcel, in excess of 1,000 cubic yards per year, and including the incidental maintenance of machinery or equipment used in connection with such mining operation. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not be considered a mining operation.

Mini-storage facility – A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

MOBILE FOOD VENDOR – A business serving or offering food and/or beverages for sale from a fully enclosed, self-contained mobile food unit such a food truck, including trailers which may be transported to a site for the purpose of mobile food vending.

SECTION 2.14 N

NONCONFORMING Structure or BUILDING – A building, structure, or portion thereof lawfully existing at the effective date of this Ordinance or applicable amendments thereto, which thereafter does not conform to the provisions of the Zoning Ordinance or the district in which it is located.

NONCONFORMING LOT OF RECORD – A lot of record lawfully existing at the effective date of this Ordinance or amendments thereto, which thereafter does not conform to the provisions of the Zoning Ordinance or the district in which it is located or other applicable zoning regulations.

NONCONFORMING USE – A use or activity which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, which thereafter does not contain a use of land permitted by this Ordinance or the district in which it is located.

NURSING HOME – A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.

SECTION 2.15 O

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

OPEN AIR BUSINESS – A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure including, but not necessarily limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sales, repair, storage, or rental services.
- B. Outdoor display area, storage, or sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools, and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumber yards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement parks, or similar recreational uses (transient or permanent).

Outdoor Recreation – A place designed and equipped for the conduct of sports and leisure-time activities conducted outside of a building.

Outdoor Storage Facility or yard – The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

SECTION 2.16 P

PARKING SPACE (STALL) – An area of definite length and width; said area shall be exclusive of lawn areas or drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT – An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo or piercing parlor.

Place of public assembly – Buildings, structures, and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls, and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship, or similar activities involving assembled groups of people numbering thirty (30) or more.

Place of public assembly, large – A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room or space intended for public assembly, or the capability to expand to meet these standards in the future.

Place of public assembly, small – A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room or space intended for public assembly.

PLANNED UNIT DEVELOPMENT (PUD) – A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages, in which one or more of the applicable zoning district regulations pertaining to allowed uses, minimum lot area, minimum lot width, required yards, maximum building height, minimum residential floor area, or other applicable zoning district requirements are waived in order to provide a recognizable benefit to the public and accomplish the intent of Chapter 18, Planned Unit Development, of this Ordinance. The Planned Unit Development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION OR COMMISSION – The Eureka Charter Township Planning Commission.

PLATTED SUBDIVISION (ALSO “PLAT”) – Development comprised of partitioning or splitting a tract of land or parcel into individual privately-owned lots meeting all requirements of the Michigan Land Division Act 288 of 1967 as amended.

POULTRY – A category of domesticated birds kept by humans for the purpose of collecting their eggs, or raising for their meat and/or feathers. For purposes of this Ordinance, the term poultry will include: Chickens, quails, guinea fowls, turkeys, ducks, domestic geese, peacocks, and game birds such as pheasants, pigeons, doves, etc.

PRINCIPAL USE – The primary use to which the premises is devoted and the main purpose for which the premises exist.

Professional office – A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

Professional service establishment – An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, information technology, consulting, and other similar services.

Public and quasi-public uses – Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate, such as churches, municipal off-street parking lots, libraries, museums, or fraternal organizations.

PUBLIC UTILITY – A person, firm or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state, or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water utilities.

SECTION 2.17 RESERVED

SECTION 2.18 R

RECREATIONAL VEHICLE OR EQUIPMENT – Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, ‘recreational vehicle’ shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles, jet skis, and trailers designed to transport them;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and trailer campers;
- F. Other similar vehicles deemed by the Zoning Administrator to be recreational vehicles except that this term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

RECYCLING CENTER – A building, structure, or premises where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

RENTAL HALL – A facility, room, or interior space devoted partially or wholly as a primary use or accessory use, continuously or occasionally, for parties, receptions, meetings, seminars, banquets and similar indoor gatherings, whether rented, leased, in trade, or as a gift. The serving of alcohol shall be as determined by the State of Michigan Liquor Control Commission and/or other agency designated for that determination.

Research, development, and testing – An establishment for carrying on the investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

Retail establishment, Major – An establishment 50,000 square feet or larger engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail establishment, Minor – An establishment less than 50,000 square feet engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding stable – A structure in which horses are kept for the purposes of boarding, breeding, personal use, training, or rental.

Right of way - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a street, road, sidewalk, crosswalk, trail, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

ROAD COMMISSION – The Road Commission for Montcalm County, Michigan.

Roadside Stand – A building, structure, or area of land designed or used for the display and sale of farm products grown or produced on an affiliated farm.

SECTION 2.19 S

Sawmill – A facility for the processing of timber from the property on which it is located, from adjoining property, or from other properties removed from the sawmill where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Seasonal Sales Market – A temporary building, structure, or area of land used for the display and/or sale of products associated with temporary or seasonal events, such as the sale of Christmas trees, fireworks, merchandise, and similar items.

SETBACK – The minimum horizontal distance necessary to meet the front, side, or rear yard requirements of this Ordinance. Also, the minimum distance which a structure or building must be set back or located away from the relevant lot line or boundary line. The area comprising a required building or structure setback is also described as a required yard. (see Figure 2.9)

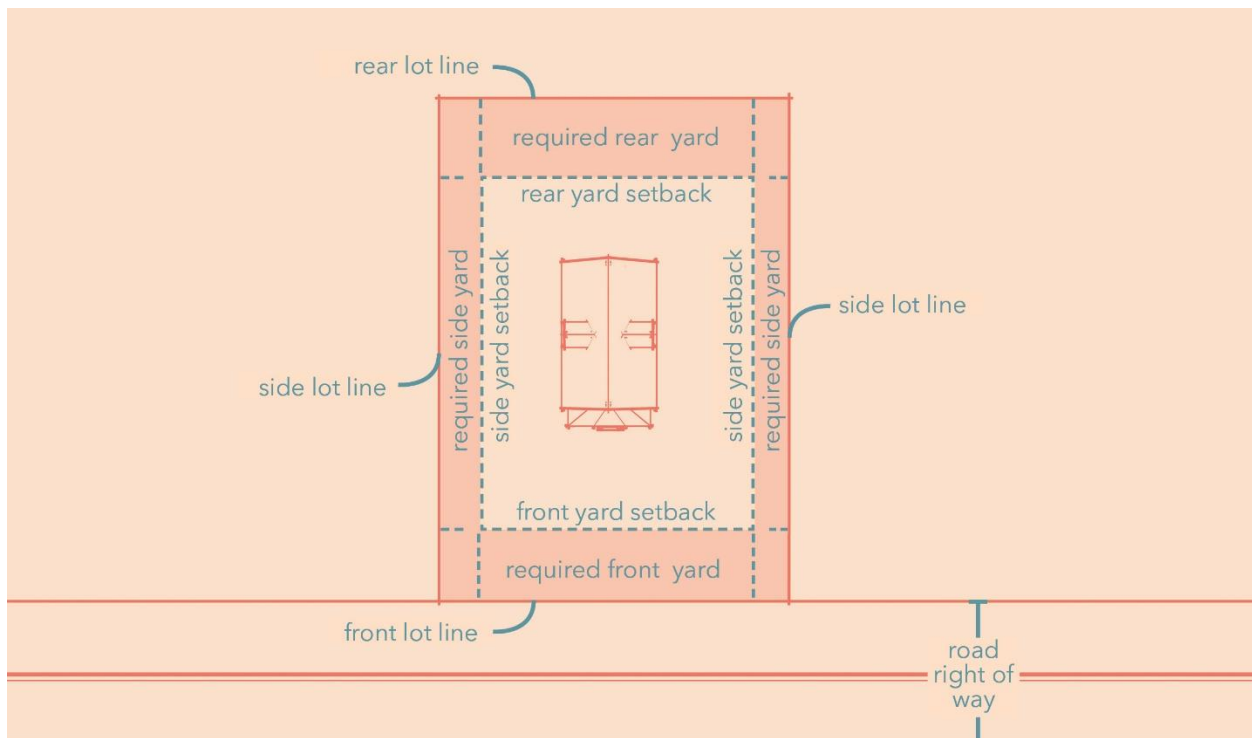


FIGURE 2.9 SETBACKS & REQUIRED YARDS

short-term rental - The rental or subletting of any dwelling for a term of 30 days or less, but the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes, and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental-health facility, another health-care related clinic, or a Bed and Breakfast as defined herein.

SIGN – An object, device, display, structure, or part thereof, visible to the general public and designed to advertise, identify, display, direct, inform or attract the attention of persons to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGNIFICANT NATURAL FEATURE – A natural area as designated by the Planning Commission, Township Board or the Michigan Department of Natural Resources, or other applicable state or federal agency, which exhibits unique topographic, ecological, hydrological, cultural, or historical characteristics such as a wetland, floodplain, water features or other unique natural or cultural features.

SITE CONDOMINIUM – A method of development where the sale and ownership of sites are regulated by the Michigan Condominium Act (P.A. 59 of 1978), as amended, rather than the Land Division Act (P.A. 288 of 1967), and which is comprised of a Master Deed over the entire Site Condominium with privately-owned (deeded) or rented building portions and commonly-owned elements within the project.

Small equipment rental and repair – An establishment providing the rental of tools, lawn and garden equipment, party supplies, and similar goods and small-scale equipment, including storage and incidental maintenance.

SOLAR ACCESS – The right of a property owner to have sunlight shine onto the property owner’s land.

SOLAR ENERGY SYSTEMS (SES) – A system that converts solar energy for electricity generation, space heating, space cooling, or water heating primarily for onsite use and which consists of solar panels, photovoltaic laminates, electrical lines, pipes, batteries, mounting brackets, frames, foundation and other appurtenances or devices necessary for the operation of the system. This definition does not include small devices or equipment such as solar-powered lawn or building lights which house both the solar energy generating system and the system which uses that energy to operate.

SPECIAL LAND USES – Property land uses that are not necessarily appropriate for all areas within a zoning district but are permitted with reasonable deviations or restrictions as specified by the Planning Commission to assure that the uses are compatible with the primary uses surrounding the special use location within the district.

STORY – That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above. (See Figure 2.1)

STORY, HALF – An uppermost story lying under a sloping roof having a usable floor area of at least 200 square feet with a clear height of seven feet, six inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

STREET (ALSO “ROAD”) – A dedicated right-of-way or easement that affords the principal means of access to abutting property. The term “street” shall be synonymous with the terms road, avenue, place, way, drive, boulevard, trail, highway, or other thoroughfare.

Street, ARTERIAL – An arterial roadway as designated by the Michigan Department of Transportation, Road Commission for Montcalm County, or Eureka Charter Township.

STREET, COLLECTOR – A street that conducts and distributes traffic between other residential streets of lower order in the street hierarchy, as designated by Eureka Charter Township, the Road Commission for Montcalm County, or the Michigan Department of Transportation.

STREET, PRIVATE (ALSO, “PRIVATE ROAD”) – An undedicated, privately-controlled and maintained right-of-way, easement, or other interest in land which affords the principal means of access to one or more lots or parcels. “Private road” or “private street” also means any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two or more lots or two or more principal buildings, dwelling units, structures, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private street that abuts the public road. A private street shall also include the following:

- A. An access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance.
- B. Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has a required frontage on a public road.

STREET, PUBLIC – A public, dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.

STRUCTURE – Any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including but not limited to buildings, dwellings, billboards, light posts, signs, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, sheds, accessory buildings, decks, platforms, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, satellite dishes, storage bins, towers, windmills, wind turbines, gazebos, tennis courts and signs.

The following are excluded from the definition of “structure” (i.e. such items are not structures):

- A. Lawful fences, sidewalks, and paving on streets, driveways, or parking areas.
- B. Decks or patios, no portion of which is located:
 - 1. More than two feet above the ground (natural grade).
 - 2. Closer than five feet to any lot line, or
 - 3. Within 30 feet of the high water mark of any lake.
- C. Retention walls not over five (5) feet in height.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 30% of the market value of the structure, either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SECTION 2.20 **T**

Tattoo Parlor – An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.

TOWNSHIP BOARD – The Eureka Charter Township Board of Trustees.

TRUCK/FREIGHT TERMINAL – A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi- trailers, including tractor and/or trailer units and other trucks, are parked and stored.

Television or Radio Station – Commercial and public communications uses for radio and television broadcasting, receiving stations, and studios for over-the-air, cable, or satellite delivery, with facilities entirely within buildings.

TEMPORARY STORAGE UNIT - A transportable unit, container, or structure designed primarily for temporary storage of personal property, household goods, and other such materials for use on a temporary basis. Temporary storage units shall not be considered an accessory building as defined in this Ordinance.

SECTION 2.21 **RESERVED**

SECTION 2.22 **V**

VEHICLE – A motorized conveyance designed and intended for the purpose of moving people or goods.

Veterinary Office – A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities.

SECTION 2.23 **W**

Warehouse – A building used primarily for the storage of goods and materials.

Wireless communication Facility – A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, telecommunications signals, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes, but not including the following:

- A. Facilities that are accessory to a residential use, including but not limited to, licensed amateur radio operators and volunteer public safety agencies; or

B. Facilities owned or operated by a governmental agency.

SECTION 2.24 RESERVED

SECTION 2.25 Y

YARDS – The open spaces that lie between a main building or buildings and the nearest lot line. Also, the setback area.

- A. FRONT YARD – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest building line. (See Figure 2.10)
- B. REAR YARD – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest building line. (See Figure 2.10)
- C. SIDE YARD – An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest building line. (See Figure 2.10)

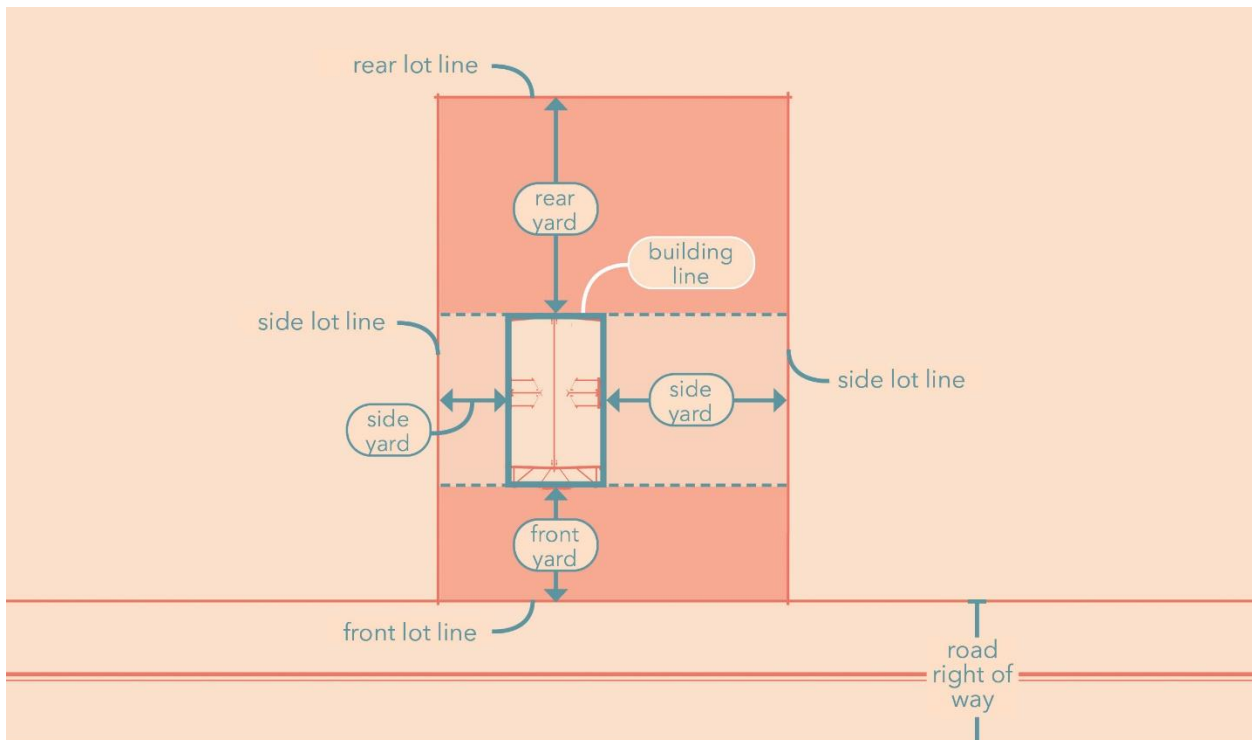


FIGURE 2.10 YARDS & BUILDING LINES

YARD, REQUIRED – The yard necessary to meet the minimum setback requirement for each district. (See Figure 2.9 on page 2-24)

YARD SALE – A basement sale, garage sale, rummage sale, yard sale, attic sale, flea market sale, lawn sale, estate sale and other sale of tangible personal property, including, but not limited to, clothing, household items, general merchandise, tools, garden implements, toys, recreational equipment, vehicles, used or second-hand items usually found in the home, or other similar personal property, which is advertised to the public.

SECTION 2.26 Z

ZONING Enabling ACT OR ZONING ACT – Act 110 of the Michigan Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act (previously called the Township Zoning Act).

ZONING OFFICIAL OR ZONING ADMINISTRATOR – The person designated by the Eureka Charter Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS OR BOARD OF APPEALS – The Zoning Board of Appeals of Eureka Charter Township.