

Section 719.4 – Definitions

A. For this Chapter, the following terms and words are defined as follows:

Accessory Building—A subordinate building whose use is incidental to that of the main building or use of the land.

Accessory Use – A use subordinate to the primary use on a lot and used for purposes incidental to those of the primary use.

Agricultural Land – Substantially undeveloped land devoted to the production of plants and animals beneficial to humans, including but not limited to forage and sod crops, grains, feed crops, field crops, dairy products, poultry, and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agriculture – The art and science of cultivating land to raise and harvest trees, fruit, field crops, or animals for economic gain.

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

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

Animals:

Domestic Pet – animals that are ordinary household pets, such as dogs or cats, and which are kept for pleasure.

Exotic or Wild Animal – Any animal not defined as a farm animal or domestic pet not native to southeast Michigan nor commonly found in the wild in southeast Michigan.

Farm Animal – Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

Animal Hospital – A self-enclosed building wherein 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.

Apartments – The dwelling units in a multiple dwelling as defined herein.

Automobile Repair Garage – A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision services, such as body, frame, or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service Center – A place where gasoline (stored in underground tanks only), kerosene, motor oil, and lubricants are retailed directly to the public. Minor accessories and services such as shock absorbers, brake lining, muffler installations, and the like are considered principal parts of the operation.

Automobile Gas and Service Station – A place where gasoline (stored only in underground tanks), kerosene, motor oil, and lubricants (for the operation of automobiles) are retailed directly to the public on the premises.

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.

Bed and Breakfast Inn – An owner-occupied, single-family dwelling with not more than five (5) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment and without kitchen facilities for service or preparing meals for the overnight guests, which are separate from those for the residence.

Block – The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, river, or live stream, or between any of the previous and any other barriers to the continuity of development.

Board – The Lenox Township Board of Trustees

Building – Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, or vehicles on private property used for buildings.

Building Height – The vertical distance measured from the grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, and gambrel roofs or to a point equivalent to the on any other roof. When a building is situated on sloping terrain, the height may be measured from the average ground level of the grade at the building's wall.

Building Inspector – The Building Official of Lenox Township or designated assistant.

Building Line – A line formed by the face of the building, and for this Chapter, a minimum building line is the same as a front setback line.

Building, Main or Principal – A building in which the principal use is situated.

Campground—Any parcel or tract of land where sites are offered for the public or members of an organization to establish temporary living quarters for five (5) or more recreational units, free of charge or for a fee.

Canopy – A structure other than an awning made of cloth, metal, or material frames affixed to a building and carried by a frame supported by the ground.

Club – An organization of people for particular purposes or the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Clinic, Medical – A building or group of buildings where human patients are admitted for examination and treatment by a professional, such as a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

Clinic, Veterinary – A building or group of buildings and structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight.

Condominium Project – A plan or project consisting of not less than two (2) units, if established and approved in conformance with Michigan Condominium Act 59 of 1978. A condominium project may include multi-family structures (traditional), single-family homes (site condominiums), or non-residential structures (non-residential site condominiums).

Convalescent or Nursing Home – A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care, and which qualifies for licensure under the applicable Michigan law.

Deck—An unroofed structure used for outdoor living that may or may not be attached to a building and protrudes more than four inches above the finished grade.

Density – The number of dwelling units on, or to be developed upon, an acre of land.

Development – The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District—A portion of the township within which specific regulations and requirements, in various combinations, apply under the provisions of this Chapter.

Dwelling Unit – A building or portion thereof designed for residential occupancy and cooking facilities.

Dwelling Unit (Efficiency)—A dwelling unit consisting of one room exclusive of a bathroom, kitchen, hallway, closets, or dining nook directly off the principal room and providing not less than three hundred twenty (320) square feet of floor area.

Dwelling Unit (Single Family) – A detached building containing one (1) dwelling unit designed for residential use.

Dwelling Unit (Two Family) – A building containing two (2) dwelling units, with separate exterior access, designed for residential use.

Dwelling Unit (Multiple Family) – A building containing three (3) or more dwelling units designed for residential use.

Easement – The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Erected – Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises required for construction, excavation, fill, or drainage.

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation – Any groundbreaking except common household gardening and ground care incidental to maintaining and improving residential landscaping.

Family—An individual, two (2) or more persons related by blood, marriage, or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

Family Daycare Home—A private residence licensed under the Childcare Organizations Act, MCLA 722.111, to provide care, protection, and supervision for six or fewer unrelated minor children under the age of 18.

Farm – Structures, facilities, and properties for carrying on any agricultural activity or raising livestock or small animals. Farms encompass both general and specialized operations (including furs, fowl, dairy, fruits, vegetables, and livestock), but exclude kennels and reptile facilities.

Farm Buildings – Any building or structure other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of agricultural activities, but shall not include buildings for landfills, yard waste, or composting operations.

Farm Livestock – Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids, and similar animals.

Filling – The depositing or dumping of any matter onto or into the ground, except for common household gardening and ground care.

Floor Area—The square footage of floor space measured from the exterior-to-exterior wall for all floors, not including enclosed and unenclosed porches, breezeways, garages, attics, basements, and cellar areas.

Garage (Commercial) – A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term 'repairing' does not include rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage (Private) – An accessory building used primarily for storing vehicles for the occupants of a lot on which such a building is located.

Grade – An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

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

Group Childcare Center – A building or structure where care, protection, and supervision are provided regularly, at least twice a week, to more than twelve (12) children, including children of the adult provider.

Group Day Care Home – Private residential homes where seven (7) to twelve (12) minor children are given care and supervision. Such facilities must be licensed according to the applicable laws of the State of Michigan.

Hazardous Substances – A substance or material that, because of its toxic, caustic, corrosive, abrasive, or otherwise harmful properties, may harm the health of any person handling or encountering such materials or substances.

Home Occupation—An occupation or profession executed by the occupant of a dwelling unit that is conducted within a dwelling or accessory building and is incidental and secondary to the use of the lot and dwelling for residential purposes.

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 – A building occupied or used as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which there are more than five (5) sleeping rooms and in which there is no provision for cooking.

Industrial Park – A planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk – All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, dumped, inoperative, dismantled or partially dismantled motorized vehicles or parts.

Junk Yard – 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 consists of 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.

Loading and Unloading Space – An off-street space on the same lot as a building or group of buildings for temporary commercial vehicle parking while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in the computation of required off-street parking.

Lot – A parcel of land.

Lot (Corner) – A lot located at the intersection of two streets or a lot bounded on two sides by a curving road, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

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

Lot (Interior) – Any lot other than a corner lot.

Lot Coverage – That part or percent of the lot occupied by buildings, including accessory structures.

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

Lot Lines – The exterior perimeter boundary lines of a lot or parcel.

Lot Line (Front) – In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, both lot lines abutting the streets shall be treated as the front lot lines. In the case of a double-frontage lot, the front lot line shall mean the line separating the lot from the street designated as the front street on the plat or in the application for a building permit.

Lot Line (Rear)—The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and within the lot.

Lot Line (Side)—Any lot line other than the front or rear lot line. A side lot line separating a lot from another lot, or lots, is an interior lot line.

Lot of Record – A parcel of land, the dimensions of which are shown on a recorded plat on file with the Macomb County Register of Deeds, or any parcel which has been separated therefrom per the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street that is dedicated for access as a public street, or upon an approved private road.

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

Main Building – A building occupied by the principal use of the lot upon which it is situated.

Major Thoroughfare – An arterial street intended to serve a large volume of traffic for both the immediate area and the region and has a right-of-way width of one hundred twenty (120) feet or more.

Manufactured Home – A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is intended to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Manufactured Housing Community – A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured Housing Home Site – The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marginal Access Road – A service roadway parallel to a major thoroughfare that provides access to abutting properties and protection from traffic.

Master Plan – The comprehensive plan includes graphic and written proposals indicating the general location of streets, parks, schools, public buildings, and all physical development of the community.

Medical Marijuana Grower – A state licensee that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

Medical Marijuana Processor – A state licensee that purchases marijuana from a grower and extracts resin from the marijuana or creates a marijuana-infused.

Medical Marijuana Provisioning Center – A state licensee that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients directly or through the patient's

registered primary caregivers. Provisioning centers include any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.

Medical Marijuana Safety Compliance Facility – A state licensee that receives marijuana from a marijuana facility or registered primary caregiver and tests it for contaminants.

Medical Marijuana Secure Transporter – A state licensee that stores and transports medical marijuana between facilities for a fee.

Medical Marijuana Primary Caregiver – A qualifying medical marijuana caregiver who has been issued a current registry identification card under the Michigan Marijuana Act of 2008.

Medical Marijuana Qualifying Patient – A qualifying medical marijuana patient who has been issued a registry identification card under the Michigan Marijuana Act of 2008.

Motel—A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Rooms shall provide overnight lodging, be offered to the public for compensation, and cater primarily to the public traveling by motor vehicle.

Municipality – Lenox Township, Macomb County, Michigan

Nonconforming Building or Structure – A building or portion existing at the effective date of this Chapter or amendments that does not conform to the provisions of this Chapter relative to height, bulk, area, or yards for the district in which it is located.

Nonconforming Lot – A lot of record that legally existed on or before the effective date of this Chapter or any amendment to this Chapter that does not meet the dimensional requirements of this Chapter or amendment.

Nonconforming Use – A use that lawfully existed at the effective date of this Chapter or amendments and does not conform to the use regulations of the district in which it is located.

Nuisance – An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating

invasion of any physical characteristics of activity or use across a property line.

Nursery (Plant Materials)—A space, building, structure, or combination thereof for storing live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of a nursery per this Chapter does not include or preclude any space, building, or structure used to sell fruits, vegetables, or Christmas trees.

Off-Street Parking Lot or Area – A facility providing vehicular parking spaces and adequate drives and aisles. Sufficient maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Front Store—A business establishment so developed that service to the patron may extend beyond the structure's walls, without requiring the patron to enter the structure. The term "open front store" shall not include automobile repair or service stations.

Open Space – Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use.

Open Storage – A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

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.

Place of Worship (Large Scale) – A use located in a permanent building that provides regularly organized religious worship and related incidental activities, except in primary or secondary schools. Large places of worship have a planned capacity exceeding 400 persons and may include ancillary facilities, such as daycare centers.

Place of Worship (Neighborhood) – A use located in a permanent building that provides regular, organized religious worship and related incidental activities, except primary or secondary schools and daycare facilities.

Neighborhood places of worship have a planned capacity of 400 persons or fewer.

Planning Commission – The Lenox Township Planning Commission

Planned Unit Development (PUD)—A use that allows the property to be planned and built as a unit and permits, upon review and approval, 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.

Porch (Enclosed) – A covered entrance to an enclosed building that projects out from the main wall of said building or structure.

Porch (Open) – A covered entrance to a building or structure that is not enclosed except for columns supporting the porch roof and projects from the main wall of the building or structure.

Public Utility – Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public (under local, state, or federal statutes), gas, steam, electricity, sewage disposal, communication, transportation, or water.

Quarry – Any tract or parcel of land or part thereof used to search or extract stone, gravel, sand, peat, topsoil, or similar materials, including stripping and pit operations.

Road, Private – Any road that is privately constructed and has not been accepted for maintenance by the Macomb County Department of Roads, the State of Michigan, or the federal government.

Road, Public – Any road or portion dedicated to and accepted for maintenance by the Macomb County Department of Roads, the State of Michigan, or the federal government.

Seasonal Outdoor Sales—Small seasonal establishments, including, but not limited to, Christmas tree stands, pumpkin patches, and fireworks tents.

Seasonal Attractions – Large seasonal businesses that draw visitors to the area, including but not limited to haunted houses, corn mazes, outdoor concerts, fairs, and carnivals.

Storage Container: Any prefabricated structure designed for transporting goods or for the temporary storage of property, such as pods, steel shipping containers, cargo containers, packing or storage crates, and parts or all of a semi-trailer.

Telecommunication Towers and Facilities – All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum to transmit or receive 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. This definition excludes citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities subject to state or federal law or regulations that preempt municipal regulatory authority.

Collocate – To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment Compound – An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless Communications Equipment (WCE) – The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communications Support Structure (WSS) – A structure designed to support wireless communications equipment, a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Temporary Use or Building – A use or building permitted to exist for a limited time.

Use – The purpose for which land and buildings are arranged, designed, or intended, or for which land or a building is or may be occupied.

Variance – A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vehicle Sales (New)—An authorized dealership primarily for the sale of new vehicles, but as an incidental use, it may also sell used vehicles and have complete and enclosed facilities on the premises for the display, service, repair, and sale of new vehicles and accessories.

Vehicle Sales (Used) – An authorized dealership for used vehicles with a completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles, such as minor repairs, servicing, and restoration, shall be performed within completely enclosed facilities.

Wall – An obscuring structure of definite height and location to serve as an obscuring or protective screen.

Yard – The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Chapter.

Yard (Front) – An open space extending the entire width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard (Rear) – An open space extending the entire width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard (Side) – An open space between the 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 of the said lot line to the nearest point of the main building.

Yard (Non-Required) – A yard more than the yard required.

Zoning Board of Appeals – The Lenox Township Zoning Board of Appeals.