

**ARTICLE I**  
**TITLE, PURPOSES, AND LEGAL CLAUSES**

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**Section 1.01 Short Title.**

This Ordinance shall be known and may be cited as the Mason County Zoning Ordinance.

**Section 1.02 Repeal of Ordinance.**

The Mason County Zoning Ordinance, effective March 3, 1972 and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance being June 30, 2010.

**Section 1.03 Statement of Purposes.**

1. To promote the public health, safety, morals, and general welfare.
2. To encourage the use of lands in accordance with their character and capabilities and to limit the improper use of land.
3. To avoid overcrowding of population.
4. To lessen congestion on the public roads and streets.
5. To reduce hazards to life and property.
6. To reasonably consider the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

**Section 1.04 Scope.**

No building or structure or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance. Any building or structure for which a zoning permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said zoning permit was granted. Any use not specifically listed as a permitted or special use in a particular zoning district is assumed to be prohibited in that district. The Mason County Townships covered by this Ordinance are Amber Township, Branch Township, Custer Township, Eden Township, Free Soil Township, Logan Township, Meade Township, Riverton Township, Sheridan Township, Sherman Township, Summit Township and Victory Township.

**Section 1.05 Lot Use Limitation.**

In all zoning districts which permit single family and two family residences, only one principal structure shall be placed on a parcel or a lot of record. No building shall be erected on land divided or subdivided in violation of a Land Division Act, Act 288, Public Acts of 1967, as amended.

**Section 1.06 Validity and Severability Clause.**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

**Section 1.07 Interpretation.**

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

**Section 1.08 Conflict with Other Laws.**

It is not intended by this Ordinance to repeal, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

Provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

**Section 1.09 Vested Rights.**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

**Section 1.10 Fees, Charges, and Expenses.**

Fees, charges, and expenses shall be assessed as part of the application for special use permits, site plan review, appeals, building permits, certificates of zoning compliance, and amendments to defray expenses incurred in processing such application.

The County Board of Commissioners by resolution shall establish a schedule of fees, charges, and expenses. The schedule of fees, charges, and expenses may be altered or amended by resolution duly adopted by the County Board of Commissioners.

No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.

**ARTICLE II  
INTERPRETATIONS AND DEFINITIONS**

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**Section 2.01 Interpretations.**

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
6. The word "person" includes an individual, a corporation, a limited liability company, a partnership, an incorporated association, or any other similar entity.
7. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
8. Terms not herein defined shall have the meaning assigned to them by the Webster's Collegiate Dictionary, most recent edition. In addition, any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
9. The terms his and her shall be used interchangeably and shall be considered to have the same meaning.
10. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules as included or attached as enacted or subsequently amended.
11. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

**Section 2.02 Definitions.**

**Abutting (lot or parcel):** A lot or parcel which shares a common property line with the subject lot or parcel.

**Access:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from a public roadway.

**Access, Cross:** An access between abutting properties.

**Access Management:** The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

**Access Management Advisory Group:** Professional staff representing the Mason County Road Commission, Mason County Sheriff's Office, the Mason County Drain Commission, the Michigan Department of Transportation and other county, township, city and village staff as appropriate.

**Access Point:** The point of connection of a driveway or access to a road right-of-way, shared driveway, or service drive.

**Accessory Building:** A building or portion of a building subordinate to a main building on the same lot occupied by, or devoted exclusively to, an accessory use.

**Accessory Structure:** A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Accessory Use:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Accessory dwelling units, as defined herein.
3. Bunk houses, studios or hobby areas, for the use of the occupants of a residence or their non-paying guests, but not independent living quarters meeting the definition of Dwelling Unit or Accessory Dwelling Unit, as defined herein.
4. Swimming pools for the use of the occupants of a residence or their guests.
5. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
6. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
7. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
8. Personal gardens not used for commercial sale.
9. Accessory off-street parking spaces.
10. Accessory off-street loading space.
11. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
12. No more than one commercial vehicle or trailer.

- 13. Satellite dishes or television or radio antennae for the use of occupants of a residence or place of business.
- 14. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the same site.

**Accessory Dwelling Unit:** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, intended to accommodate the rising need of family members living upon a single parcel, but who desire separate quarters.

**Acreage:** Any tract or parcel of land which has not been subdivided or platted.

**Addition:** An extension or increase in floor area or height of a building or structure.

**Adult:** A person having arrived at the legal age of adulthood defined by the laws of the State of Michigan.

**Adult Entertainment Uses:** Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

- 1. An **Adult Book Store** is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition.
- 2. An **Adult Cabaret** is a nightclub, theater, or other establishment which features live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
- 3. An **Adult Mini-Motion Picture Theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
- 4. An **Adult Model Studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.
- 5. An **Adult Motel** is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- 6. An **Adult Motion Picture Arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

7. An **Adult Motion Picture Theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
8. An **Adult Novelty Business** is any establishment which offers for sale devices which stimulate human genitals or devices designed for sexual stimulation.
9. An **Adult Personal Service Establishment** is any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or "Specified Acts of Violence," or displaying "Specified Anatomical Areas" as defined herein. These establishments include, but are not limited to, escort services, exotic rubs, modeling, tattoo parlors, body painting studios, wrestling studios, baths, and theatrical performances.
10. An **Adult Physical Culture Establishment** is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
  - a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  - b. Electrolysis treatment by a licensed operator of electrolysis equipment;
  - c. Continuing instruction in martial or performing arts or in organized athletic activities;
  - d. Hospitals, nursing homes, medical clinics, or medical offices; and,
  - e. Barber shops or beauty parlors, health spas, and/or salons which offer massage to the scalp, face, the neck, or shoulders only.
11. An **Adult Sexual Encounter Center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
12. A **Restricted Adult Business** is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**Adult Foster Care Facility:** A governmental or non-governmental establishment that provides foster care to adults, it includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped, and who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

2. **Adult Foster Care Large Group Home:** An adult foster care facility with approved capacity to receive at least seven (7) but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.
3. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

**Agribusiness:** Businesses catering exclusively to the agricultural community. They may include, but not necessarily be limited to, the commercial production, processing, packaging or sale of farm products, the sale of seed and feed, livestock auctioning, wineries, micro-breweries and micro-distilleries, but shall not include slaughter houses or tanneries. For the purposes of this ordinance, an agribusiness shall not include a farm market, as defined herein.

**Agricultural Equipment Sales and Service:** An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

**Agricultural Storage Facilities:** A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

**Agritourism Enterprise:** A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products. Agritourism enterprises are further classified as follows:

1. **Agritourism Enterprise, Class I:** An agritourism enterprise, limited to u-pick fruits and vegetable operations.
2. **Agritourism Enterprise, Class II:** An agritourism enterprise, including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for special events; and, other similar uses. Overnight sleeping accommodations, except for a bed and breakfast, are specifically excluded from this classification.

**Airports, Landing Fields:** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various temporary accommodations for passengers and/or flight crews.

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

**Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L<sub>90</sub>.

**Animals, Wild:** An animal not typically bred or raised by humans.

**Apartment:** See Dwelling Unit.

**Apartment House:** See Dwelling, Multiple-family.

**Appurtenance:** The visible, functional, or ornamental objects accessory to and part of a building.

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

**Arterial Road:** Roads that gather traffic from local streets and/or move larger volumes of traffic through the County.

**Assembly Hall:** Assembly halls shall include facilities intended for entertainment including dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.

**Auction Sales Establishments:** A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**Automobile Sales, Storage:** See Open Air Business.

**Automobile Service Station:** Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Such use shall be permitted to include an additional retail use, which may include, but not be limited to, a restaurant, gift shop, or convenience store.

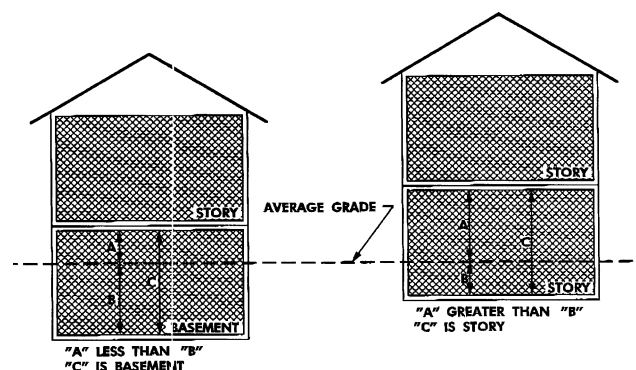
**Automobile Service Station, Accessory Retail Use:** The sale of food items commonly consumed by travelers (i.e., soft drinks, candy, packaged snacks, and fast-foods, etc.), bread, milk, juice, cigarettes, and sundry items, and/or automobile wash facilities provided in connection with a gasoline filling station or gasoline service station, provided such use(s) is clearly incidental to the principal use.

**Automobile Repair Garage:** Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

**Bank (including drive through):** A financial institution, including credit union, that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such basement shall be considered as a story. Refer to Illustration 2-1.

**Illustration 2-1. Basement and Story**





**Bedroom:** A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing through another bedroom. Bedrooms shall meet all BOCA requirements.

**Bed and Breakfast Lodgings:** A structure which was constructed for, and is used as, a single-family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis with breakfast, as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

**Berm:** A mound of earth, a minimum of eighteen (18) inches in height, graded, shaped, and improved with sod or landscaping in such a fashion as to provide a visual and/or audible screen and a transition between uses of differing intensity.

**Blight:** For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, tires, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured located on any property not licensed as a salvage or junk yard. (See also salvage material.)

**Boarding stables:** A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

**BOCA:** Building Officials Code Administration. The building code used by the County for all construction except one and two family dwellings.

**Bond (also Performance Bond):** Any security that may be required by the County to assure that improvements required as part of an application for development will be satisfactorily completed.

**Breezeway:** A roofed structure for the purpose of connecting the main or principal building or structure on a property with other buildings or structures, a breezeway shares similar design and construction with the main or principal building or structure and is usually fully enclosed in Michigan.

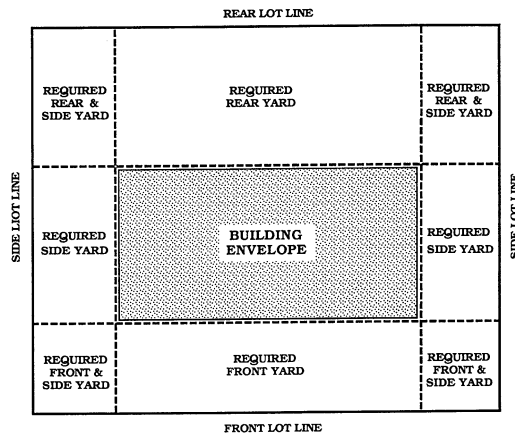
**Buffer Zone:** See Greenbelt.

**Buildable Area:** See Building Envelope.

**Building:** Any structure, either temporary or permanent, above or below ground, having a roof supported by columns, walls, or any other supports, which is used for the purpose of, or capable of, housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to, mobile homes, tents, sheds, garages, greenhouses, vehicles situated on private property and used for the purposes of a building, and other principal or accessory structures. This definition of building shall not include structures of less than six (6) square feet, such as a doghouse.

**Building Envelope:** The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance. Refer to Illustration 2-2.

## Illustration 2-2. Building Envelope



**Building Face:** The general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.

**Building Height:** The vertical distance measured from the average ground level of the grade at the building wall to the highest point of the roof surface, including cupolas or other architectural features. For the purposes of this Ordinance, height shall be determined from the front side of the structure.

**Building Width:** Building width is the building measurement from exterior wall to exterior wall, excluding roof or eave overhang, also referred to in this Ordinance as building face width.

**Building Line:** A line established, in general, parallel to the front lot line at the minimum front yard setback distance. For the purposes of this ordinance, a minimum building line shall be the same as a front setback line.

**Building Site:** A lot, parcel of land, or combination or portion of the two, which is used for the construction of a single principal structure.

**Building Size:** Building size, unless otherwise specifically stated, shall refer to the ground floor area as measured in square feet.

**Camp Operator:** A person who owns an agricultural labor camp and farm operation.

**Camp Operator Dwelling:** A dwelling occupied by a camp operator.

**Campground:** A parcel of land on which more than four (4) recreational vehicles, trailer coaches, camper-trailers, tents or other types of shelter are located, used and occupied for outdoor camping and temporary living quarters for recreational, educational or vacation purposes.

**Car wash:** Any building or premises or portions thereof used for washing vehicles.

**Casino:** A room or rooms in which legal gambling is conducted.

**Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used, solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Zoning Compliance:** A permit issued by the Zoning Administrator permitting the use of land, buildings, and/or structures and certifying that such improvements to the land were constructed in compliance with the provisions of this Ordinance.

**Change of Use:** Any use of a building, structure, land, or any portion thereof, which is substantially different from the previous use, in terms of density, intensity of use, volume or type of vehicles, noise, dust, odor, light or other characteristics, which requires a change in the way it is classified in this Ordinance or in the State Building Code, as amended.

**Child Care Center:** See Day Care Center

**Church or Other Place of Religious Assembly:** A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.

**Clinic:** An establishment where human patients are admitted for examinations and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not usually lodged overnight.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit and open only to members, not the general public.

**Cluster Housing:** A residential development design that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

**Commercial Cottages or Cabins:** Any structure or tent which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

**Common Elements:** Portions of a condominium project other than condominium units, as described in the condominium master deed as required by state law.

**Common Open Space:** Land within or related to a condominium development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

**Composting Facilities:** A facility dealing with the controlled process of degrading organic matter by microorganisms.

**Comprehensive Plan:** The statement of policy by the County Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions, and includes any unit or part of such plan and any amendment of such plan or parts thereof.

**Condominium Documents:** All those documents required by the Michigan Condominium Act and its amendments from time to time.

**Condominium Project:** A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq.

**Condominium Subdivision Plan:** The drawings and information required by the Michigan Condominium Act and its amendments from time to time. For the purpose of this Ordinance, a condominium subdivision plan shall be equivalent to the term “condominium plan.”

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

**Contractor’s Equipment Storage Yards:** Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

**Corral:** A pen or enclosure for confining animals or livestock, but not a grazing area.

**County:** Mason County

**County Board:** The Mason County Board of Commissioners.

**County Engineer:** Person appointed by the County for the purpose of performing specific or temporary engineering services.

**Crop Farming:** Growing cultivated plants or agricultural produce, such as grain, vegetables, or fruit.

**Cul-de-sac Street:** A street terminated on one end with a turning radius.

**Day Care Home, Family:** A private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a 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.

**Day Care Home, Group:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a 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 an unrelated minor child for more than four weeks during a calendar year.

**Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

**Deck:** A structure abutting a dwelling with no roof or walls, except for railings, which is constructed on piers or a foundation above-grade for use as an outdoor living area.

**Density:** The number of dwelling units situated on, or to be developed on, a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads.

**Development:** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any paving, mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

**Dimensional Standards:** Numerical requirements relating to spatial relationships, including but not limited to setback, lot area, frontage, lot width, lot area, and building height.

**Direct Access:** Access not requiring trespass over adjacent property or rights-of-way.

**Dirt Bike Track:** Any parcel of land where dirt bikes are operating in a manner consistent with recreational operations, or any parcel of land where the landscape has been altered consistent with that of a dirt bike track.

**Display:** As used in connection with Adult Entertainment Use, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

**District:** A portion of the County within which certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. Also known as a zone or zoning district.

**Dormitory:** A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

**Drive-in/Drive-thru Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles; including drive-in restaurants.

**Driveway:** A means of access for vehicles from a public right-of-way to or from a single lot or parcel that is located and constructed in accordance with the requirements of this Ordinance.

**Driveway Offset:** The distance between the centerline of two driveways on opposite sides of an undivided roadway.

**Driveway, Shared:** A driveway serving two or more lots or parcels.

**Dry Cleaning Plant:** An establishment used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the process incidental thereto.

**Dwelling:** A building or a portion thereof which is occupied as the home, residence, or sleeping place of one or more human beings, either permanently or as transients. In no case shall a travel trailer, recreational vehicle, automobile chassis, or tent be considered a dwelling. In the case where a building is occupied in part as a dwelling unit, the part so occupied shall comply with the provisions relative to dwellings.

1. **Dwelling, Attached:** A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls.
2. **Dwelling, Detached:** A dwelling which is not attached to any other dwelling by any means.
3. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard.
4. **Dwelling, Single-family:** A building designed, arranged or occupied as a dwelling unit for one family only.
5. **Dwelling, Two-Family:** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Dwelling Unit:** A room or rooms within a dwelling connected together, constituting separate independent living quarters for one household, physically separated from any other rooms or dwelling units, and containing permanent provisions for its own independent bathroom, sleeping, and kitchen facilities.

**Easement:** A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**Erected:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

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

**Family:** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability, but excluding a group occupying a boarding house, lodging house, dormitory, club, fraternity/sorority, or hotel/motel.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including cultivating of soil; growing and harvesting of any agriculture, horticulture, or floriculture commodity; dairying; raising of livestock, bees, fish, fur-bearing animals, or poultry; turf and tree farming; and performing any practices on a farm as an incident to, or in conjunction with, these farming operations. Commercial storage, processing, distribution, marketing, or shipping operations shall not be considered part of the farming operation. No farm shall be operated for the disposal of garbage, sewage, rubbish, or offal, or for rendering plants, or for the slaughtering of animals except such animals as have been maintained on the premises thereto for the use and consumption by persons residing on the premises.

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

**Farm Dwelling:** A single-family dwelling that is located on and is used in connection with a farm.

**Farm Equipment Sales and Service:** Establishments selling, renting or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

**Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; related noise, odors, dust and fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**Farm Market:** A place or an area designed and used for the display and sale of vegetables, fruit, plants, flowers and other produce from farms and other agricultural enterprises, including the display and sale of other incidental merchandise generally associated with or related to farm produce and products, small

arts and crafts items and other permitted merchandise. A farm market may operate seasonally or year-round. This definition includes roadside stands.

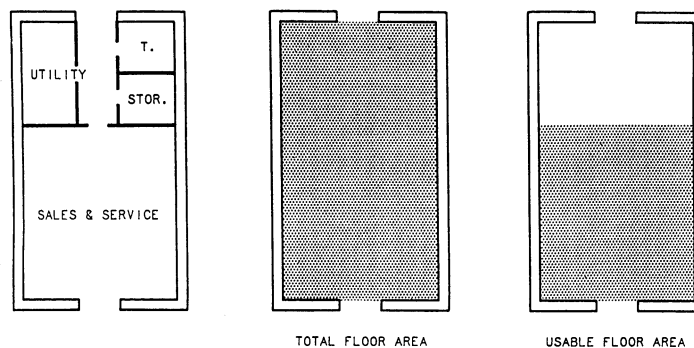
**Fence:** A built enclosure or barrier, such as wooden posts, wire, iron, etc, used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

**Floor Area, Gross:** Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories having more than eighty-four (84) inches of headroom which may be made usable for human habitation; but excluding the floor area of basements, attics, garages, breezeways, porches, and accessory buildings.

**Floor Area, Minimum:** Floor area minimums required in each district shall apply to the main floor gross floor area.

**Floor Area, Usable:** For the purpose of computing parking, is that area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. This excludes accessory floor area which is used, or intended to be used, principally for the storage or processing of merchandise. Hallways, utility and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use shall also be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Refer to Illustration 2-4.

**Illustration 2-4. Usable Floor Area**



**Forest Industry:** Any commercial enterprise resulting from the harvesting or cultivating of woodlands, including sawmills.

**Forest Management:** The application of business methods and forestry principles to the operation of a forest property for the purpose of maintaining forest resources and producing a continuous supply of forest products. Forest management practices include but are not limited to site preparation, planting, harvesting, road construction, insect and disease control, inventory, and fire protection.

**Front Building Face Area:** The facade of the building facing the front line calculated as its width multiplied by the building height.

**Frontage:** See Lot Frontage.

**Frontage Road or Front Service Drive:** A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

**Fuel Storage (Bulk)** Any combination of storage tanks or containers used in the commercial distribution of fuel, including pipes and pumps connected thereto, used to contain petroleum, liquid propane gas, or other types of fuel. This definition does not include the storage of gasoline or oil customarily associated with automobile service stations, transmission lines, or propane tanks typically associated with a dwelling or other on-site use.

**Funeral Homes:** A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**Funneling:** Funneling is defined as the use of an inland waterfront property, parcel or lot as common open space for waterfront access for a larger development located away from the waterfront. More particularly, funneling includes, but is not limited to, the use of a waterfront property, parcel or lot for waterfront access by the owners, lessees, or licensees (or by members of the family or occasional guests of any such persons) or any of the following types of property:

1. Waterfront property under a separate legal description on the County Tax Roll or property accrued under separate deed on file with the County Register of Deeds, as of the effective date of this ordinance.
2. Nonriparian property, as of the effective date of this ordinance.
3. Properties separated from shoreline properties by a public road.

**Garage, Private:** Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted.

**Garage, Public:** Any garage which is not private.

**General Rules.** The rules promulgated by the Michigan Department of Community Health pursuant to the MMMA, being MAC R 333.101, *et seq.*

**Golf Course Driving Range:** A limited area on which golf players drive golf balls from a central driving tee; and including the driving tee and other incidental activities pertaining to this activity.

**Golf Course:** A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A clubhouse and shelters are customarily included as accessory uses.

**Governmental Agency:** Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, County, authority, district, or governmental unit.

**Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of the building. 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 grade for each face of the building.

**Greenbelt:** A strip of land of definite width and location reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties of distinct intensity.

**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 for subsequent sale or for personal enjoyment.



**Habitable Space:** Space in a dwelling unit or building used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the building's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

**Hobby Farm:** A farm, as defined herein, that is maintained for pleasure rather than as a primary source of income.

**Home Occupation:** A business, profession, occupation, or trade conducted by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling, and which does not change the nature or character of the dwelling. For the purposes of this Ordinance, home occupations are categorized into the following classes:

1. Class I Home Occupation: A home occupation which has no impact on the neighborhood (by way of visual impact, noise, traffic, etc.) and does not involve the use of detached accessory buildings, signs, more than one non-resident employee, or outdoor activities (display, storage or parking of home occupation-related vehicles).
2. Class II Home Occupation: A home occupation which has a minimal impact on the neighborhood (by way of visual impact, noise, traffic, etc.), may involve the use of detached accessory buildings or a sign, but does not involve more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).
3. Class III Home Occupation: A home occupation which requires special regulation to ensure compatibility with the surrounding neighborhood and may involve the use of detached accessory buildings, a sign, more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).

**Hospice or Palliative Care Facility:** A freestanding licensed facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients, at any stage of illness (whether terminal or not), and their families in an inpatient setting. For the purposes of this ordinance, if a designated hospice or palliative care unit is located within a licensed health service facility such as a hospital, nursing home, or adult foster care facility, the regulations of this ordinance pertaining to such health service facility shall apply.

**Hospital:** An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

**Hotel:** An establishment that provides lodging and may provide meals and other personal services. Such establishment has individual guest rooms that are accessed from inside the structure.

**Household:** A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters, regardless of the relationship to one another.

**Hunting Preserve:** Public or private land reserved for recreational hunting or fishing. See also Recreation Facility, Public or Private.

**Incinerator:** A device used to burn waste substances and in which all the combustion factors – temperature, retention time, turbulence, and combustion air – can be controlled. An incinerator is sometimes used to produce energy.

**Indoor Recreation:** A commercial recreational land use conducted entirely within a building, including an arcade, arena, athletic and health club, bowling alley, community center, gymnasium, pool or billiard hall, skating rink, swimming pool, sport courts, etc.

**Industrial Park:** A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic, adequate utilities, and communication lines, and including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

**Intensive Animal Feeding Operation:** The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

**Junkyard:** The term "junkyard" includes automobile wrecking yards, and includes any area of more than two-hundred (200) square feet for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of motorized vehicles, machinery, or parts thereof, but does not include uses established entirely within enclosed buildings. This definition does not include legally licensed salvage yards.

**Keeping of Animals:** The act of having animals on site per Section 3.19.

**Kennel, Private:** Any lot or premises on which not less than four (4) but not more than ten (10) dogs, four (4) months old or over, that are owned by the resident, are kept.

**Kennel, Commercial or Boarding:** Any lot or premises on which four (4) or more dogs, four (4) months old or over are kept either temporarily or permanently for sale, boarding, breeding, training, competition, or showing.

**LA<sub>90</sub>:** The sound level in dBA exceeded 90 percent of the time during the measurement period. The L<sub>90</sub> is close to the lowest sound level observed. It is essentially the same as the residual sound level, which is the sound level observed when there are no obvious nearby intermittent noise sources.

**LA<sub>eq</sub>:** The equivalent level, is the level of a hypothetical steady sound that would have the same energy (*i.e.*, the same time-averaged mean square sound pressure) as the actual fluctuating sound observed.

**Landscaping:** The modification or ornamentation of the natural groundcover and flora.

**Laundromat:** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

**Library:** An establishment which lends reading material, music, and related products to the public for no fee, and which may also provide related services and part-time social activities.

**Livestock:** Domestic animals, such as cattle, horses, sheep, hogs, chickens, geese, or goats raised and/or boarded for home use or for profit.

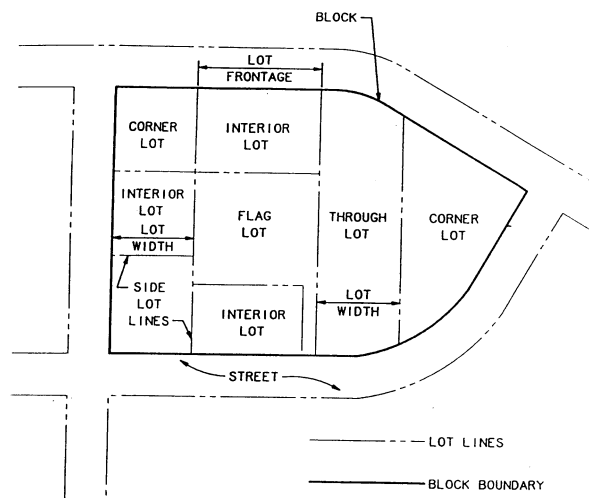
**Loading Space:** An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** A "plat," "tract," "parcel," or "site condominium unit" occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Refer to Illustration 2-5.

1. **Lot, Corner:** A lot located at the intersection of two (2) streets, or a lot bounded on two (2) sides by a curving street, and any two (2) chords of which form an angle of one-hundred thirty-five (135) degrees or less.
2. **Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

3. **Lot, Interior:** Any lot other than a corner lot.
4. **Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
5. **Lot, Waterfront:** A lot, any part of which abuts a lake, stream, river, or any natural or artificial watercourse.
6. **Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a zoning permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

**Illustration 2-5. Lot Types**



**Lot Area, Gross:** The total area contained within the lot lines or property boundary, including street rights-of-way.

**Lot Area, Net:** The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot.

**Lot Coverage:** The amount of a lot, stated in terms of percentage that is covered by all buildings located thereon, including roofed porches, arbors, breezeways, and patio roofs (whether open box types and/or lathe roofs, or fully roofed), but not including fences, walls, hedges used as fences, unroofed decks or patios, or swimming pools. Lot coverage shall be measured from the drip line of the roof, or from the wall or foundation, if there is no projecting portion of the roof.

**Lot Depth:** The average distance measure from the front lot line to the rear lot line.

**Lot Frontage:** The length of the front lot line measured at the road right-of-way line, except as provided for flag lots.

**Lot Line (Front):** The front lot line shall mean the line separating such a lot from the street right-of-way or, in the case of a private street, the line measured at thirty (30) feet from the centerline of the pavement. Where lots border upon bodies of water, a river, or a canal, the front lot line shall be designated as the line fronting on the street.

**Lot Line (Rear):** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or flared lot, the rear lot line shall be a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line (Side):** Any lot line that is not a front lot line or a rear lot line.

**Lot of Record:** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the County Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

**Lot Size Averaging:** The allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in this Ordinance for that particular zoning district.

**Lot Width:** The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot line.

**Machine Shop:** An establishment engaged in mechanically cutting and fabricating a material to achieve a desired geometry or shape through power-driven tools, including lathes, milling machines, and drill presses.

**Manufactured Home:** A factory built, single-family dwelling that meets the national manufactured Home Construction and Safety Standards Act, commonly known as the HUD (U.S. Department of Housing and Urban Development) Code and constructed after 1976.

**Manufacturing Facilities:** Enclosed establishments 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, such as lubricating oils, corrosives, plastics, resins, or liquors, usually in a continuous and regular action or succession of actions.

**Marihuana (also known as Marijuana or Cannibus):** This term shall have the meaning given to it in Section 7106 of the Michigan Public Health Code, MCL 333.7106, as referred to in Section 3(d) of the MMMA, MCL 333.26423(d).

**Master Deed:** The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108 as amended.

**Master Plan:** See Comprehensive Plan.

**Medical Use of Marihuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA, MCL 333.26423(e).

**Meteorological or Met Tower:** A monopole (tubular), guyed, or lattice type tower upon which wind and weather measurement equipment, and/or instrumentation to detect and/or measure birds, bats or other wildlife and/or other environmental conditions, along with associated equipment and/or other instrumentation necessary for such uses is mounted.

**Micro-brewery:** A facility in which a total of less than 30,000 barrels per calendar year of beer, mead or other alcoholic beverages are brewed, fermented, or distilled for distribution and on or off-site consumption, and which possesses the appropriate license from the State of Michigan. Brew-pubs and/or tasting rooms for the consumption of on-site produced beer are permitted on the premises in compliance with Michigan's Liquor Control Code.

**Micro-distillery:** A facility in which a total of less than 60,000 gallons per calendar year of hard cider, brandy, spirits, or other alcoholic beverages are fermented or distilled for distribution and on or off-site consumption, and which possesses the appropriate license from the State of Michigan. Tasting rooms for the consumption of on-site produced cider/vinegar, brandy, spirits, or distilled products are permitted on the premises in compliance with Michigan's Liquor Control Code.

**Migrant Farm Laborer:** A person working, or available for work in a farm operation, who moves seasonally one or more times from one place to another from within or without the state for the purposes of such farm operation employment.

**Migrant Labor Housing/Camp:** Seasonal dwellings established and used as living quarters, which are licensed by the Michigan Department of Agriculture (MDA) for migratory laborers and their immediate family (spouse, grandparent, and/or children) who are engaged in agricultural activity, including related food processing.

**Mini-Warehouse:** A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.

**MMMA:** The Michigan Medical Marijuana Act, being Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

**Mobile/Manufactured Home Park:** A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile/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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile/manufactured home or trailer coaches.

**Mobile/Manufactured Home Site (Mobile/Manufactured Home Lot):** A parcel of land, within a mobile/manufactured home park, designed for the placement of a single mobile/manufactured home.

**Modular (Pre-Manufactured) Dwelling:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all Michigan Building codes and regulations applicable to conventional single-family home construction.

**Motel:** A building or a group of buildings operated and used as a unit to furnish overnight sleeping accommodations, primarily for transient occupancy. The term motel shall include tourist cabins, motor courts, motor lodges, and similar facilities, but it shall not include rooming houses, boarding houses, tourist homes, apartments, or multiple dwellings. A motel will generally have individual entrances from outside the building to serve each sleeping or living unit. Not more than ten percent (10) of the units shall have kitchenettes or cooking facilities.

**Motor Home:** See Recreational Vehicle.

**Motor Vehicle:** A self-propelled device used for transportation of people or goods over land or water surfaces and licensed as a motor vehicle.

**Mud Bogging Pit:** An excavated pit or area, not larger than one acre, consisting of mud, dirt or other earthen material, established and operated as a confined location in which recreational vehicles are driven, for sport or recreation.

**Mud Bogging Track:** A type of off-road recreation or sport, in which a recreational motor vehicle is driven in and through a mud bogging pit of a set length, usually in competition with others.

**Night Sky Compliant:** Night sky compliant lighting is lighting with full cut-off shielding that preserves the restful quality of nighttime by avoiding intrusive, artificial light and glare.

**Nonconforming Building:** A building or portion thereof that lawfully exists at the effective date of this Ordinance, or affecting amendment, that does not conform to the current provisions of the Ordinance in the district in which it is located.

**Nonconforming Lot of Record:** A lot or parcel lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is situated.

**Nuisance:** Something not allowed by ordinance because it would cause harm or offense, either to people in general or to a private individual.

**Nursery:** A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

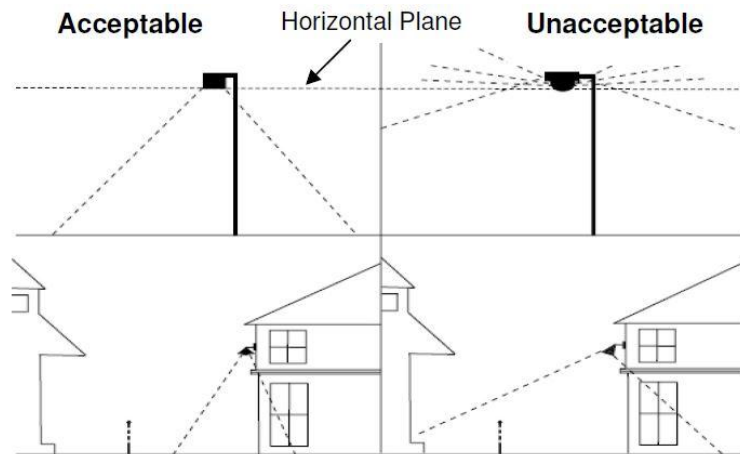


Illustration 2-6 Full Cut-off Shielding

**Nursery School:** See Day Care Center.

**Nursing Home:** A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**Occupied:** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**Office:** A place, such as a building, room, or suite, in which services, clerical work, professional duties, or the like are carried out.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**On-Site Transient Docking Facility:** A temporary off-street parking area approved during the site plan review process.

**On Site Use Wind Energy Systems:** An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An on-site use wind energy system with a tower height of 45 meters (150 feet) or higher shall be considered a Utility Grid Wind Energy System for siting purposes (refer to Section 17.70 of this Ordinance).

**Open Air Business Use:** An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.
2. Outdoor display and sale of storage buildings, swimming pools, and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

**Open Front Store:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

**Open Space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Outdoor Recreation:** Shall include but not be limited to golf courses, boat liveryes and launches, and other similar uses not included in the Open Air Business Use definition.

**Overlay Zone or Overlay District:** A zoning district that is applied to an underlying district that imposes additional requirements beyond those required for the underlying district .

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Parent Parcel:** A parcel recognized by Land Division Act of the State of Michigan (formerly Subdivision Control Act), Public Act 288 of 1967, as amended (MCL 560.101, *et seq.*) which is able to be split or subdivided.

**Park:** A tract of land designated and used by the public for active and passive recreation.

**Parking Area, Off-Street:** Any public or private area, outside of a public right-of-way, designed and used for parking motor vehicles.

**Parking Space:** Space within a parking area or building, of definite length and width, exclusive of driveways, ramps, aisles, or entrances giving access thereto, for the parking or storage of one (1) permitted vehicle, also known as a parking stall.

**Pasture:** Grass covered land used for grazing livestock.

**Patio:** An uncovered courtyard or platform extending horizontally out from the main building or structure.

**Personal Service Establishment:** Any business which provides services involving the care of a person or his or her personal goods or apparel. Uses included in this definition include, but are not necessarily limited to, repair shops (watches, shoes, radio, television, etc.), tailor shops, barber and beauty shops, hair stylists, photography studios, laundries, or any combination.

**Planned Unit Development:** An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

**Planned Unit Development Agreement:** A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

**Planning Commission:** The Mason County Planning Commission.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, PA 288 of 1967, MCL 501.101 *et seq.*, or a subsequent statute.

**Playground:** An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

**Pond:** A natural or manmade body of water used to provide water for any of the following: livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

**Pooling of Parcels:** The combining of two or more parcels (that may have one or more parcel owners into a larger "pooling of parcels" for the purpose of making a single specific special use application.

**Porch:** A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal structure or structure to which it is attached. A porch shall not be considered as such when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

**Primary Caregiver:** A person defined under Section 3(g) of the MMMA, MCL 333.26423(g), and who has been issued and possesses a valid registry identification card under the MMMA.



**Principal Structure:** Any building for any primary use or use subject to special land use review as defined in each zoning classification, not including accessory structures.

**Principal Use:** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Privacy Fence:** A solid fence, as defined herein, erected to prevent views from across the fence line.

**Private Sanitary Sewage Disposal System:** An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

**Private Water Supply:** A well or other water supply system approved by the County Health Department pursuant to Part 127 of the Public Health Code, PA 368 of 1978, as amended.

**Professional Offices:** The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architecture, engineering, planning, law, interior design, accounting, insurance, real estate, medicine, dentistry, optical, or any similar type of profession.

**Professional Service Establishment:** The office or other working space used by a member of a profession for the conduct of that profession. Included in this definition, but not necessarily limited to, are doctors' offices, dentists' offices, real estate businesses, insurance offices, and attorney offices. This definition shall not include Adult Personal Service Establishments, as defined herein.

**Property Line:** See Lot Line.

**Property Lines, Internal/External:** For the purposes of wind turbine generator placement only, internal and external property lines shall refer to property boundaries either bordering uninvolved adjacent properties (external) or property boundaries adjacent to involved or "pooled" parcels (internal).

**Public Facility:** Any facility other than a recreation area which is maintained by public funds, including, but not limited to, libraries, museums, administrative offices, and fire and police stations. This definition does not include schools, community hospitals, or any facility involving outdoor storage.

**Public Sanitary Sewer:** A system of pipe owned and maintained by a governmental unit, or an authority or commission comprised of one or more governmental units, used to carry human, organic, and industrial waste from the point of origin to a point of discharge.

**Public Uses:** Uses include, but are not necessarily limited to, governmental uses such as police and fire stations, public libraries, local government halls, and road commission garages. Parks and playgrounds open to the public are also included. Not included in the Public Uses definition are quasi-public uses such as churches and schools.

**Public Utility Facilities:** Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public. Wind turbine generators and associated facilities are exempt from this definition.

**Public Water Supply:** A water supply system owned by a governmental unit or an authority or commission comprised of one or more governmental units.

**Qualifying Patient:** A person as defined in Section 3(h) of the MMMA, MCL 333.26423(h), and who has been issued and possesses a valid registry identification card.

**Recycling (Light):** Establishments involved in the transformation, adaptation, extraction of useful materials, and/or sorting of post-consumer goods (such as paper, glass, tin, aluminum, or plastic) within a completely enclosed structure.

**Recycling:** All other recycling uses not included in light recycling and including, but not limited to, those establishments involved in the mechanical, chemical, or physical, transformation of materials that require outdoor storage and/or outdoor processing techniques where the potential for nuisance issues exist due to the use of heavy equipment and related noise, vibration, dust, debris, or other emissions.

**Recreation Facility, (indoor):** A recreation facility which is completely housed within a building and which is operated as a business and open to the public for a fee. Included in this definition are bowling alleys, movie theaters, and arcades.

**Recreational Vehicle:** Vehicular-type structures, primarily designed for conveyance upon the public streets or highways, and duly licensable as such, and will permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons. These vehicles can be towed, hauled, or affixed to another vehicle or driven from one site to another without requiring a State or County Special Transportation Permit for travel.

**Recreational Vehicle Campsite Condominium:** A condominium project that is designed and intended primarily for recreational dwelling purposes.

**Recreational Vehicle Campsite Condominium Unit:** That portion of a condominium project which is designed and intended for separate ownership and used as a recreational vehicle campsite as described in the condominium master deed. The owner of a campsite condominium unit also owns a share of the common elements. The term "campsite condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a recreational vehicle campsite condominium with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business, or corporation which is predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Refinery:** Any building and associated equipment used in refining or processing materials such as oil or sugar.

**Repair and Light Assembly Shops:** Any establishment specializing in the repair or assembly of products. This may include bicycles, appliances, electronics, furniture, clothes, and similar items.

**Research facilities:** An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

**Restaurant:**

1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:
  - a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
  - b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:
  - a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
  - b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.
3. **Fast-Food Restaurant:** A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:
  - a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.
  - b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
4. **Drive-in/Drive-thru Restaurant:** A drive-in or drive-thru restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design and method of operation includes one (1) or both of the following characteristics:
  - a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

**Restrictive Covenant:** A provision in or part of a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the County has an ownership interest in the property, a restrictive covenant is enforced by the parties to the agreement, not by the County. Also known as a deed restriction.

**Retail Sales:** Any establishment engaged in selling goods or merchandise to the general public residing in the immediate neighborhoods for personal or household consumption and rendering services incidental to the sale of such goods. Uses included in this definition are grocery stores, pharmacies, florists, and restaurants.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Roads:** See Streets.

**Roadside Stand:** See Farm Market.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room, or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den,"

"library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Salvage Material:** The miscellaneous waste materials resulting from housekeeping, structural repairs or remodeling, mercantile establishments, trades, manufacturing, and offices. Also included, but not limited to, are other waste matter such as slag, stone, broken concrete, flash, tin cans, glass, scrap metal, appliances, rubber, paper, rags, chemicals, auto parts, boat parts, and abandoned, inoperable, and/or partially dismantled vehicles including motorcycles, abandoned, inoperable, and/or partially dismantled farm machinery or equipment or any similar or related combination thereof.

**Sand and Gravel Extraction:** A surface or excavation used for the removal of sand, gravel, clay, and other soils for sale or use off-site, but shall not include grading and excavation related to site preparation for development which has been issued a building permit.

**Sanitary Landfill:** A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act.

**Sawmill, Planing Mill, Wood Product Plant:** A facility where logs or partially processed wood is sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products.

**SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**School:** Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

1. **School, Elementary:** School licensed by the state and that meets the state requirements for elementary education.
2. **Schools, College and University:** An educational institution authorized by the state to award baccalaureate or higher degrees.
3. **Schools, Commercial Trade:** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.
4. **School, Parochial:** A school supported and controlled by a church or religious organization.
5. **School, Private:** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

**Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Self-Storage Facility:** See Mini-Warehouse.

**Service Drive:** A local street or private easement that is typically located in either to the front or rear of a property and parallel to an arterial street, which provides abutting properties access and/or frontage for the purpose of controlling access to the arterial.

**Setback:** The minimum horizontal distance from the applicable lot line within which no building or structure may be constructed or maintained.

1. **Setback, Front:** Minimum required unoccupied distance, extending the full lot width, between the front lot line and building envelope.
2. **Setback, Rear:** Minimum required unoccupied distance, extending the full lot width, between the rear lot line and the building envelope.
3. **Setback, Side:** Minimum required unoccupied distance, extending from the front lot line to the rear lot line, between the side lot line and the building envelope.

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

**Shadow Flicker (Incidental):** Shadow flicker that occurs as a wind turbine is pausing operations at the beginning of a flicker event.

**Shopping Center:** A group of three (3) or more commercial establishments developed in accordance with an overall plan and designed and built as an interrelated project.

**Sight Distance:** The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether the requested project meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Slaughter house:** A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing or other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operation.

**Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludge, and solid commercial and solid industrial waste, animal waste, but not including human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

**Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Special Land Use:** A land use or an activity which under certain circumstances, might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the County which provide protection to land uses. A Special Land Use is permitted in a zoning district only after review and approval of the Planning Commission, and as permitted and regulated by Act 110 of 2006.

**Special Land Use Permit:** A permit issued by the Planning Commission to allow a particular land use activity on a specific parcel of property or within a structure pursuant to standards and procedures established in this Ordinance.

**Specified Acts of Violence:** The graphic depiction, whether real or simulated, of human or animal decapitation, dismemberment, physical torture, stabbing, shooting, strangulation, drowning, electrocution, aggravated assault (whether accomplished by human contact, instruments, or weapons,) rape, disfigurement, mutilation, burning, or disembowelment.

**Specified Anatomical Areas:** The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Stoop:** An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation at least six (6) inches higher than the adjacent ground level, and utilized primarily as an access platform to a building.

**Stored or Open Storage:** Includes outside storage or keeping of building materials, sand, gravel, stone, equipment, and other supplies. Vehicles shall be termed stored or in open storage if for a period exceeding seven (7) days they have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when the space meets the definition of a basement.

**Story, Half:** An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below. Tri-level style construction shall be considered one and one-half story.

**Street Line or Right-of-Way Line:** The legal line of demarcation between a street right-of-way and abutting land.

**Street:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles and the placement of public utilities. For purposes of this Ordinance, a street shall be defined to also include the term road. A Street is further classified by the function it performs.

1. **County Primary:** Roads under the jurisdiction of the Mason County Road Commission, which include, but may not be limited to:
2. **Major thoroughfare:** US-31; and US-10.
3. **County, Local:** Roads under the jurisdiction of the Mason County Road Commission, which are classified as "local" on the official county road map.
4. **Street, Road:** Roads that gather traffic from local streets and/or move larger volumes of traffic through the County.
5. **Street, Collector:** A Street primarily designed to provide access to abutting land parcels and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.

6. **Street, Local:** A Street primarily designed to provide access to immediately adjacent properties. Through movement may be possible but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
7. **Street, Private:** A privately maintained area used for ingress and egress to serve more than two (2) parcels of land or residential building sites within a condominium development or cluster developments/open space communities and constructed on a privately owned easement.
8. **Street, Public:** A thoroughfare which affords a principal means of access to abutting property and which has been accepted, either expressly or impliedly, by the Mason County Road Commission or other public road agency as a public street, or is used as such by the public.
9. **Street, Hard-surfaced:** A Street that has been surfaced with concrete or bituminous.

**Structure:** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

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

**Structural Connection:** A connection between structures by means of structural members, such as bearing walls, columns, beams, girders, or roof. For the purposes of this Ordinance, to be considered structurally connected, two or more structures must be physically joined together and must have a connecting roofline, a foundation or slab, and two solid walls connecting the structures. For the purposes of this Ordinance, to be considered structurally connected, one of the structures must contain heated living space. There shall be similar architectural finishes as the adjacent buildings it connects to such as color, siding, or windows to be considered a structural connection.

**Subdivision:** The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease for more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the state Land Division Act (Act 591 of 1996).

**Swimming Pools:** The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade and designed to hold water to a depth greater than thirty six (36) inches.

**Tannery:** A building used for the processing or treating of the skins or hides of animals to produce leather.

**Temporary Housing:** A structure without any foundation or footings that is established for a limited duration and removed when the designated time period has lapsed.

**Temporary Use:** A use established for a limited duration with the intent to discontinue such use when the designated time period has lapsed.

**Throat Length:** The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the driving lane.

**Throat Width:** The distance edge-to-edge of a driveway measured at the tangent point of the curb radius.

**Tone or Tonal Sound:** Any sound which can be distinctly identified through the sensation of pitch. Internationally accepted technical standards, such as the ISO 1996-2, can be used to evaluate the degree of tonality. Through sound measurements, a tone can be identified by completing a frequency analysis of the sound: a sound is tonal if the sound level at a certain frequency is above the sound level at neighbouring frequencies on both sides of that certain frequency by, typically, five decibels or more.

**Tower Height:** Tower height shall be determined by the measuring the distance between the base of the tower (at grade) to the highest point of the tower. Turbine blades are not considered in determining tower height. If the tower is installed on an existing structure, tower height shall be measured from the grade of the existing structure, not from the base of the tower.

**Tract of Land:** Two (2) or more parcels that share a common property line and are under the same ownership.

**Trailer Coach:** A trailer coach is defined as a wheeled, semi-vehicular conveyance, including a travel trailer, designed to be towed by an automobile or other motor vehicle and when parked on a parcel of land, to be used for temporary dwelling purposes. A trailer coach is not a mobile home, manufactured home or recreational vehicle.

**Transient Outdoor Enterprise:** Any recreational activity which is designed to travel from one area to another with only temporary structures for shelter. This definition shall include, but not necessarily be limited to, circuses, carnivals, and concerts.

**Transitional or Emergency Housing:** A residential facility operated by a government agency or private non-profit organization that provides temporary accommodations and on-site management for homeless persons or families, or other persons requiring interim housing arrangements. This type of group living consists of time-limited housing (24 months or less) and services aimed at helping residents to live more independently.

**Travel Trailers:** See Recreational Vehicle.

**Travel Trailer Park:** See Recreational Vehicle Park.

**Trip Generation:** The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

**Truck Terminal or Distribution Center:** A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment and which is designed to accommodate the simultaneous loading or unloading of multiple trucks.

**Truck Trailer Drop Yard:** A trucking facility involving the use of semi-trailers, straight trucks, and trailers for the purposes of transferring a trailer or semi-trailer from one vehicle to another, such as from a long haul route to a local route. This does not include warehousing, truck yard or truck repair facilities.

**Underlying District:** The zoning district that a property is located in, which establishes permitted uses, densities, and dimensional regulations, and that serves as the base zoning district to which an overlay district may be applied.

**Usable Floor Area:** See Floor Area, Usable.

**Use:** The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is, or may be, occupied.



**Utility Grid Wind Energy Systems:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

**Variance:** Permission by the Zoning Board of Appeals to depart from the literal requirements of this Ordinance.

**Vehicle Sales Totally Within Building:** An establishment engaged in the sale of motor vehicles, but different than an open air businesses because the sales activity and storage of vehicles is conducted completely indoors.

**Veterinary Clinic:** A state licensed facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Wall:** An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

**Wall, Obscuring:** A wall that creates a visual barrier.

**Water Front Storage:** Storage facility fronting on water which does not provide berthing/docking on an individual basis.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Warehouse:** A building in which raw materials, manufactured goods, merchandise, or similar material is stored temporarily.

**Wind Energy System:** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

**Wind Turbine Generator:** A device fitted with a set of revolving blades designed to harness the power of the wind, for example, to pump water or generate electricity.

**Winery:** An establishment for the processing, bottling, and selling of wine or other fermented fruit beverage.

**Wireless Communication Facilities:** Transmitters, antenna structures, towers and other types of equipment necessary for providing wireless communication services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network.

1. **Collocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing wireless communication equipment compound. Collocation has a corresponding meaning.
2. **Equipment Compound:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

3. **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.
4. **Wireless Communications Support Structure (WCSS):** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

**Yard:** An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward, except as otherwise provided herein.

1. **Yard, Front:** An open space extending the full width of the lot, the depth of which is from the front lot line to the nearest point of the principal building.
2. **Yard, Rear:** An open space extending across the full width of the lot, the depth of which is from the rear lot line and the nearest point of the principal building.
3. **Yard, Side:** Open space between a principal building and the side lot line from the front of the principal building to the rear of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the County Board of Commissioners. This person may have a separate title, such as Zoning Director.

**Zoning Board of Appeals (ZBA):** The Mason County Zoning Board of Appeals.

**Zero lot line:** the placement of a building immediately adjacent to side property line(s) under the conditions set forth by this ordinance.

**Zoning District (Zone):** A portion of the County within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.