

ARTICLE 2
RULES OF CONSTRUCTION AND DEFINITIONS

SECTION 2.01 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

1. The particular shall control the general.
2. All words used in the present tense shall include the future.
3. All words in the singular number include the plural number and all words in the plural number include the singular, unless the context clearly indicates the contrary.
4. The word "building" includes the word "structure", and the word "dwelling" includes "residence".
5. The word "person" includes "corporation", "co-partnership", "association", as well as an "individual".
6. The word "shall" is mandatory and the word "may" is permissive.
7. The word "lot" includes the words "plot" or "parcel".
8. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied".
9. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
10. 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 event shall apply.
 - b. “Or” indicates that all 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.
11. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

Whenever used in this ordinance, the following words and phrases shall have the meaning attributed to them in this Section:

1. **ABATTOIR:** A place where cattle, sheep, hogs, or other animals, other than poultry, are killed or butchered for market or for sale.

2. **ADULT REGULATED USES:** As used in this Zoning Ordinance, the following definitions shall be classified as adult regulated uses:
 - A. **Adult Physical Culture Establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:
 - (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed medical professional;
 - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) continuing instruction in martial or performing arts, or in organized athletic activities;
 - (4) hospitals, nursing homes, medical clinics, or medical offices;
 - (5) barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and,
 - (6) adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

 - B. **Adult Book Or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

- C. Cabaret: An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- D. Adult Motion Picture Theater Or Adult Live Stage Performing Theater: An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- E. Adult Model Studio: Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- F. Adult Motion Picture Arcade Or Mini Motion Picture Theater: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. Adult, Nude, Partially Nude Dancing: A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- H. Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such

establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

I. Specified Anatomical Areas: Portions of the human body defined as follows:

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

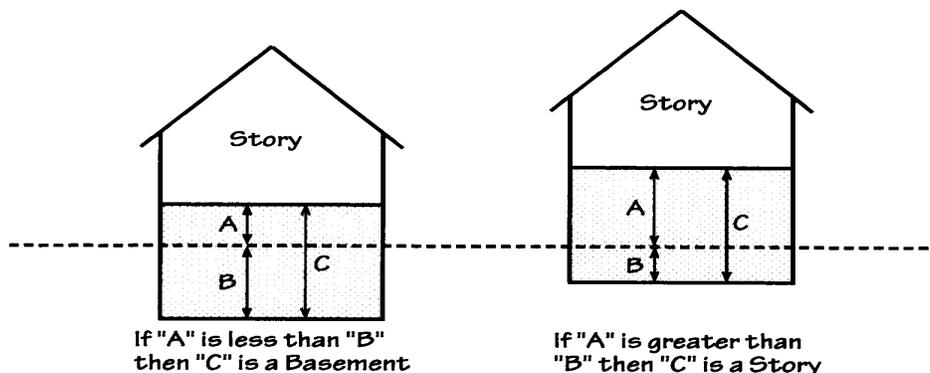
J. Specified Sexual Activities: The explicit display of one or more of the following:

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

3. **ACCESSORY STRUCTURE:** A subordinate building or structure designed for, occupied for, or devoted to a use which is clearly incidental to the principal permitted use of the main building or the land.
4. **ACCESSORY USE:** A use naturally and normally incidental and subordinate to, and devoted exclusively to, the principal permitted use of the premises and located on the same lot as the principal use. See Section 15.06.1 (d) regarding the use of accessory buildings per the Right to Farm Act exemption.
5. **ACREAGE:** Any tract or parcel of land which has not been subdivided and platted.
6. **ADULT DAY CARE FACILITY:** A facility other than a private residence that provides care for more than six (6) adults for less than twenty-four (24) hours a day.
7. **AGRICULTURE:** Soil dependent cultivation of crops or the raising of farm animals for primarily commercial purposes in accordance with generally-accepted farming practices.
8. **ALLEY:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
9. **ALTERATIONS:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders the consummated act of which may be referred to herein as "altered" or "reconstructed".

10. **APARTMENT:** A residential structure containing three (3) or more attached dwellings with private bath and kitchen facilities.
11. **ARCHITECTURAL FEATURES:** Includes cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornamentation.
12. **AUTOMOBILE REPAIR:** Major or Minor repair of automobiles defined as follows:
 - a. Minor Automobile Repair: Servicing of brakes; air conditioning; exhaust systems; engine tune-ups; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs. Minor repairs do not typically require significant disassembly or the storage of vehicles on the premises overnight.
 - b. Major Automotive Repair: Collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of vehicles; engine and transmission rebuilding; repairs that normally require significant disassembly or storing of vehicles on the premises overnight.
13. **AUTOMOBILE FILLING STATION:** Land or structures used for the purposes of dispensing, or sale of motor fuels directly to users of motor vehicles as the principal use, accessory uses may include the limited sale of convenience and variety goods as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station / convenience store operations shall be computed by adding together the parking requirements for each separate use.
14. **AUTOMOBILE REPAIR GARAGE:** An enclosed building where major automotive repair may be carried out. (See Major Automotive Repair).
15. **AUTOMOBILE SERVICE STATION:** Is a business providing minor repairs, services and materials for passenger cars and vans. (See Minor Automotive Repair).
16. **BASEMENT:** Is that portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

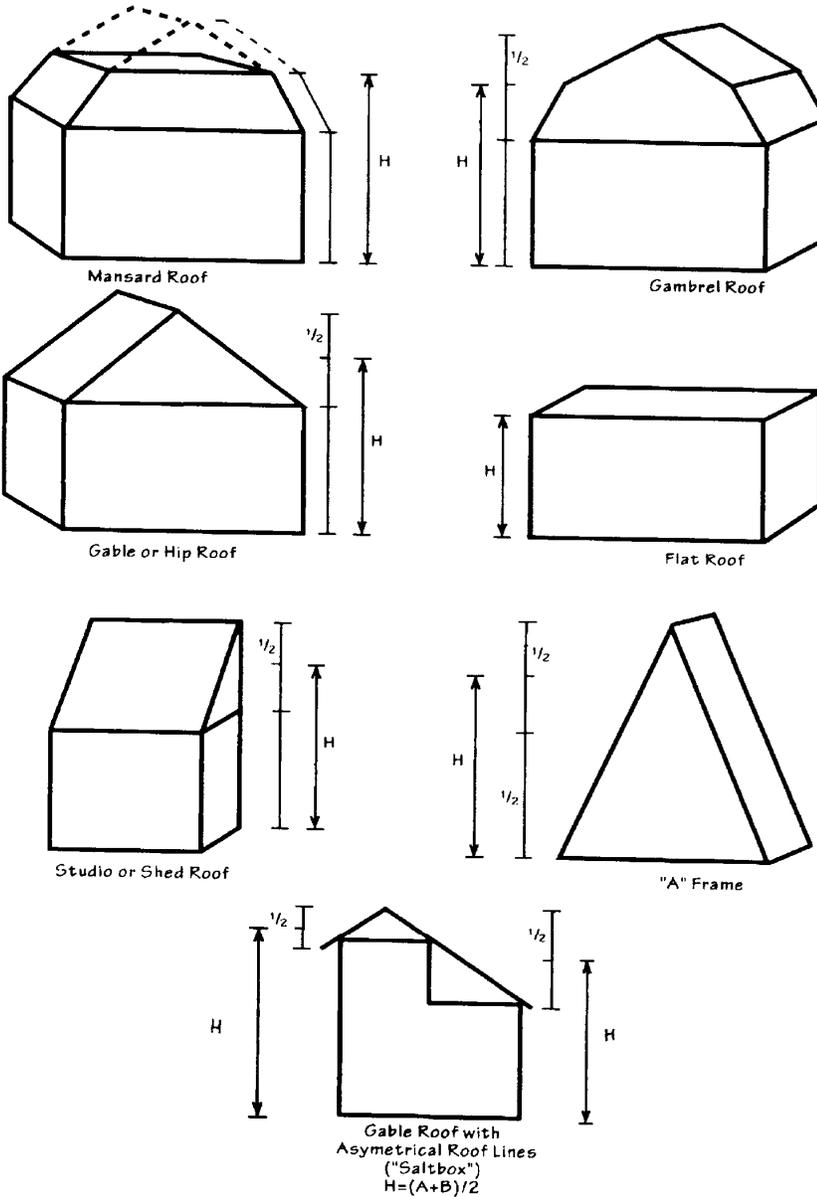
Definition of Basement and Story



17. **BERM:** A mound of earth planted with shrubs, grass, and trees or suitable ground cover in accordance with the Landscaping and Screening section of the Zoning Ordinance, constructed to sufficient height, length, and width to act as a screening barrier where required by this Ordinance.
18. **BILLBOARD:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. For the purposes of this Ordinance a billboard shall also mean an off-site or non-accessory sign.
19. **BOARDING HOUSE:** A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than three boarders.
20. **BLOCK:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
21. **BUILDABLE AREA:** The space remaining after the minimum setback requirements of this Ordinance have been complied with.
22. **BUILDING:** Is any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes). Structures such as billboards, fences, radio towers, or structures with interior surfaces not normally accessible for human use such as gas holders, tanks, smokestacks, grain elevators, coal bunkers or similar structures shall not be considered as buildings.
23. **BUILDING, PRINCIPAL:** Is a building in which is conducted the principal use of the lot on which it is situated.
24. **BUILDING HEIGHT:** Is the vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on

a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See illustration below). Also see Section 19.02 of Article 19 regarding Special Exceptions to Height Limits and Section 15.06 of Article 15 as to height limits for the maximum sidewall height of accessory buildings.

Building Height



H = Height of Building

25. **BUILDING INSPECTOR:** The Building Inspector or Official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.
26. **BUILDING LINE:** Is a line formed by the face of the building, and for the purpose of this Ordinance, a building line is the same as a front setback line. (See Building Line and Yards illustration page 2-29).
27. **CABIN:** 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.
28. **CABIN PARK:** Any tract or parcel of land on which two or more cabins as herein defined are maintained, offered for use or used.
29. **CALIPER:** The diameter of a trunk (also referred to as diameter at breast height or d.b.h.) measured at four and one-half (4.5) feet above the average surrounding grade for existing trees. For trees that are to be planted, caliper shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.
30. **CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.
31. **CHILD CARE FACILITY:** Pursuant to, Public Act 110 of 2006 as amended, known as the "Michigan Zoning Enabling Act," M.C.L. 125.3101, child care facilities shall be defined as follows:
 - a. Family day care home. A private home in which one but less than seven minor children are received for care and supervision for periods of less than 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.
 - b. Group day care home. A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 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.

- c. Childcare center or day care center means a facility, other than a private residence, receiving one or more children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than three hours, while persons responsible for the children are attending religious services.
- 31. **CLINIC:** An establishment where human patients, who are not lodged overnight, are admitted for examinations and treatment by a group of physicians, dentist, or similar professionals.
 - 32. **CLINIC, VETERINARY (ANIMAL HOSPITAL):** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term-care incidental to the hospital use.
 - 33. **COLOCATION:** The location by two or more wireless communication providers of wireless communication antennas on a common support structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
 - 34. **CONDOMINIUM:** For the purposes of this Ordinance, condominium terms shall be defined as follows:
 - a. **Building Site:** Shall mean that area containing the limited common elements, if provided, together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in the Clyde Township Zoning Ordinance.
 - b. **Condominium Act:** Means Act 59 of 1978, as amended.
 - c. **Condominium Subdivision Plan:** Means the site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each

unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and By Laws of the Condominium Subdivision.

- d. Condominium Unit: Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed and is that area within which the building may be constructed.
 - e. General Common Elements: Means the portion of the condominium project other than the condominium unit and limited common elements.
 - f. Limited Common Elements: Means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners.
 - g. Master Deed : means the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved By Laws for the project and the approved condominium subdivision plans for the project.
 - h. Setback Equivalent: For site condominiums using both units and limited common areas to establish a lot equivalent, the distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit" is the equivalent phrase for the word "setback" as contained in the Zoning Ordinance. For site condominiums using only the condominium unit to establish the lot equivalent, "the distance between the boundary of the condominium unit and the outer building envelope" shall be the equivalent phrase.
 - i. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium shall be considered as equivalent to a platted subdivision and developed in accordance with the provisions of Section 17.08.
35. **CONVALESCENT OR NURSING HOME:** See Home for the Aged.
36. **CORRAL:** An enclosure for holding, training, capturing horses, cattle or other animals. A corral is usually made up of a wooden fenced in area with a gate.

37. **DISTRICT:** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
38. **DRIVE-IN:** A business establishment that, by design of physical facilities or by service packaging procedures is so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.
39. **DWELLING, ONE FAMILY:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
40. **DWELLING, TWO-FAMILY:** Is a building designed exclusively for occupancy by two (2) families, living independently of each other.
41. **DWELLING, MULTIPLE-FAMILY:** Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
42. **DWELLING UNIT, MANUFACTURED:** Is a dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. A Manufactured Dwelling includes buildings, modules or units, or areas within such buildings, modules or units that have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.
43. **DWELLING UNIT, SITE BUILT:** Is a dwelling unit, which is substantially built, constructed, assembled, and furnished on the premises, which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises, which are intended to serve as its final location.
44. **EASEMENT:** An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
45. **EQUIVALENT WORD, TERM:** Those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition section.
46. **ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operation on the land required for building including, but not limited to, excavating, filling, draining, and similar operations.

47. **ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings that are necessary for the furnishing of adequate service to the residents of the Township by such utilities or municipal departments for the general health, safety or welfare. This definition does not include Wireless Communication Facilities as defined in this Article 2.
48. **EXCAVATION OF GRAVEL, SAND, TOPSOIL OR EARTH:** Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or with in public highway rights-of-way.
49. **FAMILY:** means either of the following:
- a. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or
 - b. Persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.
50. **FAÇADE:** The external walls of a building that are visible to those persons outside of the building.
51. **FARM:** All of the contiguous, neighboring or associated land operated as a single unit on which bona-fide farming is carried on. Provided, however, that land to be used as and considered a farm hereunder shall include a contiguous parcel of not less than ten (10) acres in area; provided further, farms shall be considered as including establishments operated as bona-fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but the operation of stock yards, stone quarries, rubbish disposals, gravel and sand pits shall

not be considered farms hereunder unless combined with bona-fide farm operations on the same continuous tract of land.

52. **FARM BUILDINGS:** Any structure or building other than a dwelling used or built on a farm.
53. **FENCE:** An unroofed structure of definite height and location, which may act as an enclosure or which, is decorative or ornamental.
54. **FENCE, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
55. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."
56. **FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and un-enclosed porches.
57. **FLOOR AREA, GROSS LEASABLE:** The total floor area of a commercial building designed for tenant occupancy and exclusive use.
58. **FLOOR AREA, USABLE:** 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. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall 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.
59. **FOOT-CANDLE:** A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.
60. **FRONTAGE:** The linear dimension measured along the public street right-of-way line or along the private road access easement.

61. **FULL CUT-OFF LIGHT FIXTURE:** A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 90 degrees.
62. **GARAGE, PRIVATE:** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles without facilities for mechanical service or repair of a commercial or public nature.
63. **GARAGE, PUBLIC:** A building designated and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
64. **GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
65. **GREENBELT:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
66. **HEALTH CARE FACILITY:** A facility or institution, whether public or private, principally engages in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity, or physical condition allowing overnight stay including, but no limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, out-patient clinic, dispensary, home health care agency, and bio-analytical laboratory or central services facility serving one (1) or more such institutions, but excluding institutions that provide healing solely by prayer, and facilities of physicians, dentists, and optometrists, and other health practitioners.
67. **HOME BASED BUSINESS:** An accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation, but complies with the requirements of the Clyde Township Zoning Ordinance. A home based business would consist of service oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use, clients coming to the residence, or employees on the site.
69. **HOME FOR THE AGED (NURSING HOME):** Commonly referred to as a nursing home, it is an institution having at least three beds and being either certified by Medicare or Medicaid

or licensed by a government agency as a nursing home and providing 24-hour skilled nursing care.

70. HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such operation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; for purposes of this paragraph, the basement floor area shall be included in the dwelling unit's floor area to the extent of its usage by the home occupation;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sales of goods on the premises in connection with such home occupation;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

71. HOTEL: A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone,

secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

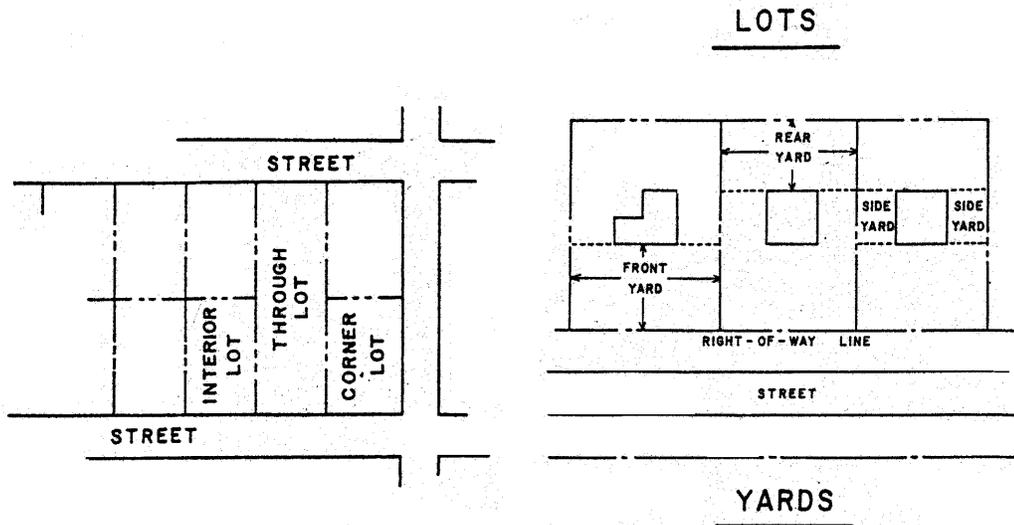
72. **HOUSING FOR THE ELDERLY:** A planned housing development or facility for elderly residents, defined as individuals who have attained the age of fifty (50) years or couples of which either spouse has attained the age of fifty (50) years, except as may be otherwise provided for in any applicable state or federal laws or regulations. The following types of Housing for the Elderly do not include Homes for the Aged (commonly referred to as nursing homes):
- a. **Assisted Living Facility:** A supervised facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, some health care assistance, but not 24-hour skilled nursing, and (c) assistance with activities of daily living.
 - b. **Independent Living Facility:** A residential development that is limited to elderly residents, as allowed by federal law. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches. Residents in this type of facility do not require skilled nursing or regular on-site medical care similar to that required in Homes for the Aged and Assisted Living facilities.
 - c. **Congregate Care Facility:** A shared residential living environment for six or more people which integrates shelter and service needs of functionally impaired or socially isolated older persons (age 50 or older) who are otherwise in good health and can maintain a semi-independent life style and who do not require constant supervision or intensive health care as provided by an institution. Each resident has his/her own bedroom (or may share a bedroom) and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other older persons, such as in a common dining facility.
73. **IESNA** - Illuminating Engineering Society of North America, an association of professionals in the field of lighting and related professions.
74. **ILLUMINANCE:** The amount of light falling on a surface, often measured in foot-candles (fc).
75. **JUNK YARD:** Is an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to,

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

76. **KENNEL, COMMERCIAL:** Any lot or premises on which four (4) or more dogs or similar domestic pets at least four months old, are either permanently or temporarily boarded. A commercial kennel shall also include any breeding operation with four (4) or more such animals.
77. **LOADING SPACE:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise.
78. **LOT:** A parcel of land.
79. **LOT AREA:** The total horizontal area within the lot lines of the lot, however, the area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot area requirements of this ordinance. Also see Section 19.03 regarding Special Exceptions for Lots Adjoining Alleys.
80. **LOT, CORNER:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
81. **LOT COVERAGE:** The part or percent of the lot occupied by buildings including accessory buildings.
82. **LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
83. **LOT, DOUBLE FRONTAGE:** Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.
84. **LOT, INTERIOR:** Any lot other than a corner lot.
85. **LOT LINES:** The lines bounding a lot as defined herein:

- a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is that line separating said lot from either street.
 - b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
86. **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 Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.
87. **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.
88. **LOT, WIDTH:** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum lot width requirements of this Ordinance.
89. **LOT, ZONING:** A single tract of land, located within a single block, which, at the time of filing for a building 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.

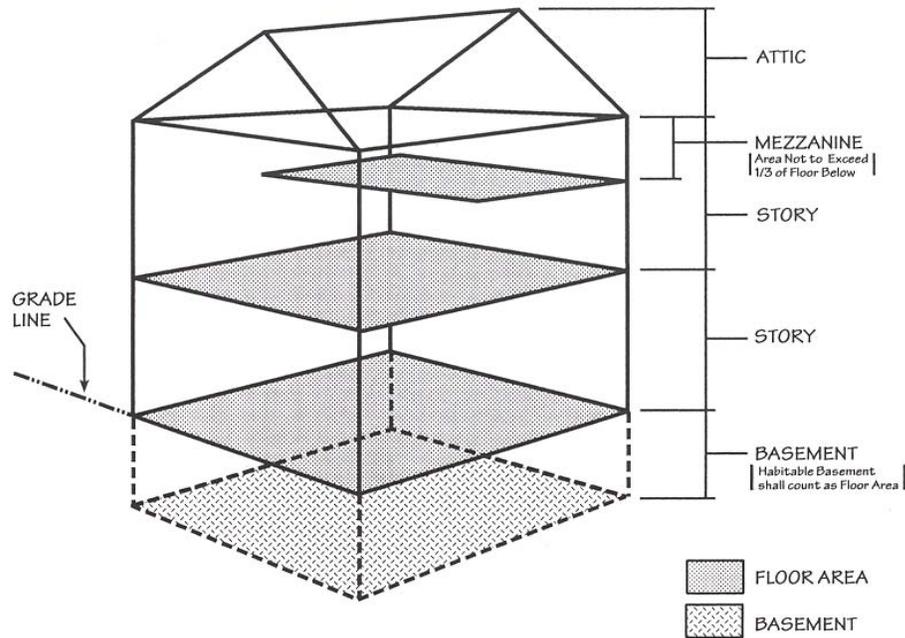
A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.



90. **MAIN BUILDING (PRINCIPAL BUILDING):** A building in which is conducted the principal use of the lot upon which it is situated.
91. **MAIN USE (PRINCIPAL USE):** The principal use to which the premises are devoted and the principal purpose for which the premises exist.
92. **MAJOR THOROUGHFARE:** Is an arterial street, which is intended to serve as a long-distance traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, arterial, parkway, or equivalent term to identify those streets comprising the basic structure of the Thoroughfare Plan for Clyde Township. Any street other than a freeway with a width, existing or proposed, of one hundred and twenty (120) feet or greater shall be considered as a major thoroughfare.
93. **MARGINAL ACCESS ROAD:** Is a service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.
94. **MASTER PLAN:** Is the Clyde Township Master Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan or parts thereof.

95. **MEZZANINE:** Is an intermediate floor in any story occupying not more than one third (1/3) of the floor area of such story. A Mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is twenty-four (24) feet or more. (See sketch below).

Basic Structural Terms



96. **MINI-WAREHOUSE (SELF-STORAGE FACILITY):** 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 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.
97. **MOBILE HOME:** A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling unit when connected to required utilities, and includes plumbing, heating, and electrical systems contained in the structure. The term mobile home

shall not include pick-up campers, travel trailers, motor homes, recreational vehicles, converted buses, tent trailers or other transportable structures designed for temporary use.

98. **MOBILE HOME CONDOMINIUM PROJECT:** Means a condominium project in which mobile homes are intended to be located upon separate condominium units.
99. **MOBILE HOME PARK:** Any premise occupied or designed to be occupied by more than one (1) family living in their individually occupied mobile homes.
100. **MOTEL:** A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.
101. **MOTORIZED HOME:** A self-propelled motor vehicle, which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.
102. **MANUFACTURED BUILDING:** A Manufactured Building includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.
103. **NONCONFORMING STRUCTURE:** A structure existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance for the district in which it is located.
104. **NONCONFORMING LOT:** Any lot or parcel of land which was conforming prior to enactment of this Ordinance, or amendments thereto, which fails to meet the requirements of the zoning district in which it is located for lot area or lot width.
105. **NONCONFORMING USE:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto became effective, that does not conform to the use regulations, of the district in which it is located.

106. **NURSERY:** A space building or structure or combination thereof, for the growing and storage of live trees, shrubs, flowers, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.
107. **NUISANCE:** An offensive, annoying, unpleasant or obnoxious thing, act ,or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which violates the Township's Performance Standards of Section 15.20 or invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.
108. **OPEN SPACE:** Is that part of a zoning lot, including courts or yards that:
- a. Is an open and un-obstructed from its lowest level to the sky, and
 - b. Is accessible to all residents upon the zoning lot, and
 - c. Is not part of the roof of the portion of a building containing dwelling units, and
 - d. Is the roof of an attached garage if said roof is used for a swimming pool deck or recreational deck; and
 - e. Is not higher than twenty-three (23) feet above grade; and is directly assessable by a passageway from the residential building.
109. **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.
- a. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
 - b. Outdoor display and sale of garages, swimming pools, and similar uses.
 - c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - d. Tennis courts, archery, gun range, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

110. **OCCUPIED:** Includes intended, designed or arranged for occupancy.
111. **OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, and designed and arranged for the parking of automobiles.
112. **PARKING SPACE:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
113. **PARKING AREA, PUBLIC:** An area, other than a street, used for the temporary parking of more than four (4) vehicles and available for public use, either free or for compensation.
114. **PARKING SPACE, AUTOMOBILE:** Space within a parking area or building, exclusive of driveways, ramps, columns, office and work area, which shall be fully accessible for the parking or storage of one (1) automobile.
115. **PASTURE:** A fenced in area with grass or other growing plants used as food for grazing animals. This is usually a field or plot of land set aside for the purpose of feeding animals.
116. **PLAZA:** Is an open area accessible to the public, which is either:
- An open space area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line, or
- An open area on a through lot, extending from street to street and not less than forty (40) feet wide.
- Such plaza shall not at any point be more than five (5) feet above curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as approved, for covered pedestrian walks by the Planning Commission.
117. **PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.
118. **PLANNING COMMISSION:** The Clyde Township Planning Commission.
119. **PUBLIC SERVICE:** Public Service Facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations,

temporary quarters for welfare agencies, public health activities and similar uses including essential services.

120. **RECREATIONAL VEHICLE:** A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicle, motorcycles, mini-bikes, go-carts, boats, and iceboats.
121. **RECREATIONAL VEHICLE PARK:** A campground designed to accommodate those travel trailers and recreational vehicles, which are used as a temporary dwelling and are not parked more than six (6) consecutive months in any one trailer park.
122. **REGULATED USES:** Include adult entertainment uses, pawn shops and pool halls that require licenses and approval or permits by Township regulations.
123. **ROADSIDE STANDS:** A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make into a commercial district land which would otherwise be agricultural or residential, nor shall its use be deemed a commercial activity.
124. **RESTAURANT (STANDARD):** A standard restaurant is any establishment whose principal business is the sale of foods, frozen 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:

Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

A cafeteria type of operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

125. **RESTAURANT (CARRY-OUT):** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen 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.

Foods, frozen dessert, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

The consumption of foods, frozen 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.

126. **RESTAURANT (FAST FOOD):** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen 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:

Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

The consumption of foods, frozen 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.

127. **RESTAURANT (DRIVE-IN):** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:

Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means, which eliminates the need for the customer to exit the motor vehicle.

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.

128. **RIDING STABLES / ACADEMIES, COMMERCIAL:** Facilities for the boarding, breeding and training of horses. The keeping of animals for the private personal use of a property owner or lessee in accordance with Section 15.18, shall not be considered a commercial stable.

129. **SETBACK:** The minimum distance by which any building or structure must be separated from the front, rear or side lot line. The setback requirements are necessary to support the front, side or rear yard open space provisions of this Ordinance. No building or structure, or any part thereof, shall be erected or permanently maintained within a required setback.

130. **SIGNS:** A name, identification, description, display or illustration that is affixed or applied to or painted or represented directly or indirectly upon a building, structure, or zoning lot, and which is designed or intended to convey information to the public in a written or pictorial form. A sign shall not include any display of official court or public agency notices, nor shall

it include the flag, emblem or insignia of a nation, political unit, school, or religious group. A sign shall include the following types:

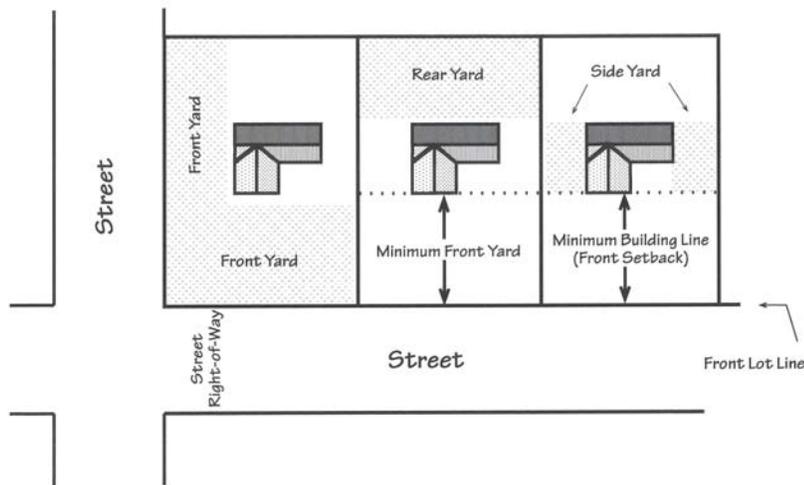
- a. Accessory Sign: A sign which directs attention to a person, product, business, or profession conducted upon the same premises.
- b. Directional Sign: A sign guiding or directing parking or traffic flow but bearing no advertising matter.
- c. Freestanding Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building. May also be referred to as a monument sign.
- d. Non-Accessory Sign: A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than upon the premises on which the sign is located. See also Billboard.
- e. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom including marquees.
- f. Roof Sign: A sign that is erected, constructed, and maintained above the roof of a building.
- g. Vehicle Signs: Signs painted or mounted on the side of a vehicle, including signs on the side of a truck trailer.
- h. Wall Sign: A sign which is attached parallel to the wall of a building and which extends not more than eighteen (18) inches from the wall, including window signs. Painted signs, signs which consist of individual letters mounted to the wall, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall be considered wall signs.
- i. Window Sign: A sign permanently affixed on a window, which is intended to be viewed from the outside.

131. SPECIAL CONDITION USE: Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall Township in general, requires special approval according to the standards as provided in this Ordinance. Also, see Section 17.06, Review and Approval of Special Condition Uses, and Section 18.00-Application, for further clarification of Special Condition Use. This term shall include the term "Special Land Use".

132. **STATE LICENSED RESIDENTIAL FACILITY:** Any structure constructed for residential purposes that is licensed by the state of Michigan in accordance with PA 218 of 1979, PA 116 of 1973, and provides residential services for 6 or fewer persons under the 24-hour supervision or care.
- a. **Adult Foster Care Facility:** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated persons over the age of 17, pursuant to PA 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. Adult Foster Care Homes include the following:
 - 1) **Family Home:** Private residence for six (6) or fewer adults. Licensee must live in the home and local zoning approval is not required prior to issuance of a license.
 - 2) **Adult Foster Care Small Group Home:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 - 3) **Adult Foster Care Large Group Home:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
 - 4) **Congregate Facility:** Residence for more than twenty (20) adults.
 - b. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant care and supervision. A Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services under Public Act 116 of 1973.
 - c. **Foster Family Group Home:** A private residence that houses more than four (4) but less than seven (7) minor children, up to age 19, under constant care and supervision.
132. **STORY:** That part of building, except a mezzanine as defined herein included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.
133. **STORY, HALF:** A story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it.

134. **STREET:** A public thoroughfare (dedicated right-of-way) other than an alley, which affords a principal means of access to abutting property.
135. **STRUCTURE:** Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.
136. **TECHNICAL SCHOOL:** A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, floral design, welding, brick laying, machinery operation or other similar trades or crafts.
137. **TEMPORARY USE OF BUILDING:** A use established for a fixed period of time with the intent to discontinue such use upon the extension of the time period.
138. **TOURIST HOME (BED AND BREAKFAST ESTABLISHMENT):** Primarily a family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.
139. **THOROUGHFARE PLAN:** The Thoroughfare Plan section and Thoroughfare Plan Map of the Clyde Township Master Plan.
140. **USE:** Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.
141. **UNDEFINED TERMS:** Any terms not defined herein shall have the meaning of common or standard use.
142. **WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority.
143. **YARDS:** The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- a. **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. (See Section 19.08 for lots having lake or river frontage.)



Building Line and Yards

- b. **Rear Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See Section 19.08 for lots having lake or river frontage)
- c. **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See yards illustration).
- d. The area of any right-of-way or easement for a public or private street or road shall not be used to satisfy minimum yard, open space, or setback requirements of this ordinance.

144. **ZONING ORDINANCE:** means the Clyde Township Zoning Ordinance, as amended.

145. **ZONING VARIANCE:** Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are practical difficulty, and unique circumstances, applied to property. A variance is not justified unless all of these elements are present in the case.

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