

Chapter 2

DEFINITIONS

Section 201. Rules of Construction.

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

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (3) Words used in the present tense include the future tense, words used in the singular include the plural, and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- (4) The word "dwelling" includes "residence."
- (5) The term "act" or "action" includes "omission to act."
- (6) The term "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of Buena Vista Charter Township and any amendments thereto.
- (7) The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, road, alley, dedicated right-of-way or access easement.
- (8) The word "person" includes an individual, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, firm, trust or any other entity recognizable as a "person" under the laws of the State of Michigan.
- (9) The word "structure" includes the word "building." The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- (10) The word "parcel" includes the words "plot," "tract," or "lot."
- (11) The terms "shall" or "must" are always mandatory and not discretionary, the word "may" is permissive and discretionary.
- (12) The words "used" includes "intended," "arranged", "designed" or "occupied."
- (13) The word "sales" includes the concepts of "rental," "leasing," or similar transactions.
- (14) Words or terms defined in this Chapter shall be construed as defined herein. Words or terms not defined in this Chapter shall be defined in terms of their common or customary usage.
- (15) The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean, "including but not limited to."

- (16) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, 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.
- (17) Terms referred to in the masculine gender include the feminine.
- (18) Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

Section 202. Definitions.

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

- (1) **Adult Day Care Facility.** A facility which provides care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
- (2) **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- (a) **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
 - (b) **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
 - (c) **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 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
- (3) **Adults-Only Businesses**
 - (a) **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically

controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or specific anatomical areas."

(b) **Adult Bookstore or Adult Video Store** means a commercial establishment which offers for sale or rental for any form of consideration, occupying fifteen (15) percent or more of the floor area of the establishment, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides or other visual representation which depict or describe "sexually explicit activities" or specified anatomical areas", or
2. Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities."

(c) **Adult Cabaret** means a nightclub, bar restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of restricted nudity; or
2. Live performances which are characterized by the partial exposure of "specified anatomical areas", or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."

(d) **Adult Motel** means a hotel, motel or similar commercial establishment which:

1. Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction or description of "sexually explicit activities" or "specific anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
3. Offer a sleeping room for rent for a period of time that is less than ten (10) hours; or
4. Allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(e) **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".

- (f) **Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities."
- (g) **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h) **Escort Agency** means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (i) **Establishment** means and includes any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business;
 - 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - 3. The location or relocation of any sexually oriented business.
- (j) **Nude Model Studio** means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- (k) **Nudity or a State of Nudity** means the appearance of a human bare buttock, anus, male genitals, female genitals or female breast, as defined by MCL.41.181 (3); MSA 5.45(3).
- (l) **Semi-Nude** means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (m) **Sexual Encounter Center** means a business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - 2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web.
- (n) **Sexually Explicit Activities** means and includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3. Masturbation, actual or simulated;

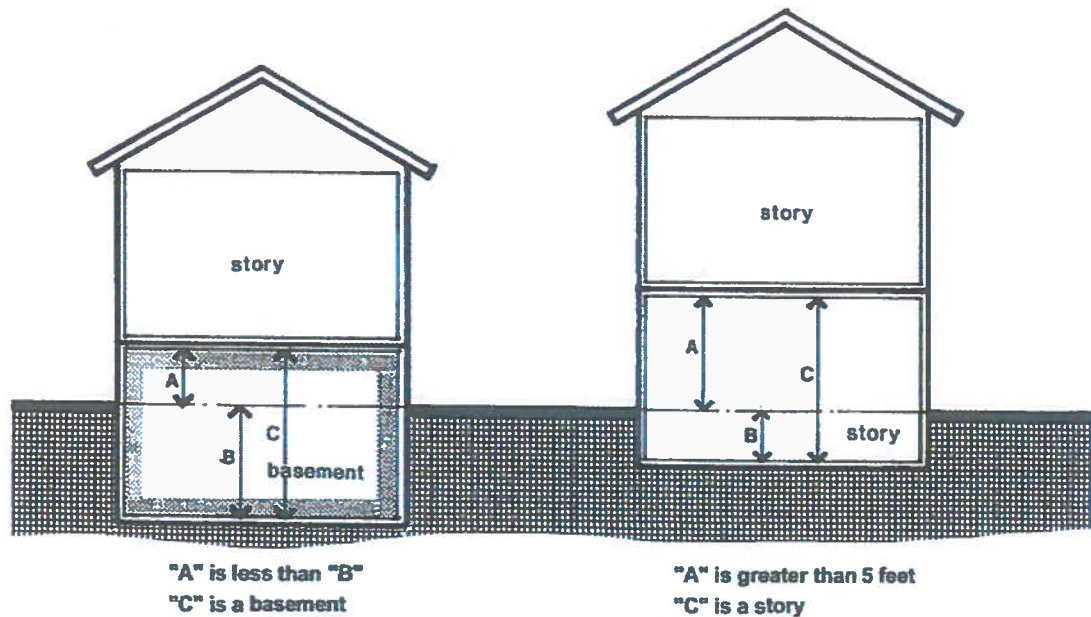
4. Excretory function as part of or in connection with any of the activity set forth in 1. through 3. above.
 5. Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.
- (o) **Sexually Oriented Business** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexually encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web.
- (p) **Specified Anatomical Areas** means and includes and of the following:
1. Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock; or female breast or breast or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
 2. Human genitals in the state of sexual arousal, even if opaquely and completely covered.
- (q) **Substantial Enlargement** of a sexually oriented business means the increase in floor area occupied by the business by more than ten (10) percent.
- (r) **Substantial Portion.** A use or activity accounting for more than 20 percent of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
- (s) **Transfer of Ownership or Control** of a sexually oriented business means and includes any of the following:
1. The sale, lease or sublease of the business;
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 3. The establishment of a trust, gift or other similar legal devise which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (4) **Agricultural products** includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- (5) **Agriculturally related products** means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and

other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

- (6) **Agriculturally related uses** means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- (7) **Agricultural Tourism, ag-tourism and/or agri-tourism** means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- (8) **Airport, Private or Public.** The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities.
- (9) **Alterations.**
 - (a) **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
 - (b) **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
 - (c) **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
- (10) **Animal.** Any nonhuman members of the animal kingdom.
 - (a) **Domestic.** Any non-wild animal customarily kept by humans for companionship, including dogs, cats, birds, rabbits, rodents, turtles, fish, non-poisonous snakes or lizards, and the like.
 - (b) **Domestic Fowl.** Domesticated birds commonly used for eggs or meat. Domestic fowl include, but are not limited to, chickens, ducks, geese, and turkeys.
 - (c) **Wild or Exotic.** Any animal that is wild by nature and not customarily domesticated, or an animal so designated by Saginaw County or Buena Vista Charter Township.
- (11) **Automobile.** Any non-commercial motorized vehicle used primarily for the transportation of passengers, including cars, light trucks, vans, motorcycles, and the like, unless specifically indicated otherwise.
 - (a) **Automobile-Oriented Use.** Any place of business that primarily provides automobile-related services and/or that provides goods or services to customers while in an automobile. Such uses include those listed below.
 - (b) **Automobile Detailing Shop.** A commercial establishment that provides services such as application of paint protectors, interior and exterior cleaning and polishing, and installation of after-market accessories including tinting, spoilers,

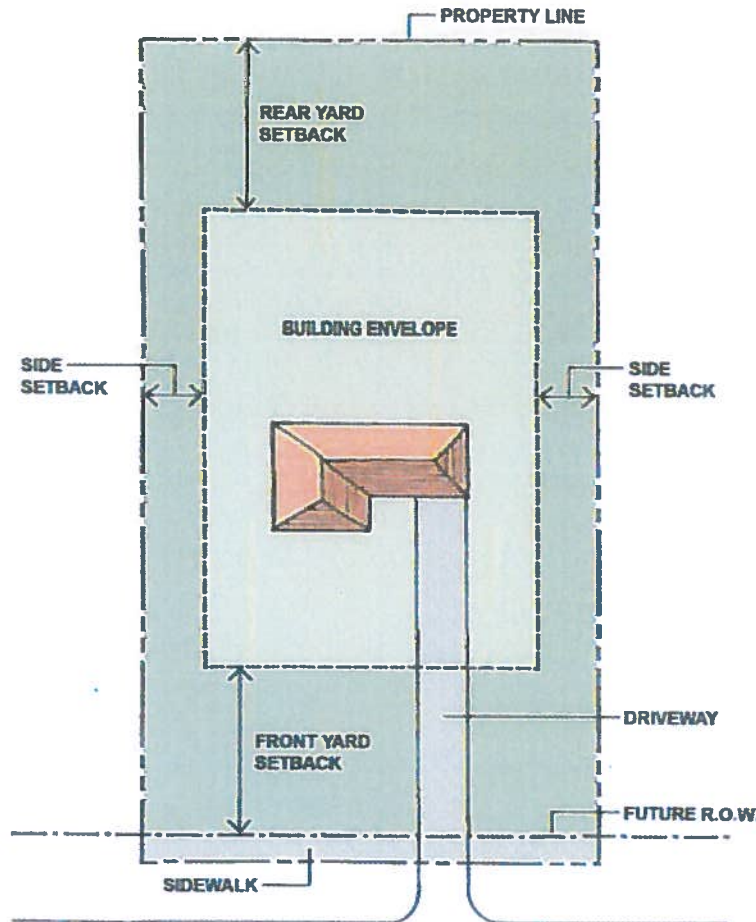
sunroofs/moon-roofs, headlight covers, car alarms, CB radios, stereo equipment, or cellular telephones. Automobile detailing does not include car wash, engine degreasing, or similar automobile cleaning services.

- (c) **Automotive Repair/Maintenance or Garage/Shop/Station.** A commercial establishment that provides major or minor repair services for automobiles, trailers, recreational vehicles, motorcycles, or similar non-commercial motor vehicles, but excludes dismantling, wrecking, or salvage.
- (d) **Major Repair Service.** Includes general repair, rebuilding, or reconditioning of engines, transmissions, motor vehicles, or trailers; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; major painting services; or similar servicing, rebuilding, or repairs that normally do require significant disassembly and/or overnight on-site storage of vehicles.
- (e) **Maintenance or Minor Repair Service.** Includes the replacement of any part or repair of any part that does not require removal of the engine head or pan, transmission, or differential; engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment and/or balancing; sales and installation of batteries and/or tires; incidental body and fender work; minor painting and upholstering service; or similar servicing or repairs not as part of collision repair that normally do not require any significant disassembly or overnight on-site storage of vehicles.
- (f) **Car Wash.** A facility for the washing and/or waxing of automobiles but not heavy trucks or commercial fleets.
- (12) **Automobile Dealership.** Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of vehicles sold or leased by the dealership, provided all such minor repair or service activities occur within an enclosed building.
- (13) **Automobile and/or Vehicle Rental Establishment.** A building or premises used primarily for the lease or rental of automobiles and/or vehicles, including house trailers, recreational vehicles, trailers and other vehicles.
- (14) **Basement.** That portion of a building having not more than one-half of its height above finished grade. A basement shall not be counted as a story for the purpose of height measurement unless its ceiling is more than five feet above the average level of the adjoining ground or if the basement is used as a public area for any business or contains a bedroom of a dwelling. (See illustration "Basement and Story")



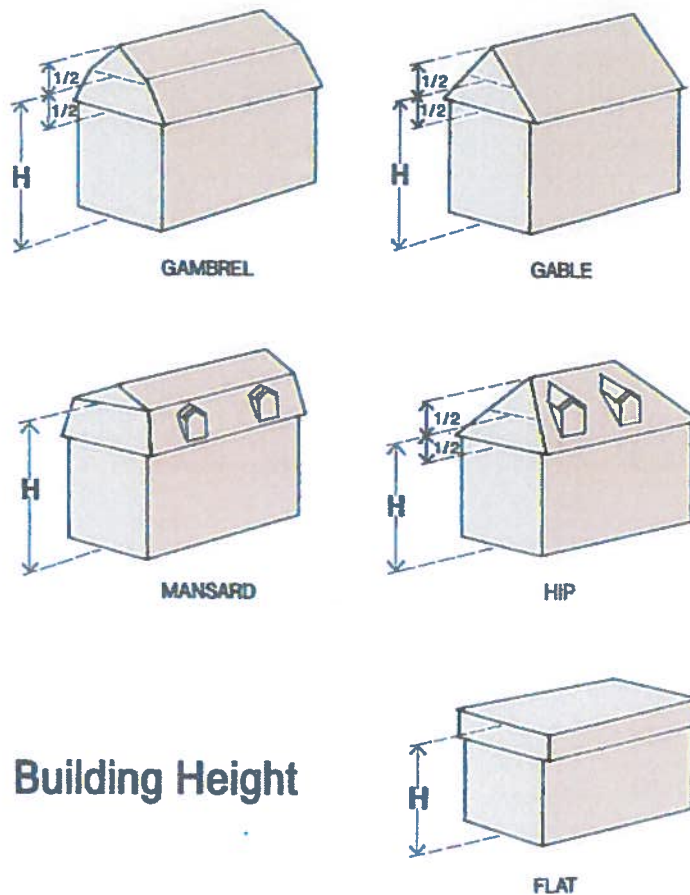
Basement and Story

- (15) **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, materials, or property of any kind. This shall include tents, awnings or vehicles located private land and used for purposes of a building.
- (a) **Accessory Building or Structure.** A building, structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s). Accessory buildings and structures shall include but are not limited to: garages, garden equipment sheds, small greenhouses, and swimming pools.
 - (b) **Building Height.** The vertical distance measured from the established grade to a point determined by the style of roof. (See illustration "Building Height").
 - (c) **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated.



Building Envelope

- (16) **Building Official.** The person or persons designated by the Township to administer and enforce the provisions of the State Construction Code enforced by the Township.
- (17) **Building Supply Yard.** A business that may sell any type of material for use in the construction, maintenance or repair of buildings. It is distinguished by the outdoor storage of products that will not deteriorate as a result of exposure to the elements. A business selling lumber, which stores any material outdoors, is a building supply yard, not a lumberyard.



Building Height

- (18) **Business Services.** An establishment which provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas), sign production and installation, equipment rental or repair, building maintenance, and self-service storage.
- (19) **Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The full caliper of the largest trunk plus half the caliper of the other trunks determine the caliper of a multiple-trunk tree.
- (20) **Child Care Facility.** A governmental or nongovernmental entity having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Child care facilities are classified below:
- (a) **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.

- (b) **Child Day Care Center.** A facility, other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or dropin center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (c) **Family Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six 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.
- (d) **Foster Family Group Home.** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (e) **Foster Family Home.** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (f) **Group Day Care Home.** A private home, as licensed by the State of Michigan, in which up to 12 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.
- (21) **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
- (22) **Club.** An organization catering exclusively to members and their guests, with premises and buildings operated for recreational, artistic, political, or social purposes, not for gain. A club provides merchandise, vending, or commercial activities only as required incidentally for the membership and purpose of such organization. Also "private club."
- (23) **Commercial School.** A private educational facility generally operated for profit and offering instruction in art, business, music, dance, trades, sports, continuing professional education or other subjects.
- (24) **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the State Condominium Act, Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

- (a) **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act, Public Act 59 of 1978, as amended.
- (b) **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- (c) **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (d) **Site Condominium.** All allocation or division of land permitted under the Condominium Act, Public Act 59 of 1978, as amended, which permits single family detached housing pursuant to a master deed.
- (e) **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 project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- (f) **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended.
- (g) **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.
- (h) **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- (i) **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership 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.
- (j) **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- (k) **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
- (l) **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- (25) **Convalescent or Nursing Home.** A building wherein infirm or incapacitated persons reside and are furnished shelter, care, food, lodging, and needed attention for compensation.
- (26) **Corner Clear Vision Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
- (27) **Cul-De-Sac.** A dead end public or private street that terminates in a circular or semi-circular section of street that allows for vehicle turnaround.
- (28) **Curb Cut.** The ingress and egress for a property provided for vehicular traffic to or from a public or private thoroughfare.
- (29) **Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
- (30) **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
- (31) **Demolition.** An act or process that destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
- (32) **Density.** The number of dwelling units per net acre of land.
- (33) **Detention Basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
- (34) **Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.
- (35) **District.** A portion of Buena Vista Charter Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zoning district."
- (36) **Drive-in or Drive-Through Establishments.** A business establishment that provides a drive-through window(s), a driveway approach, or parking area for motor vehicles, where patrons are to be served or given purchased items for consumption off-premises while they are in the vehicle, rather than within a building or structure.
- (37) **Dwelling Unit.** Any building, or part thereof, containing sleeping, kitchen and bathroom facilities designed for and occupied by one family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied, in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for purposes of this Ordinance.

Dwelling Types:

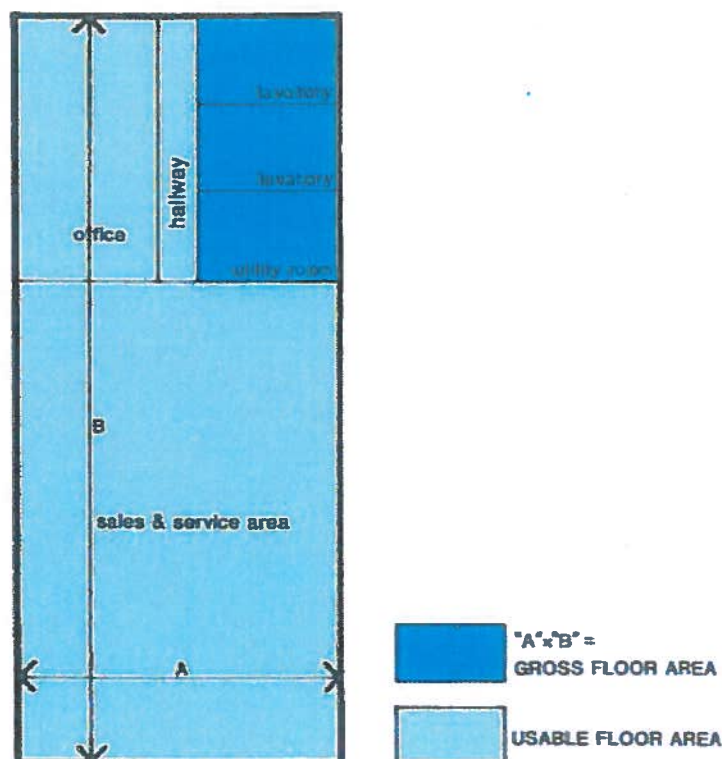
- (a) **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- (b) **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two families, living independently of each other, with separate

- housekeeping, cooking, and sanitation facilities.
- (c) **Multiple-Family Dwelling.** A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and sanitation facilities.
 - (d) **Mobile Home.** A manufactured dwelling, transportable in one or more sections, which is build upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered a mobile home for the purposes of the Ordinance.
 - (e) **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one family or a group of individuals living together as a single housekeeping unit.
 - (f) **Congregate Living Units.** Individual areas within a given congregate living dwelling that provides an enclosed living environment for self-maintenance activities, such as sleeping, grooming, bathing, and toiletry. No more than two persons may permanently occupy each living unit.
 - (g) **Zero Lot Line Duplex.** One of a group of two-family dwellings wherein each dwelling unit is located on its own separate lot. The two dwelling units share a firewall that is situated along a common lot line. Zero lot line duplex dwellings are situated side by side exclusively, have separate entrances and share no common living or storage space.
- (38) **Easement.** A grant of one or more of the property rights by a property owner to or for use by the public or another person or entity.
 - (39) **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead electrical, gas, water transmission and sewage and stormwater collection systems, communication, supply or disposal systems including the equipment and appurtenances necessary for such systems to furnish an adequate level of public service. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.
 - (40) **Façade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
 - (41) **Family.** Means either of the following:
 - (a) A domestic family, that is, one or more persons related by blood, marriage, or adoption, living and cooking together, inclusive of household servants of the principal occupants and not more than one additional unrelated person in a single non-profit domestic housekeeping unit.
 - (b) The functional equivalent of the domestic family, that is, persons living and cooking together in a single non-profit housekeeping unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, group of students, association, lodge, organization or group where the common living arrangement 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.

- (42) **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
- (a) Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such uses are permitted by this Ordinance.
 - (b) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those uses permitted by this Ordinance or incidental to the active agricultural use.
 - (c) A farm as defined but not limited to Generally Accepted Agricultural Management Practices (GAAMPS) as determined by the Michigan Commission of Agriculture and as provided in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended.
- (43) **Farm Market/On-farm market/roadside stand** means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
- (44) **Farm Building.** Any structure, other than a dwelling, that is constructed, maintained, and used on a farm, and that is essential and customarily used for agricultural operations.
- (45) **Feedlot.** A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.
- (46) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- (a) **Area of Special Flood Hazard.** Land in a floodplain subject to a one percent or greater chance of flooding in any given year.
 - (b) **Base flood elevation.** The expected elevation for the 100-year flood at a particular location, depicted on the Federal Emergency Management Agency's flood insurance rate map for Buena Vista Charter Township.
 - (c) **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raises the water levels.
 - (d) **Floodway.** The channel of a river or other watercourse and the adjacent land when high amounts of precipitation are experienced or natural cyclic conditions raises the water levels.
 - (e) **Floodway Fringe Area.** Land areas shown on official flood insurance rate maps between limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by

levees from the base flood.

- (f) **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Buena Vista Charter Township.
- (47) **Floor Area, Gross (GFA).** 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 buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- (48) **Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of five feet or more.



Floor Area

- (49) **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
- (50) **Front Line of Building.** The line that coincides with any point(s) on the exterior wall of a building nearest the front lot line, not including permitted yard encroachments. Said line

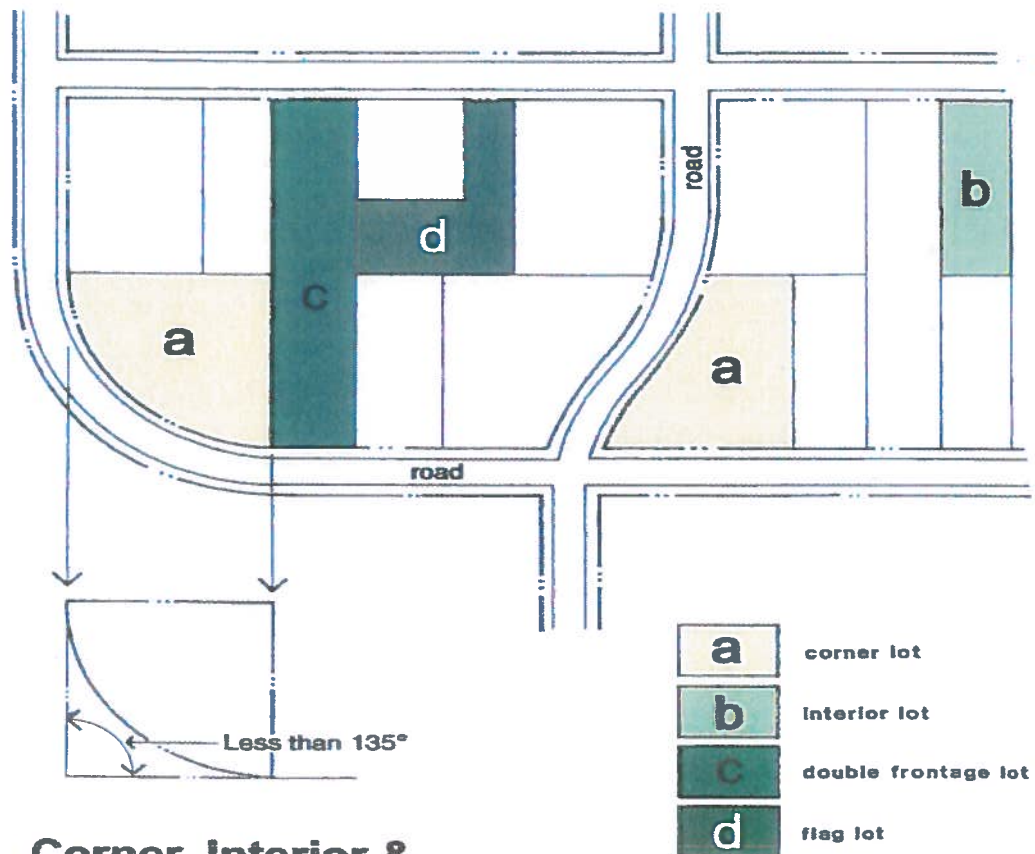
shall be generally parallel to the front lot line.

- (51) **Fuel Dealer.** A business that stores any flammable liquid or gas on the premises for wholesale distribution or retail sale as fuel for various types of equipment. This definition does not include "auto service."
- (52) **Gas Station or Fueling Station.** An establishment where motor fuels (including gasoline, diesel fuel, and alternative fuels) and lubricants are sold and/or dispensed as the principal use on the site. Household propane and kerosene sales may be permitted pursuant to this Ordinance.
 - (a) **Gas Station with Convenience Store.** Any commercial establishment that sells both motor fuels and convenience items for which payment may be made inside a structure on the site. Convenience items may include hot or cold beverages, prepackaged food items, and/or self-service food items, but not food prepared on the premises by a person other than the consumer.
 - (b) **Gas Station with Carryout or Fast Food Restaurant.** Any commercial establishment that sells both motor fuels and food prepared on the premises by a person other than the consumer. Convenience items may or may not be available for sale. Seating areas for restaurant patrons may or may not be provided, but no table service shall be provided.
- (53) **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. 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.
- (54) **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within six feet of the foundation line of a structure.
- (55) **Greenbelt.** A strip of land of definite width and location, planted with trees or shrubs in compliance with the requirements of this Ordinance.
- (56) **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, P.A. 93 of 1981, as amended:
 - (a) Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
 - (b) "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
 - (c) "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
 - (d) "Petroleum" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

- (57) **Home Occupation.** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the dwelling for residential purposes
- (a) **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
 - (b) **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
- (58) **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injury, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food service, and staff offices.
- (59) **Incarceration Facility.** An institution for the involuntary confinement of persons taken into custody by any law enforcement agency, also any institution for the inpatient care and treatment of persons suffering from mental disorders, alcoholism or drug addiction.
- (60) **Institution, Large-Scale.** An institution, as defined herein, with a seating capacity of 1,500 people or more in its sanctuary or main area of assembly. A large-scale institution may also be characterized by any one (1) or more of the following features:
- (a) Regionserving accessory facilities, such as high schools, colleges and seminaries;
 - (b) Parking for 500 passenger vehicles or more;
 - (c) One or more buildings with 100,000 square feet or more of gross floor area; or
 - (d) Other features, such as: large size of assemblies and resultant traffic surges, large off-street parking lots, retreat and conference centers or a major institutional character.
- (61) **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
- (a) Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
 - (b) Auditoriums, theaters, concert halls, and similar places of assembly.
 - (c) Libraries, museums, and similar centers for cultural activities.
 - (d) Churches, temples, and other places of worship.
 - (e) Post offices.
 - (f) Private clubs, fraternal organizations, and lodge halls.

- (62) **Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.\
- (63) **Junkyard.** An outdoor area where used, secondhand or waste material is stored and may be bought, sold, exchanged, baled, packed, disassembled, shredded or otherwise handled. Note that the lawful operation of any junkyard requires a business license from the Township. See also section 402(5).
- (64) **Kennel.** Any building, lot, or premises where more than three dogs, cats or other domestic animals that are more than six months or older are kept, housed or boarded.
- (65) **Landfill.** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
- (66) **Lighting.** The following definitions are related to lighting:
 - (a) **Fixture.** The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
 - (b) **Floodlight.** A fixture or lamp designed to direct light over a broad area.
 - (c) **Footcandle.** Luminance produced on a surface one foot from a uniform point source of one candela, or when one lumen is distributed into an area of one square foot.
 - (d) **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
 - (e) **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
 - (f) **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (g) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - (h) **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
 - (i) **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one lumen per square foot.
 - (j) **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.
- (67) **Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

- (68) **Lot.** A parcel of land consisting of one or more lots of record, occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public street or road (see illustration "Corner, Interior and Double Frontage Lots").
- (a) **Corner Lot.** A lot located at the intersection of two or more streets or a lot bounded on two sides by a curving street, provided that the streets intersect at an angle of not more than 135 degrees.
 - (b) **Double Frontage or Through Lot.** Any lot other than a corner lot having frontage on two public streets that do not intersect at a point contiguous to said lot.
 - (c) **Flag Lot.** A lot that is located behind other lots or parcels fronting on street but has a narrow extension to provide access to the street.
 - (d) **Interior Lot.** A lot other than a corner lot with only one lot line fronting on a street.



**Corner, Interior &
Double Frontage Lots**

- (e) **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (i) Single lot of record.
 - (ii) Portion of a lot of record.
 - (iii) Combination of lots of record, or portion(s) thereof.
 - (iv) Condominium lot.
 - (v) Parcel or tract of land described by metes and bounds.
- (69) **Lot Area, Gross.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and water bodies.
- (70) **Lot Area, Net.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
- (71) **Lot Coverage.** The part or percentage of the lot that is occupied by buildings or structures.
- (72) **Lot Depth.** The horizontal distance measured from the front lot line to the rear lot line, measured along the median between the side lot lines.
- (73) **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
 - (a) **Front Lot Line.** Any line separating a parcel from a public street right-of-way.
 - (i) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
 - (ii) Where lots border upon water bodies, the front lot line shall be designated as that line fronting on the water. The opposite yard will be considered the street/road frontage of the lot.
 - (iii) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
 - (b) **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.
 - (c) **Side Lot Line.** Any lot line that is not a front lot line or a rear lot line.
- (74) **Lot of Record.** A parcel of land, the dimensions of which are shown on any document or map recorded by the County Register of Deeds or in common use by community officials and which actually exists as shown, or any part of such piece of land held in a recordable ownership separate from that of the remainder thereof. Any such piece of land being sold under a land contract, which sale was commenced prior to the effective date of this Ordinance, and which piece conformed to the requirements of the Buena Vista Charter Township Zoning Ordinance as of the commencement of said sale, shall be deemed to be a lot of record. Note that a parcel may consist of multiple, contiguous lots of record under common ownership.

- (75) **Lot Split or Combination.** The dividing or combining of lots by virtue of changes in the deeds register at the office of the Saginaw County Register of Deeds, after approval by Buena Vista Charter Township.
- (76) **Lot Width.** The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines. At no time shall the measured lot width be less than $\frac{1}{2}$ the required frontage for $\frac{1}{2}$ of the lot depth.
- (77) **Lumberyard.** A business which emphasizes the sale of lumber and wood products, where all material available for sale is stored or displayed in the principal building or in accessory structures. See also "Building supply yard."
- (78) **Marijuana or Marihuana.** Within this ordinance, the terms "Marijuana" and "Marihuana" shall be deemed to be equivalent and both shall mean that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
- a) **Medical Marijuana.** Marijuana that is licensed and regulated by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. as amended or the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq. as amended ("MMFLA").
- b) **Adult-Use Marijuana.** Marijuana that is licensed and regulated by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. as amended ("MRTMA").
- (79) **Marijuana Facility.** "Marijuana or Marihuana Facility" means any type of marijuana-related business licensed by the State of Michigan and includes the following:
- a) **Medical Marijuana Facilities.** The following types of medical marijuana facilities as defined within the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq. as amended ("MMFLA")
- (i) **Medical Marijuana Grower Facilities.** "Medical Marijuana Grower" means a facility licensed under the MMFLA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages medical marihuana for sale to a processor or provisioning center.
- (ii) **Provisioning Centers.** "Provisioning center" means a facility licensed under the MMFLA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances that is a commercial entity located in this state that purchases medical marihuana from a grower or processor and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to only assist a qualifying patient connected to the caregiver through the state's medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center.
- (iii) **Medical Marijuana Processor Facilities.** "Medical Marijuana Processor" means a facility licensed under the MMFLA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances that is a commercial entity located in this state that purchases medical marihuana from a grower and that extracts resin from the medical marihuana or creates a medical

marihuana-infused product for sale and transfer in packaged form to a provisioning center.

(iv) Medical Marijuana Secure Transporters. "Medical Marijuana Secure transporter" means a facility licensed under the MMFLA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances that is a commercial entity located in this state that stores medical marihuana and transports medical marihuana between medical marihuana facilities for a fee.

(v) Medical Marijuana Safety Compliance Facilities. "Medical Marijuana Safety compliance facility" means a facility licensed under the MMFLA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances that is a commercial entity that receives medical marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the medical marihuana to the medical marihuana facility.

b) Adult-Use Marijuana Facilities. The following types of adult-use marijuana establishments as defined within the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. as amended ("MRTMA")

(i) Adult-Use Marijuana Grower Facilities. A facility licensed under the MRTMA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances and operated by a licensee holding less than five (5) class C marijuana grower licenses where the cultivation of marijuana takes place. The total number of marijuana plants a grower facility may cultivate shall be based on the total number of the following license types held by the licensee:

- a) Class A – 500 marijuana plants
- b) Class B – 1,000 marijuana plants
- c) Class C – 1,500 marijuana plants

(ii) Adult-Use Marijuana Microbusiness. A facility licensed under the MRTMA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances where the licensee cultivates not more than 150 adult-use marijuana plants, processes and packages adult-use marijuana, and offers for sale or otherwise transfers adult-use marijuana to individuals who are 21 years of age or older or to an adult-use marijuana safety compliance facility.

(iii) Adult-Use Marijuana Processor. A facility licensed under the MRTMA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances where the licensee obtains adult-use marijuana from adult-use marijuana establishments, processes and packages the adult-use marijuana.

(iv) Adult-Use Marijuana Retailer. A facility licensed under the MRTMA and Chapter ____ of the Buena Vista Charter Township Code of Ordinances where the licensee offers for sale or otherwise transfers adult-use marijuana, adult-use marijuana-infused products or marijuana accessories to individuals who are 21 years of age or older.

(v) Adult-Use Marijuana Safety Compliance Facility. A facility licensed under the MRTMA and Chapter ____ of the Buena Vista Charter Township

Code of Ordinances where the licensee tests adult-use marijuana for the certification of potency and the presence of contaminants.

(vi) **Adult-Use Marijuana Secure Transporter.** A person licensed under the MRTMA and Chapter of the Buena Vista Charter Township Code of Ordinances to obtain adult-use marijuana from adult-use marijuana establishments in order to transport adult-use marijuana to adult-use marijuana establishments.

(80) **Marijuana Facility Operating License.** A License authorizing the operation of a Marijuana Facility as follows:

a) **State Operating License** or, unless the context requires a different meaning, "State License" means a license that is issued under the ~~Act~~ the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq. ("MMFLA") or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ("MRTMA") that allows the licensee to operate as one (1) of the following, specified in the license:

- (i) A medical marijuana grower.
- (ii) A medical marijuana processor.
- (iii) A medical marijuana secure transporter.
- (iv) A provisioning center.
- (v) A medical marijuana safety compliance facility.
- (vi) An adult-use marijuana grower.
- (vii) An adult-use marijuana microbusiness.
- (viii) An adult-use marijuana processor.
- (ix) An adult-use marijuana retailer.
- (x) An adult-use marijuana safety compliance facility.
- (xi) An adult-use marijuana secure transporter.

"State Licensee" means a person holding a valid State operating license

b) **Township Operating License** or, unless the context requires a different meaning, "Township License" means a license that is issued under this Chapter that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A medical marijuana grower.
- (ii) A medical marijuana processor.
- (iii) A medical marijuana secure transporter.

- (iv) A provisioning center.
- (v) A medical marijuana safety compliance facility.
- (vi) An adult-use marijuana grower.
- (vii) An adult-use marijuana microbusiness.
- (viii) An adult-use marijuana processor.
- (ix) An adult-use marijuana retailer.
- (x) An adult-use marijuana safety compliance facility.
- (xi) An adult-use marijuana secure transporter.

"Township Licensee" means a person holding a valid Township operating license

- (81) **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
 - (a) **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
- (82) **Master Plan.** The Comprehensive Development Plan of Buena Vista Charter Township, including graphic and written text indicating the Township's development goals and objectives, planned future use of all land within the Buena Vista Charter Township, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Township Board.
- (83) **Mezzanine.** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 50% of the floor area of the story in which the level or levels are located.
- (84) **Mobile Home.** A type of manufactured housing that is transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single family dwelling with or without permanent foundation, when connected to the required utilities. These utilities shall include the plumbing, heating, air-conditioning, and electrical systems contained within the structure. Mobile homes shall not include recreational vehicles, motor homes, campers, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence.
- (85) **Mobile Home Park.** A parcel upon which three or more mobile 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, street, equipment, or facility used or intended for use incident to occupancy of mobile homes.
- (86) **Modular Home.** A single-family dwelling consisting of two or more prefabricated transportable building units that are designed to be incorporated at a building site into a

structure on a permanent foundation.

- (87) **Motel/Hotel.** One or more buildings containing individual living or sleeping units offered for temporary occupancy on a day-to-day basis, with separate bathing and toilet facilities.
- (88) **Motor Home.** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."
- (89) **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
 - (a) **A-Weighted Sound Level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
 - (b) **Day-Night Average Sound Level.** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased 10 dB(A) before averaging.
 - (c) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
 - (d) **Impulsive Sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
 - (e) **Noise Disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
 - (f) **Noise Sensitive Zone.** An area which contains noise-sensitive activities such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.
 - (g) **Sound Level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network (for the purposes of this Ordinance an A-weighted network), as specified by the *American National Standards Institute*.
 - (h) **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
- (90) **Non-agriculturally related uses** means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit
- (91) **Nonconformities.**
 - (a) **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

- (b) **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- (c) **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- (d) **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws Ordinances, regulations and codes.
- (e) **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, Ordinances, and regulations.
 - (i) **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws, Ordinances, regulations and codes.
 - (ii) **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws, Ordinances, regulations and codes.
- (92) **Nuisance.** Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
- (93) **Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
 - (a) **Conservation Easement.** An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition, as defined in section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

- (b) **Development Rights.** The rights to develop land to the maximum intensity of development authorized by law.
 - (c) **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, which link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
 - (d) **Restrictive Covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
 - (e) **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area; children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.
- (94) **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building.
- (95) **Outdoor Motor Vehicle Storage or Dismantling Yard.** (See Junkyard)
- (96) **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
- (97) **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives, aisles and maneuvering space.
- (98) **Parking Space.** A space set aside for the sole purpose of parking a motor vehicle on a temporary basis
- (99) **Permit, Zoning.** Authorization given by Buena Vista Charter Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the Township in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. The term "permit" shall not include permits issued by Saginaw County and other county and state authorities with jurisdiction.
- (100) **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development. When all improvements, facilities, or work is completed in conformance with all approvals, the performance guarantee will be returned to the entity that made the deposit.
- (101) **Personal Service.** A service business catering to the needs of individuals. These include but are not limited to hair styling, manicure, cosmetics, formal wear rental, laundry or dry cleaning drop off and pickup, millinery or tailoring, and repair of small appliances, watches, jewelry or shoes. Personal service is not included in the definition of "office." Does not include any "adults only business"
- (102) **Planning Commission.** The Planning Commission for Buena Vista Charter Township, Saginaw County, Michigan, as established by Township Board resolution and authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

- (103) **Plat.** A map of a subdivision of land.
- (104) **Public Street.** A public thoroughfare owned and maintained by a public agency and providing motor vehicle access to abutting property. These include any existing state, county, or municipal roadways, except limited access highways. A public street includes all land within street right-of-way lines. Note that an unimproved public right-of-way does not constitute a public street.
- (105) **Public Utility.** Any business, municipal department or board fully authorized to furnish electricity, gas, steam, telephone, telegraph, cable television, pipeline, roadway, water, sewer or storm drainage service to the public.
- (106) **Recreation Establishment, Indoor.** A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
- (107) **Recreation Establishment, Outdoor.** A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
- (108) **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
- (109) **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- (a) **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
 - (b) **Folding Tent Trailer.** A folding structure mounted on wheels and designed for travel and vacation use.
 - (c) **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - (d) **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

- (e) **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
- (f) **Horse Trailer.** A structure mounted on wheels and designed primarily to be used for the transportation of horses.
- (g) **Snowmobiles, Jet Skis, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
- (h) **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
- (110) **Registered Primary Caregiver.** A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26421, *et seq* as amended.
- (102) **Registered Qualifying Patient** means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.
- (103) **Registry Identification Card.** means that term as defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.
- (110) **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and may include serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
 - (a) **Carry-Out Restaurant.** An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state for consumption primarily off the premises.
 - (b) **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.
 - (c) **Drive-In Restaurant.** A restaurant whose method of operation involves delivery of prepared food so as to allow consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
 - (d) **Drive-Through Restaurant.** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

- (e) **Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.
- (111) **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
 - (a) Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
 - (b) Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
 - (c) Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
 - (d) This definition does not include temporary uses, outdoor display or sales areas or adults only businesses.
- (112) **Right-of-Way.** Land set aside by public ownership or easement for a street, alley or other thoroughfare and permanently dedicated for passage of persons or vehicles.
- (113) **Roadside Stand.** An accessory structure or use operated for the purpose of seasonally selling agricultural products a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
- (114) **Sanitary Landfill.** An operation licensed by the Michigan Department of Natural Resources for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of the Public Acts of 1978, as amended, the Solid Waste Management Act, and its implementing rules. Sanitary landfills are classified as follows by Act 641:
 - (a) **Type II Landfill.** An on-land disposal facility designed and operated to accommodate general types of solid waste, including, but not limited to, garbage and rubbish, but excluding hazardous waste which is managed under provisions of Act 64 of the Public Acts of 1979, the Hazardous Waste Management Act.
 - (b) **Type III Landfill.** An on-land disposal facility designed and operated to accommodate large volumes of certain solid waste that has minimal potential for groundwater contamination.
- (115) **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient senior citizens. Housing for the elderly may include:
 - (a) **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the

individual's condition necessitates that supervision or assistance, but does not require continuous skilled nursing care.

- (b) **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
 - (c) **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
 - (d) **Senior Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to senior citizens or couples where either one of the spouses is a senior citizen.
 - (e) **Senior Apartments.** Multiple-family dwelling units intended to be occupied by senior citizens.
- (116) **Setback.** The distance between a front, side or rear lot line and the nearest supporting member of a structure.
- (a) **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
 - (b) **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and the nearest supporting member of a structure required to comply with required yard provisions of this Ordinance.
- (117) **S.E.V.** For purposes of this Ordinance, S.E.V. is the state equalized valuation of a building or structure, as determined by the Township Assessor. This Ordinance uses S.E.V. to measure the extent of any damage to a nonconforming building or structure. Thus, S.E.V. does not include the value of underlying land, and is presumed to be 50 percent of the building's true cash value.
- (118) **Shopping Center.** A group of commercial establishments owned and managed as a unit, with common parking facilities.
- (119) **Sign.** Any device, structure, fixture, placard, name identification, display or illustration which uses graphics, symbols or written copy to convey a message, and which is visible from a public street or highway. The term "sign" shall not include any display of court or public office notices, nor shall it include the flag of any political unit or school. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- (a) **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days, or a sign structure that has ceased to be used, and the owner intends to no longer have used for the display of sign copy, or as otherwise defined by state law.
- (b) **Accessory Sign.** A sign that pertains to the principal use of the premises.
- (c) **Animated Sign.** Any sign copy that which flashes, uses moving, revolves, cycles, or is otherwise altered or patterns of light or changed by mechanical or electrical means at intervals of less than one hour in lighting to depict action or

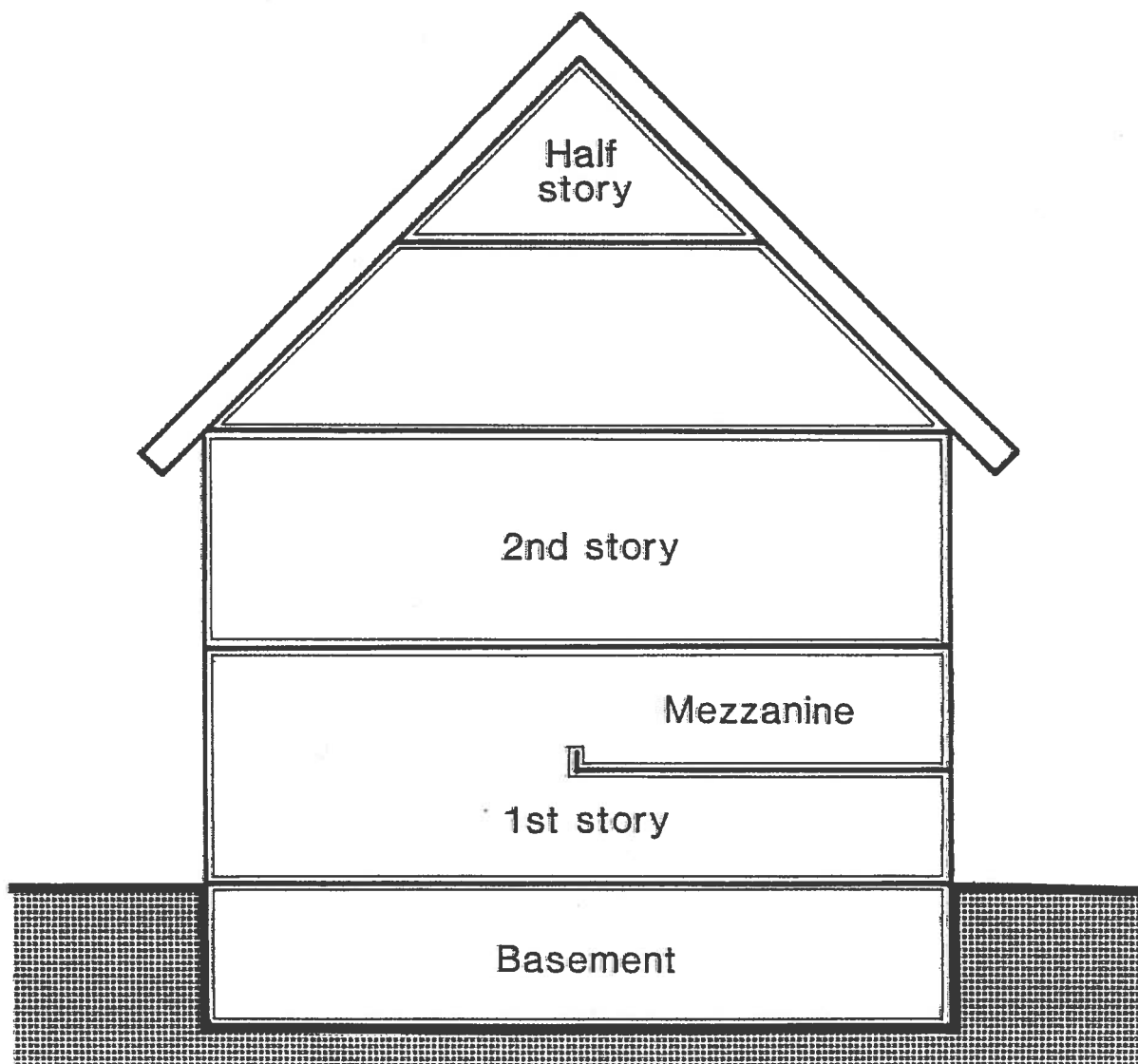
motion or to create a special effect or scene.

- (d) **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- (e) **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window, or related architectural feature.
 - (i) **Awning or Canopy Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
 - (ii) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
 - (iii) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
 - (iv) **Wall Sign.** A sign painted on or attached parallel to the exterior surface of a building wall, door, window, or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
 - (v) **Window Sign.** A sign affixed to or installed inside a window and intended to be viewed from the exterior of the building.
- (f) **Changeable Copy Sign.** A sign or portion thereof with characters, letters, or illustrations, not including animated copy, which can be changed or rearranged without replacing the sign copy area.
- (g) **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- (h) **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- (i) **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- (j) **Electronic Message Board.** An electrically activated changeable copy sign that utilized computer generated messages or other electronic means of changing copy. These signs include, but are not limited to, displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.
- (k) **Freestanding Sign.** Any sign that is not completely supported by the walls or roof, or is otherwise attached to a building. See also "Monument Sign", "Pole Sign".
- (l) **Marquee Sign.** A sign attached to or made a part of any marquee projecting from and supported by a building.
- (m) **Monument Sign.** A freestanding sign mounted directly to a base that is in contact with or close to the ground. The base of a monument sign shall be no less than 75% of the greatest horizontal dimensions of the sign face, and the vertical separation between the lowest point of the sign face and the highest

point of the sign base shall be not greater than twelve (12) inches.

- (n) **Monument Sign Base.** The lower part of a monument sign, which may appear as a separate architectural feature, and serves as its ground support.
- (o) **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- (p) **Pole Sign.** A freestanding sign supported by pillars, poles, or columns.
- (q) **Portable Sign.** A sign that is free standing and not permanently affixed to either the ground, a building or a structure and is capable of being easily moved from one location to another, such as, but not limited to so-called "A" frame, "T" shaped or inverted "T" shaped stands, or any sign attached to a trailer or other vehicle or its use, but used with the express intent of advertising.
- (r) **Roof Sign.** Any sign located on or over any part of the roof of a building, where no portion of said sign projects above the highest point of the roof.
- (s) **Rooftop Sign.** Any sign located on or over the roof of a building where any portion of said sign projects above the highest point of the roof.
- (t) **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
- (u) **Signable Area.** The area in which a sign is to be located and which is used to determine the permitted size of that sign, pursuant to Section 25.2.1(d). The signable area shall be a continuous surface or wall unobstructed by windows, doors, other major architectural details, or change in material or color.
- (v) **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- (w) **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration, or signs pertaining to sale, rent or lease of property.
 - (i) **Balloon.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (ii) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (iii) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
- (x) **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

- (y) **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
- (120) **Seasonal.** A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
- (121) **Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.
- (122) **Solar Energy Facility (SEF).** An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- (123) **Solar Electric System (SES).** The components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- (124) **Stable, Commercial.** A structure accessible by the general public in which horses or other domestic animals or livestock used for pleasure riding or driving are housed or kept for hire and may include a riding track, public arena or trail riding.
- (125) **Stable, Private.** A structure accessory to a principal use not accessible by the general public, and used for the exclusive stabling, breeding, care, training or riding of horses or other domestic animals or livestock owned by the occupants or boarded by private arrangement. A private stable may include a private arena used exclusively for the exercising, riding or schooling of animals housed or boarded on-site.
- (126) **State-Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident service and 24 hour supervision or care for six or fewer persons in need of supervision or care, that is licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979, as amended or Child Care Organization Act, P.A. 116 of 1973, as amended.
- (127) **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it. (See illustration, Basic Structural Terms).
- (128) **Story, Half.** A space under a sloping roof, the walls of which intersect the roof decking not more than three feet above the top floor level, having not more than two-thirds of its floor area finished for the principal use of the building. A half story containing independent apartments or living quarters is counted as a full story. (See illustration, Basic Structural Terms.).

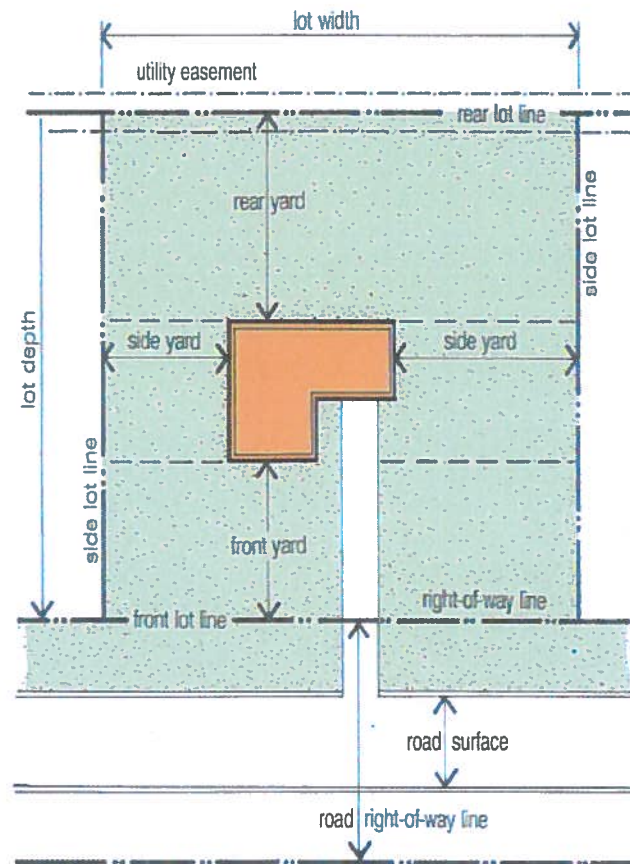


Basic Structural Terms

- (129) **Subdivision.** A subdivision as defined in the Land Division Act, P.A. 288 of 1967, as amended.
- (130) **Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
- (131) **Use.** The purpose for which land, premises or a building thereon is designed arranged or intended, or for which it is occupied, maintained, let or leased.
- (a) **Accessory Use.** An activity clearly incidental to, customarily found in connection with, and located on the same parcel as the principal use to which it is related.
 - (b) **Permitted Use.** A use permitted in a zoning district by right, subject to site plan review approval.
 - (c) **Principal Use.** The main or primary use of the land or structures, or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

- (d) **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to Christmas tree sales or the sale of Easter flowers.
 - (e) **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to ensure that the use is compatible with other permitted uses in the district.
- (132) **Wall.**
- (a) **Decorative.** A screening structure of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
 - (b) **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material to serve as a screen in carrying out the requirements of this Ordinance.
- (133) **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands.
- (134) **Value-added agricultural product** means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- (135) **Variance.** A modification of the literal provisions of this Ordinance, granted by the Zoning Board of Appeals when strict enforcement of the requirement would cause practical difficulty due to circumstances unique to the individual property on which the variance is granted.
- (136) **Visual Screen.** A solid wall or fence which obscures not less than 90 percent of the area between the ground and the height required by any provision of this Ordinance, or an earth berm and/or evergreen planting which obscures not less than 50 percent of the required area when the evergreens are first transplanted. Where a combination of screen types is used, not less than 75 percent of the required area must be obscured. A visual screen must be continuously maintained, including replacement of dead or diseased plants.
- (137) **Wholesale Business.** An enterprise that buys and/or repackages products for sale to retail businesses and stores its inventory in an enclosed building.
- (138) **Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.
- (a) **Abandoned Tower or Antenna.** An antenna that is not operated for a continuous period of six months or a tower constructed or maintained without an operational antenna for a continuous period of six months shall be considered abandoned.

- (b) **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
 - (c) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiates or captures electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
 - (d) **Co-Location.** The location of two (2) or more antenna on a common structure, tower or building.
 - (e) **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
 - (f) **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
 - (g) **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other
- (139) **Yard.** An open space on the same zoning lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance (See illustration, Yard Terms).
- (a) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.
 - (b) **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
 - (c) **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
 - (d) **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.



Yard Terms

- (140) **Zoning Administrator / Zoning Enforcement Officer.** The person or persons designated by the Township to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.
- (141) **Zoning Board of Appeals (ZBA).** The Zoning Board of Appeals appointed by the Township Board for Buena Vista Charter Township, Saginaw County, Michigan.

Chapter 3

ZONING DISTRICTS AND MAP

Section 301. Division of the Township.

For the purposes of this ordinance, all land within Buena Vista Charter Township, is divided into the following zoning districts. Generally for uses by right, the following list of zoning districts is classified in the order of most restrictive to least restrictive as one proceeds from top to bottom.

A-1	Agricultural (Farmland Preservation)
A-2	Agricultural (Dispersed Residential)
R-1	Residential (Single-Family)
R-2	Residential (One- and Two-Family)
R-3	Residential (Multifamily)
MH	Mobile Home Park
TC	Town Center
B-1	Commercial (Local Business)
B-2	Commercial (Intensive)
B-3	Commercial (Wholesale and Business Services)
M-1	Industrial (Limited Manufacturing)
M-2	Industrial (Intensive Manufacturing)
AP	Airport District

Section 302. Official Zoning Map.

The boundaries of zoning districts are defined and established as shown on the map entitled "Buena Vista Charter Township Zoning Map" which accompanies this ordinance. This zoning map, including all notations, references and information shown on it is hereby made a part of this Ordinance. The official zoning map shall be kept and maintained by the Saginaw County Metropolitan Planning Commission. A copy of this map shall be made available for public inspection at the office of the Township Zoning Administrator.

Section 303. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts indicated on the official zoning map, the following rules shall apply:

- (A) **Roads.** Boundaries indicated as approximately following streets, alleys or highways shall be presumed to follow the centerline of those roadways.
- (B) **Property Lines.** Boundaries indicated as approximately following property lines shall be presumed to follow those lines.
- (C) **Township Boundaries.** Boundaries indicated as approximately following boundary lines shall be presumed to follow those lines.
- (D) **Parallel to Roads.** Boundaries indicated as approximately parallel to the center lines of streets, alleys or highways shall be interpreted as being parallel thereto and at the distance from the road right-of-way as indicated by the distance stated or scaled on the zoning map.
- (E) **Bodies of Water.** Boundaries appearing to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.

- (F) **Zoning Board of Appeals Interpretation.** If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals shall interpret the Zoning Map under the provisions of Section 1201(C)(8) Interpretations of Zoning Ordinance Provisions.

Section 304. Divided Parcels.

When a zoning district boundary line divides a zoning lot, the use permitted in the more restrictive zoning district (see Section 301) may be extended to the entire parcel, so long as the applicable yard requirements are met. Uses permitted in the less restrictive zoning district may be extended to the entire lot, subject to the following conditions:

- (A) **Largest Part of Parcel.** At least one-half of the area of the lot must be in the less restrictive zoning district.
- (B) **Enclosed Building.** Any part of the less restricted activity extending into the more restrictive zoning district shall be confined entirely within an enclosed building which conforms to the applicable yard and lot coverage requirements of the more restrictive zoning district in that portion of the lot.

Section 305. Zoning of Vacated Areas.

Whenever any street, alley, or other public way within the Township is vacated, that street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it is attached, and shall be subject to the standards for that Zoning District.

Section 306. Scope of Regulations.

- (A) **Applicability.** No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use, expansion of a use, or change in use of a lot shall be made unless it conforms with all applicable provisions of this ordinance, including the regulations for the zoning district in which it is located.
- (B) **Items Regulated.** The regulations applying to zoning districts include but are not limited to, the use of land and structures, minimum lot area and dimensions, setback of structures from streets and neighboring lots, height of structures, and area of a lot that can be covered by structures.

Section 307. Uses Not Otherwise Cited.

A land use that is not listed as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that the use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

- (A) **Determination of Compatibility.** In making the determination of compatibility, the Planning Commission shall consider the specific characteristics of the use in question and compare those characteristics with those of the uses that are expressly permitted in the district. These use characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- (B) **Conditions by Which Use may be Permitted.** If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

- (C) **Use listed elsewhere.** No use shall be permitted in a district under the terms of this section if that use is specifically listed as use permitted by right or as a special use in any other district.

Section 308. Zoning Districts.

Regulations for the zoning districts are contained in Sections 308 (1) to 308 (13). These sections do not include requirements that are specified by other portions of this ordinance including but not limited to, parking, landscaping, lighting, signs, and procedures. Therefore, all ordinance provisions should be reviewed before making any decision regarding use of land or a structure in Buena Vista Charter Township.

Section 308 (1). A-1 Agricultural: Farmland Preservation District.

- (A) **Intent and Purpose.** To preserve and promote the use of land for food and fiber production. To reinforce the continued agricultural use or property as encouraged by the Farmland and Open Space Preservation Act.

(B) **Permitted Uses.**

- (1) Single family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Farming for production of food, feed or fiber.
- (5) Livestock or poultry raising.
- (6) Outdoor plant nursery without retail sales. See Section 402 (N).
- (7) Forestry.
- (8) Horticulture.
- (9) Private riding arena/boarding stable. See Section 402 (BB).
- (10) Roadside stand.
- (11) Home occupation. See Section 402 (P).
- (12) Accessory buildings and uses customarily incidental to the above permitted uses
- (13) Essential services.
- (14) Publicly owned parks, playground, playfields, and similar public open spaces, but not including campgrounds.
- (15) Direct Use Solar Energy Facilities
- (16) Agricultural tourism uses as follows:
 - i. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
 - ii. Seasonal U-pick fruits and vegetables operations.
 - iii. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
 - iv. Food sales/processing, processing any fruits/produce.
 - v. The uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 1. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 2. Bakeries selling baked goods containing produce grown primarily on site
 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 4. Petting farms, animal display, and pony rides.
 5. Wagon, sleigh and hayrides.
 6. Nature trails.
 7. Open air or covered picnic area with restrooms.
 8. Educational classes, lectures, seminars.
 9. Historical agricultural exhibits.

10. Kitchen facilities, processing/cooking items for sale.
11. Gift shops for the sale of agricultural products and agriculturally related products.
12. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

(C) **Permitted Uses after Special Use Approval.**

- (1) Fishing area.
- (2) Gun club. See Section 402 (CC).
- (3) Hunting area.
- (4) Nature preserve.
- (5) Public/commercial riding stable. See Section 402 (DD).
- (6) Greenhouse without retail sales on premises. See Section 402 (N).
- (7) Private airstrip without fuel storage. See Section 402 (B).
- (8) Institutional uses, not including large scale. See Section 402 (T).
- (9) Small wind energy systems. See Section 402 (JJ).
- (10) Utility wind energy systems. See Section 402 (KK).
- (11) Radio, television, or wireless communication towers. See Section 402 (KK).
- (12) Soil resource extraction. See Section 402(K).
- (13) State licensed residential facility (group). See Section 402 (H).
- (14) Raising of fur bearing animals or game birds.
- (15) Bed and breakfast establishments. See Section 402 (E).
- (16) Cemeteries. See Section 402 (G).
- (17) Boat launches, public or private.
- (18) Primary and Secondary Use Solar Energy Facilities
- (19) Agricultural tourism uses as follows:
 - (a) Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than 400 square feet in building area.
 - (b) Restaurant operations related to the agricultural use on the site.
 - (c) Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
 - (d) Small-scale entertainment (e.g., music concert, car show, art fair).
 - (e) Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - (f) Organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - (g) Designated, permanent parking for more than 20 vehicles.

(D) **Developmental Standards.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district are subject to requirements of Section 309, Table of Dimensions.
- (3) **General Development Standards.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (2). A-2 Agricultural: Dispersed Residential District.

(A) **Intent and Purpose.** To promote appropriate non-farm uses of land while preserving the rural nature of the area. To permit a gradual transition from agricultural preservation areas to more intensive uses without giving way to urban sprawl.

(B) **Permitted Uses.**

- (1) Single-family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Home occupation. See Section 402 (P).
- (5) Farming for production of food, feed or fiber
- (6) Public/private/riding stables. See Section 402 (BB) and 402 (DD).
- (7) Orchards.
- (8) Fishing area.
- (9) Roadside stand. See Section 402 (FF).
- (10) Nature preserve.
- (11) Outdoor plant nursery without retail sales.
- (11) Bed and breakfast. See Section 402 (E).
- (12) Accessory building or use customarily incidental to the above permitted use.
- (13) Essential services.
- (14) Publicly owned parks, playgrounds, playfields, and similar open spaces, but not including campgrounds.
- (15) Horticulture
- (16) Direct Use Solar Energy Facilities
- (17) Agricultural tourism uses as follows:
 - i. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
 - ii. Seasonal U-pick fruits and vegetables operations.
 - iii. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
 - iv. Food sales/processing, processing any fruits/produce.
 - v. The uses listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 1. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 2. Bakeries selling baked goods containing produce grown primarily on site
 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 4. Petting farms, animal display, and pony rides.
 5. Wagon, sleigh and hayrides.
 6. Nature trails.
 7. Open air or covered picnic area with restrooms.
 8. Educational classes, lectures, seminars.
 9. Historical agricultural exhibits.
 10. Kitchen facilities, processing/cooking items for sale.
 11. Gift shops for the sale of agricultural products and agriculturally related products.
 12. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

(C) **Permitted Uses after Special Use Approval.**

- (1) Kennel. See Section 402 (V).
- (2) Campground. See Section 402 (EE).
- (3) Composting center. See Section 402 (I).
- (4) Recreational vehicle park. See Section 402 (EE).
- (5) Greenhouses without retail sales. See Section 402 (N).
- (6) Outdoor public/private recreational facilities. See Section 402 (CC).
- (7) Airport and associated facilities. See Section 402 (B).
- (8) Veterinary hospital or clinic. See Section 402 (LL).
- (9) Assembly/meeting hall.
- (10) Municipal building / public buildings without outdoor storage.
- (11) Soil resource extraction. See Section 402 (L).
- (12) Institutional uses, not including large scale. See Section 402 (T).
- (13) Wireless communication tower. See Section 402 (NN).
- (14) Cemeteries (excluding crematories). See Section 402 (G).
- (15) Small wind energy systems. See Section 402 (JJ).
- (16) Utility wind energy systems. See Section 402 (KK).
- (17) Primary and Secondary Use Solar Energy Facilities
- (18) Agricultural tourism uses as follows:
 - (h) Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than 400 square feet in building area.
 - (i) Restaurant operations related to the agricultural use on the site.
 - (j) Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
 - (k) Small-scale entertainment (e.g., music concert, car show, art fair).
 - (l) Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - (m) Organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - (n) Designated, permanent parking for more than 20 vehicles.

(D) Developmental Standards.

Buildings and uses in the A-2 Agricultural: Dispersed Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the A-2: Agricultural: Dispersed Residential district are subject to requirements of Section 309, Table of Dimensions.
- (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the AG zoning district may be developed in accordance with:

Section 1003	Condominium Regulations
Section 1001	Planned Unit Developments
Section 1002	Residential Open Space Preservation Option.
- (4) **General Development Standards.** Buildings and uses in the A-2 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (3). R-1 Residential: Single-Family District.

(A) **Intent and Purpose.** To encourage and preserve attractive neighborhood environments consisting of single-family dwellings on individual lots and compatible uses. To create residential areas that will maintain quality of life opportunities for future inhabitants.

(B) **Permitted Uses.**

- (1) Single-family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Home occupations. See Section 402 (P).
- (5) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds. See Section 402 (CC).
- (6) Essential services.
- (7) Farming for field crops on lots or parcels of three acres or more
- (8) Accessory buildings and uses customarily incidental to the above permitted uses.
- (9) Direct Use Solar Energy Facilities

(C) **Permitted Uses after Special Use Approval.**

- (1) Institutional uses, not including large scale. See Section 402 (T).
- (2) Municipal building / public building without outdoor storage.
- (3) Cemeteries excluding crematories. See Section 402 (G).
- (4) Private club/ lodges.
- (5) Public/private outdoor recreational facilities. See Section 402 (CC).
- (6) State licensed residential facility (group). See Section 402 (H).
- (7) Wireless communication tower. See Section 402 (NN).
- (8) Primary and Secondary Use Solar Energy Facilities

(D) **Developmental Standards.** Buildings and uses in the R-1 Residential: Single-family district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the R-1 Residential: Single-family district are subject to requirements of Section 309, Table of Dimensions.
- (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the R-1 zoning district may be developed in accordance with:

Section 1003 Condominium Regulations
 Section 1001 Planned Unit Developments
 Section 1002 Residential Open Space Preservation Option.

- (4) **General Development Standards.** Buildings and uses in the R-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4 Use Standards
 Chapter 5 Supplementary Regulations
 Chapter 6 Parking and Loading
 Chapter 7 Landscaping, Screening, and Exterior Lighting
 Chapter 8 Signs

Section 308 (4). R-2 Residential: One and Two-Family District.

- (A) **Intent and Purpose.** To promote variety in housing style, design and cost to meet the needs of township residents. To promote development and preservation of neighborhoods of somewhat higher density than R-1 districts, but with equivalent quality.
- (B) **Permitted Uses.**
- (1) R-1 permitted uses.
 - (2) Two-family dwelling.
 - (3) Farming for field crops on lots or parcels of three acres or more.
 - (4) Accessory buildings and uses customarily incidental to the above permitted uses.
 - (5) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds.
 - (6) Direct Use Solar Energy Facilities
- (C) **Permitted Uses after Special Use Approval.**
- (1) Group day care home. See Section 402 (H).
 - (2) Independent senior housing. See Section 402 (Y).
 - (3) Cemeteries excluding crematories. See Section 402 (G).
 - (4) Institutional uses, not including large scale. See Section 402 (T).
 - (5) Nursing/assisted living facilities. See Section 402 (Y)
 - (6) Private club, lodge.
 - (7) Public/private outdoor recreation facilities. See Section 402 (CC).
 - (8) Municipal building / public buildings without outdoor storage.
 - (9) Primary and Secondary Use Solar Energy Facilities
- (D) **Developmental Standards.** Buildings and uses in the R-2 Residential: One and two family district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** Site plan review and approval where applicable.
 - (2) **Lot Regulations.** Buildings and uses in the R-2 Residential: One and two family district are subject to requirements of Section 309, Table of Dimensions.
 - (3) **Single Family Development Options.** Subject to approval, residential developments in the R-2 zoning district may be developed in accordance with:
 - Section 1003 Condominium Regulations
 - Section 1001 Planned Unit Developments
 - Section 1002 Residential Open Space Preservation Option.
 - (4) **General Development Standards.** Buildings and uses in the R-2 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
 - Chapter 4 Use Standards
 - Chapter 5 Supplementary Regulations
 - Chapter 6 Parking and Loading
 - Chapter 7 Landscaping, Screening, and Exterior Lighting
 - Chapter 8 Signs

Section 308 (5). R-3 Residential: Multi-Family District.

- (A) **Intent and Purpose.** To promote development of moderate-density residential areas, together with other compatible uses, where services and facilities are sufficient to accommodate higher population concentrations.

(B) Permitted Uses.

- (1) Multiple-family dwellings. See Section 402 (Y).
- (2) Senior housing. See Section 402 (Y).
- (3) Home occupation. See Section 402 (P).
- (4) State licensed residential facility (six or fewer residents).
- (5) Family day care home.
- (6) Group day care home (7-12 children). See Section 402 (H).
- (7) Outdoor public recreational uses. See Section 402 (CC).
- (8) Outdoor court or field sports (unlighted).
- (9) Essential services.
- (10) Uses and structures accessory to the above, including, but necessarily limited to the following:
 - a) Pools for the exclusive use of residents and their guests
 - b) In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development
 - c) Private garages, carports, or community garages
 - d) Private parks owned and maintained by a homeowner association or the proprietor of a housing project
 - e) Signs
- (11) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds.
- (12) Direct Use Solar Energy Facilities

(C) Permitted Uses after Special Use Approval.

- (1) Single-family dwelling.
- (2) Institutional uses, not including large scale. See Section 402 (T).
- (3) Medical / dental office.
- (4) Cemeteries excluding crematories. See Section 402 (G).
- (5) Personal service, office, or non-food retail.
- (6) Public/private club.
- (7) Private outdoor recreational facilities. See Section 402 (CC).
- (8) Municipal building / public buildings without outdoor storage.
- (9) State licensed residential facility for seven or more residents. See Section 402 (H).
- (10) Hospital. See Section 402 (Q).
- (11) Primary and Secondary Use Solar Energy Facilities

(D) Developmental Standards. Buildings and uses in the R-3 Residential: Multifamily district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the R-3 Residential: Multi-family district are subject to requirements of Section 309, Table of Dimensions.
- (10) **Multifamily Development Options.** Subject to approval, multi-family residential developments in the R-3 zoning district may be developed in accordance with:

Section 1003	Condominium Regulations
Section 1001	Planned Unit Developments
Section 1002	Residential Open Space Preservation Option.
- (4) **General Development Standards.** Buildings and uses in the R-3 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (6). MH Residential: Mobile Home Park District.

(A) **Intent and Purpose.** To provide for the location and regulation of mobile home parks as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules, in areas where they will be compatible with adjacent land uses. Where regulations in this Ordinance exceed the regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that mobile home parks are developed and maintained in a manner equivalent to the standards of this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the Township, minimize hazards to life and property, and ensure sufficient provision for light, air, privacy, recreation and basic amenities to serve the residents of the district.

(B) Permitted Uses.

- (1) Mobile home park. See Section 402 (W).
- (2) Home occupation. See Section 402 (P).
- (3) State licensed residential facility (six or fewer residents).
- (4) Family day care home.
- (5) Outdoor public/private recreational facility uses, unlighted. See Section 402 (CC).
- (6) Essential services.
- (7) Uses and structures accessory to the above, including, but necessarily limited to the following:
 - (a) Pools for the exclusive use of residents and their guests
 - i. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development
 - ii. Private garages, carports, or community garages
 - iii. Private parks owned and maintained by a homeowner association or the proprietor of a housing project
 - iv. Signs
- (8) Direct Use Solar Energy Facilities

(C) Permitted Uses after Special Use Approval.

- (1) Recreational vehicle park. See Section 402 (EE).
- (2) State licensed residential facility (group). See Section 402 (H).
- (3) Outdoor public/private recreational facility uses, lighted. See Section 402 (CC).
- (4) Child day care centers. See Section 402 (H).
- (5) Campground. See Section 402 (EE).
- (6) Primary and Secondary Use Solar Energy Facilities

(D) **Developmental Standards.** Buildings and uses in the MH, Mobile Home Park district, other than a mobile home park, shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the MH, Mobile Home Park district are subject to requirements of Section 309, Table of Dimensions.

- (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the MH zoning district may be developed in accordance with:
- Section 1003 Condominium Regulations
 - Section 1001 Planned Unit Developments
 - Section 1002 Residential Open Space Preservation Option.
- (4) **General Development Standards.** Buildings and uses in the MH district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
- Chapter 4 Use Standards
 - Chapter 5 Supplementary Regulations
 - Chapter 6 Parking and Loading
 - Chapter 7 Landscaping, Screening, and Exterior Lighting
 - Chapter 8 Signs
- (E) **Development Standards for a Mobile Home Park.**
- (1) **Site Plan Review.**
- (a) Site plan review and approval by Buena Vista Township and other affected agencies will be compliance with Section 125.2311 of P.A. of 1987, as amended and shall constitute preliminary approval as defined in P.A. 96, of 1987, as amended.
 - (b) Final site plan review and approval is needed from the Michigan Department of Commerce in accordance with P.A. 96 of 1967 as amended.
- (2) **Lot Regulations.** Buildings and uses in the MH, Mobile Home Park district are subject to requirements of Section 309, Table of Dimensions.
- (3) **Condominium Development.** Mobile home parks may be developed as a Condominium as regulated under Sections 121 and 127 of the Condominium Act, P.A. 59 of 1978, as amended and a mobile home park conversion project is subject to the regulations of Rules 101-903 of the Department of Energy, Labor, and Economic Growth Condominium rules and the Manufactured Housing Commission Rules R125.1902a and 1905.
- (4) **Site Entry Sign.** A site entry sign is permitted subject to the standards of Section 805(A).
- (5) **Use Standards.** See Section 402(W).

Section 308 (7). TC: Town Center District.

- (A) **Intent and Purpose.** The TC Town Center District is designed and intended to promote the development of a pedestrian accessible service district in which a mixture of retail, commercial, office, civic, and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and be consistent with Town Center area development plans.

Furthermore, it is recognized that uses that have as their principal function the sale or servicing of motor vehicles, such as car washes or new and used motor vehicle sales or service establishments, have a disruptive effect on the intended walkable character of the district. The TC district is especially designed to encourage development of high quality mixed land uses and shared parking.

- (B) **Permitted Uses.**

- (1) Assembly hall.
- (2) Family day care home.
- (3) Financial institutions.
- (4) Home occupation. See Section 402(P).
- (5) Indoor commercial recreational facility. See Section 402 (CC).
- (6) Municipal building/buildings without outdoor storage.
- (7) Multiple-family dwellings, such as apartments or townhouses, provided the following conditions are met:
 - a. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is business / office and residential use in a building there shall be provided a separate, private pedestrian entranceway for residential use.
 - b. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three hundred (300) feet of the building.
- (8) Museum or library.
- (9) Office.
- (10) Park.
- (11) Personal service establishment.
- (12) Restaurant.
- (13) Retail.
- (14) Senior housing. See Section 402 (Y).
- (15) Direct Use Solar Energy Facilities

(C) Permitted Uses after Special Use Approval.

- (1) Bar.
- (2) Bus station, taxi stand, or other public transit facility.
- (3) Commercial school.
- (4) Gas station. See Section 402 (D).
- (5) Group day care home. See Section 402 (H)
- (6) Nursing/convalescent home. See Section 402 (Y)
- (7) Restaurant, drive-through. See Section 402 (J).
- (8) Hotel or motel. See Section 402 (R).
- (9) Institutional uses, including large scale. See Section 402 (T).
- (10) Veterinary hospital or clinic. See Section 402 (LL).
- (11) Medical clinic / hospital. See Section 402 (Q).
- (12) Primary and Secondary Use Solar Energy Facilities.

(D) Developmental Standards. Buildings and uses in the TC: Town Center District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** For all uses permitted in the TC district, site plans shall be submitted for approval by the Planning Commission in accordance with the provisions of this Ordinance and other applicable Ordinances.
- (2) **Lot Regulations.** Buildings and uses in the TC: Town Center District are subject to the requirements of Section 309, Table of Dimensions.
 - (a) The setback requirements found in Section 309, Table of Dimensions, may be reduced where strict adherence would serve no good purpose or where the overall intent of the TC district would be better served by allowing a lesser

setback, provided the Planning Commission finds that all of the following conditions are met.

- (i) That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the Township as related to the use of the premises or adjacent premise;
- (ii) That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
- (iii) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.

(3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the TC district shall comply with the following requirements.

- (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
- (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (c) There shall be no outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Section 504.
- (d) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
- (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

(4) **Architecture and Urban Design.**

- (a) **Facades.** All exterior walls of any main or accessory building shall be composed of the same architectural building façade materials. Exterior building facades shall be primarily of brick or stone, which may be materials complementary to brick or stone. When renovations, alterations, or additions are made to an existing building within the TC district, the exterior building facades of the entire building shall be brought into compliance with this subsection.

When façade materials other than brick or stone are proposed for a building within the TC district, the Planning Commission may permit such alternative façade materials provided it finds that all of the following conditions are met:

- (1) The selected façade materials and material combinations will be consistent with and enhance the building design concept.
 - (2) The use of the selected façade materials and material combinations will not detract from the future development in the TC district of buildings with facades of brick and stone, augmented by materials complementary to brick and stone.
 - (3) The request is accompanied by a written design statement describing how the selected façade materials will satisfy the above requirements.
- (b) **Urban Design Amenities.** Urban design amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, paved activity nodes, street/sidewalk furniture, safety paths, trash receptacles, small scale landscape treatments, planters, screening walls, and major architectural features at entranceways and focal points of the development (e.g. arch, gateway, bell tower, fountain).
- (c) **Sidewalks.** Sidewalks are required at all developments that abut any street or internal service road. Sidewalks within the TC district adjacent to non-residential collector and local streets shall be 5.0 feet in width. Direct pedestrian access shall be provided between all buildings and uses within a development and between a development and adjacent areas. Such access may be provided by the utilization of interior walkways in conjunction with exterior sidewalks.

- (5) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.

- (6) **General Development Standards.** Buildings and uses in the TC district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (8). B-1 Commercial: Local Business District.

- (A) **Intent and Purpose.** To accommodate commercial activities that meet the day-to-day convenience shopping and services needs of township residents. To promote development of offices in a manner that will complement surrounding neighborhoods. To provide a transition zone between residential neighborhoods and intensive commercial areas.

(B) **Permitted Uses.**

- (1) Professional offices, including medical and dental offices.
- (2) Personal services establishments (including tailor, shoe repair, hair salon, barber shop)
- (3) Funeral home without crematory. See Section 402 (M).
- (4) Financial institutions.
- (5) Retail use.
- (6) Child day care center. See Section 402 (H).
- (7) Restaurant building less than 3,000 square feet.
- (8) Dry cleaning without processing on premises.
- (9) Park.
- (10) Direct Use Solar Energy Facilities.

(C) **Permitted Uses after Special Use Approval.**

- (1) Hotel or motel. See Section 402 (R).
- (2) Gas station. See Section 402 (D).
- (3) Municipal public buildings without outdoor storage.
- (4) Greenhouse, nursery, and garden center. See Section 402 (N).
- (5) Veterinary hospital or clinic. See Section 402 (LL).
- (6) Institutional uses, not including large scale. See Section 402 (T).
- (7) Farming for field crops on lots or parcels of five acres or more.
- (8) Primary and Secondary Use Solar Energy Facilities.

(D) **Developmental Standards.** Buildings and uses in the B-1, Commercial: Local Business district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) No building shall exceed 10,000 sq. ft. in area.
- (2) **Site Plan Review.** Site plan review and approval where applicable.
- (3) **Lot Regulations.** Buildings and uses in the B-1, Commercial: Local Business district are subject to the requirements of Section 309, Table of Dimensions.
- (4) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-1 district shall comply with the following requirements.
 - (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
 - (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (c) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
 - (d) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.

- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (4) **General Development Standards.** Buildings and uses in the B-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (9). B-2 Commercial: Intensive District.

- (A) **Intent and Purpose.** To preserve and enhance business areas serving a regional market and/or serving the needs of the automobile traveler on major arterial streets.

- (B) **Permitted Uses.**

- (1) Any B-1 permitted uses (with/or without drive through).
- (2) Museum or library.
- (3) Assembly/meeting hall.
- (4) Car wash. See Section 402 (F).
- (5) Private club/lodge.
- (6) Commercial or trade school.
- (7) Retail, without floor area restrictions.
- (8) Repair garages, minor or maintenance repairs only. See Section 402 (X).
- (9) Tattoo parlor.
- (10) Direct Use Solar Energy Facilities.

- (C) **Permitted Uses after Special Use Approval.**

- (1) Institutional uses including large scale. See Section 402 (T).
- (2) Outdoor public/private recreational uses See Section 402 (CC).
- (3) Medical clinic / hospital. See Section 402 (Q).
- (4) Printing and publishing.
- (5) Self-storage warehouse. See Section 402 (GG).
- (6) Municipal/public buildings with or without outdoor storage. See Section 402 (AA).
- (7) Vehicle or equipment sales. See Section 402 (C).
- (8) Outdoor sales or display. See Section 402 (Z).
- (9) Gas station. See Section 402 (D).
- (10) Primary and Secondary Use Solar Energy Facilities.
- (11) Marijuana Provisioning Centers [and Adult-Use Marijuana Retailers. See Section 402 \(QQ\).](#)

- (D) **Developmental Standards.** Buildings and uses in the B-2 Commercial: Intensive district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the B-2 Commercial: Intensive district are subject to the requirements of Section 309, Table of Dimensions.

- (3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-2 district shall comply with the following requirements.
 - (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

- (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (c) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
- (d) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
- (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (4) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (5) **General Development Standards.** Buildings and uses in the B-2, district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
 - Chapter 4 Use Standards
 - Chapter 5 Supplementary Regulations
 - Chapter 6 Parking and Loading
 - Chapter 7 Landscaping, Screening, and Exterior Lighting
 - Chapter 8 Signs

Section 308 (10). B-3 Commercial: Wholesale and Business Services District.

- (A) **Intent and Purpose.** To promote development of business areas which primarily serve the needs of other businesses in a regional market.
- (B) **Permitted Uses.**
 - (1) Automotive and equipment sales. See Section 402 (C).
 - (2) Mobile home and recreational vehicle sales. See Section 402 (C).
 - (3) Farm equipment sales. See Section 402 (C).
 - (4) Industrial, commercial or construction equipment, sales. See Section 402 (C).
 - (5) Printing and publishing.
 - (6) Wholesale business excluding fuel dealer. See Section 402 (MM).
 - (7) Self-storage warehouse. See Section 402 (GG).
 - (8) Restaurant.
 - (9) Warehouse. See Section 402 (MM).
 - (10) Municipal/public buildings without outdoor storage.
 - (11) Motor vehicle repair garage, minor repairs. See Section 402 (X).
 - (12) Direct Use Solar Energy Facilities.
- (C) **Permitted Uses after Special Use Approval.**
 - (1) Arena or stadium.
 - (2) Farm equipment, repair. See Section 402 (X).
 - (3) Industrial, commercial or construction equipment, repair. See Section 402 (X).
 - (4) Racetrack.

- (5) Motor vehicle repair garage, major repairs. See Section 402 (X).
- (6) Farm suppliers. See Section 402 (Z).
- (7) Bottling plant.
- (8) Lumber yard. See Section 402 (Z).
- (9) Tool and die machine shop (less than 5,000 square feet).
- (10) Bus station, taxi stand or other public transit facility.
- (11) Municipal/public buildings with outdoor storage. See Section 402 (AA).
- (12) Wireless communication tower. See Section 402 (NN).
- (13) Adult-only businesses shall be permitted subject to the standards in Section 402 (A) but shall not be subject to the standards for granting special approval in Sections 1102 (C) (4) (d) and 1102 (G).
- (14) Small wind energy systems. See Section 402 (JJ).
- (15) Primary and Secondary Use Solar Energy Facilities.
- (16) Marijuana Provisioning Centers [and Adult-Use Marijuana Retailers. See Section 402 \(QQ\).](#)

(D) **Developmental Standards.** Buildings and uses in the B-3 district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the B-3 Commercial: Wholesale and Business Services district are subject to the requirements of Section 309, Table of Dimensions.
- (3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-3 district shall comply with the following requirements.
 - (a) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (b) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
 - (c) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (d) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (4) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (5) **General Development Standards.** Buildings and uses in the B-3, district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (11). M-1 Industrial: Limited Manufacturing District.

(A) **Intent and Purpose.** To encourage attractive industrial development that is in keeping with the township's suburban character. To permit manufacturing processing, assembling, packaging, or treatment of products when these activities take place only inside a building. To permit compatible sales or service uses, and prohibit residential or intensive retail uses in industrial locations.

(B) **Permitted Uses.**

- (1) All permitted uses in the B-3 District.
- (2) Farming for production of food, feed or fiber on lots or parcels of five (5) acres or more.
- (3) Bar.
- (4) Laboratories involved in basic research, experiment, design, testing, or prototype product development.
- (5) Tool and die machine shop.
- (6) Data processing and computer centers.
- (7) Manufacturing, processing, assembly or fabrication of products that do not involve the creation of odors or have other offensive impacts, without outdoor storage.
- (8) Warehouse. See Section 402 (MM).
- (9) Wholesale business, excluding fuel dealers. See Section 402 (MM).
- (10) Industrial, commercial or construction equipment, sales and repair. See Sections 402 (C), (X), and (Z).
- (11) Essential services.
- (12) Nurseries and greenhouses. See Section 402 (N).
- (13) Repair garage - minor repair. See Section 402 (X).
- (14) Restaurant.
- (15) Recreation facilities, public and private. See Section 402 (CC).
- (16) Other research or light manufacturing uses similar to the above.
- (17) Outdoor storage, sales and rental of heavy equipment, materials, etc. See Sections 402 (C) and (Z).
- (18) Uses and structures accessory to the above. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use.
- (19) Direct Use Solar Energy Facilities.
- (20) Secondary Use Solar Energy Facilities.

(C) **Permitted Uses after Special Use Approval.**

- (1) Contractor's yard. See Section 402 (AA).
- (2) Outdoor storage of materials or equipment that will not burn, explode, be dispersed by wind, dissolve in or contaminate water, or harm humans, plants or animals. See Section 402 (AA).
- (3) Fuel dealer. See Section 402 (O).
- (4) Central dry cleaning plants and laundries provided that such plants do not deal directly with the customer at retail.
- (5) Vehicle or equipment repair garage - major repair. See Section 402 (X).
- (6) Self-storage warehouse. See Section 402 (GG).
- (7) Wireless communication facilities. See Section 402 (NN).
- (8) Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than 10 percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
 - (a) Child care services that are intended to serve families of workers in the district.
 - (b) Financial institutions, including banks, credit unions, and savings and loan associations.

- (c) Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
- (d) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
- (e) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
- (f) Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the Planning Commission.
- (9) Gas stations with or without convenience store and/or restaurant. See Section 402 (D).
- (10) Kennels. See Section 402 (V).
- (11) Industrial parks.
- (12) Race tracks.
- (13) Cemeteries. See Section 402 (G).
- (14) Composting. See Section 402 (I).
- (15) Building supply yard. See Section 402 (AA).
- (16) Small wind energy systems. See Section 402 (JJ).
- (17) Utility wind energy systems. See Section 402 (KK).
- (18) Primary Use Solar Energy Facilities.
- (19) Marijuana Facilities as follows: [See Section 402 \(QQ\)](#)
 - a. Marijuana Provisioning Centers;
 - b. [Adult-Use and Medical](#) Marijuana Grower Facilities;
 - c. [Adult-Use and Medical](#) Marijuana Processor Facilities;
 - d. [Adult-Use and Medical](#) Marijuana [Secure](#) Transporter Facilities;
 - e. [Adult-Use and Medical](#) Marijuana Safety Compliance Facilities;
 - f. [Adult-Use Marijuana Retailer Facilities](#);
 - g. [Adult-Use Marijuana Microbusiness Facilities](#)

(D) **Developmental Standards.**

Buildings and uses in the M-1 Industrial: Limited Manufacturing district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the M-1 Industrial: Limited Manufacturing district are subject to the requirements of Section 309, Table of Dimensions.
- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (4) **General Development Standards.** Buildings and uses in the M-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (12). M-2 Industrial: Intensive Manufacturing District.

- (A) **Intent and Purpose.** To permit heavy industrial activity within the limitations provided by the State of Michigan's environmental regulations. To permit uses that are compatible with an industrial setting and prohibit those that are not.

(B) Permitted Uses.

- (1) M-I permitted uses.
- (2) Rail freight yard. See Section 402 (MM).
- (3) Water treatment or storage facilities. See Section 402 (AA).
- (4) Heating and electric power generating plants.
- (5) Wireless communication facilities. See Section 402 (NN).
- (6) Outdoor storage, sales and rental of equipment, materials, etc. See Sections (X), (Z) and (AA).
- (7) Accessory uses, buildings and structures customarily incidental to any of the above uses, except use or storage of hazardous materials or above ground fuel storage, or accessory incinerators which require a separate Special Use Approval.
- (8) Direct Use Solar Energy Facilities.
- (9) Secondary Use Solar Energy Facilities.

(C) Permitted Uses after Special Use Approval.

- (1) M-I permitted uses after special approval.
- (2) Airport and associated facilities. See Section 402 (B).
- (3) Junkyard. See Section 402 (U).
- (4) Landfill (type III).
- (5) Landfill (type II), resource or recovery incinerator. See Section 402 (S).
- (6) Oil or gas processing facility. See Section 402 (O).
- (7) Incarceration facility.
- (8) Municipal/public buildings with outdoor storage. See Section 402 (AA).
- (9) Municipal sewage treatment/disposal facility. See Section 402 (HH).
- (10) Soil resource extraction. See Section 402 (L).
- (11) Manufacturing, wholesale distribution, or warehousing of fireworks, explosives, ammunition, or other detonable materials. See Section 402 (O).
- (12) Millwork, lumber and planing mills See Section 402 (AA).
- (13) Any of the following processing, production or manufacturing uses (not including storage of finished products) provided that they are located a minimum of 800 feet from any Residential District and a minimum of 300 feet from any other zoning district:
- (14) Small wind energy systems. See Section 402 (JJ).
- (15) Utility wind energy systems. See Section 402 (KK).
- (16) Primary Use Solar Energy Facilities.
- (17) Marijuana Facilities as follows: [See Section 402 \(QQ\)](#)
 - a. Marijuana Provisioning Centers;
 - b. [Adult-Use and Medical](#) Marijuana Grower Facilities;
 - c. [Adult-Use and Medical](#) Marijuana Processor Facilities;
 - d. [Adult-Use and Medical](#) Marijuana [Secure](#) Transporter Facilities;
 - e. [Adult-Use and Medical](#) Marijuana Safety Compliance Facilities;
 - f. [Adult-Use Marijuana Retailer Facilities](#);
 - g. [Adult-Use Marijuana Microbusiness Facilities](#)

(D) Developmental Standards.

Buildings and uses in the M-2 Industrial: Intensive Manufacturing district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the M-2 Industrial: Intensive Manufacturing District are subject to the requirements of Section 309, Table of Dimensions.
- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.

- (4) **General Development Standards.** Buildings and uses in the M-2 District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 308 (13). AP Airport District.

- (A) **Intent and Purpose.** The intent of this District is to create an area of open land suitable for airport activity, including land uses customarily associated with this activity, such as runways, landing areas or other facilities.
- (B) **Permitted Uses.** In the AP District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:
- (1) Airports, heliports, landing areas, runways, taxiways, aircraft hangers and tie down areas, approach surface and transitional surfaces. See Section 402 (B).
 - (2) Direct Use Solar Energy Facilities.

(C) **Permitted Uses After Special Use Approval.**

- (1) Commercial and service establishments catering primarily to persons using the airport including sit-down restaurants, barber shops, automobile rental and leasing agencies, banks, travel agencies and similar uses.
- (2) Wholesaling and warehousing establishments requiring air transport.
- (3) Research or testing laboratories related to the aviation industry.
- (4) Transportation facilities including truck terminals, bus depots and similar uses.
- (5) Assembly and fabricating plants which use an airplane taxiway from the main airport runway directly to the manufacturing firm.
- (6) Terminals, accessory buildings and other uses customarily incidental to an airport operation.
- (7) Package expediting service.
- (8) Primary and Secondary Use Solar Energy Facilities.

(D) **Developmental Standards.** Buildings and uses in the AP Airport District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the AP Airport District are subject to the requirements of Section 309 Table of Dimensions.
- (3) **General Development Standards.** Buildings and uses in the M-2, District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

Section 309

Table of Dimensions

(A) All buildings, uses, and lots shall comply with the dimensional standards set forth in the table below. Exceptions to the standards for each zoning district are provided in the footnotes following the table.

Zoning District	Lot Dimensions				Minimum Setbacks (f,m)							Structure Regulations				
	Minimum Lot Area	Minimum Lot Width	Minimum Depth	Maximum Lot Coverage	Front Yard	Side Yard		Rear Yard	Distance Between Structures	Corner Lot Yards		Maximum Height (e)		Minimum Dwelling Unit Floor Area		
						Least One	Total of Two			Side Street	Remaining sides	Stories	Height	Total Floor Area	Ground Floor	
Urbanizing District	1-1 (k) ec. 08(1)	20 ac (m)	330 ft	660 ft	10%	100 ft (a)	20 ft (a)	50 ft (a)	40 ft (a)	50 ft	50 ft (a)	20 ft (a)	2½	35 ft	1,000 sq ft	570 sq ft (m)
	1-2 ec. 08(2)	40,000 sq ft	100 ft	150 ft	35%	60 ft (a)	15 ft (a)	35 ft (a)	40 ft (a)	35 ft	35 ft (a)	15 ft (a)	2½	35 ft	1,000 sq ft	570 sq ft
	1-1 ec. 08(3)	10,000 sq ft	80 ft	100 ft	35%	30 ft (b)	8 ft	25 ft	30 ft	20 ft	30 ft	8 ft	2½	35 ft	1,000 sq ft	570 sq ft
	1-2 ec. 08(4)	12,000 sq ft	90 ft	100 ft	35%	30 ft (b)	10 ft (c)	20 ft	30 ft	20 ft	25 ft	10 ft	2½	35 ft	1,000 sq ft	570 sq ft
	1-3 (l) ec. 08(5)	(d)	100 ft	180 ft	40%	30 ft	10 ft	35 ft	30 ft	20 ft	25 ft	10 ft	2½ (j)	35 ft	(l)	—
	1H Sec. 08(6)	See Section 402 (W)														
	C ec. 08(7)	15,000 sq ft	100 ft	100 ft	40%	40 ft	10 ft (h,i)	25 ft (h,i)	30 ft (h,i)	20 ft	25 ft	10 ft (h,i)	4 (g)	50 ft	(l)	570 sq. ft.
	1-1 ec. 08(8)	15,000 sq ft	100 ft	100 ft	40%	40 ft	10 ft (h,i)	25 ft (h,i)	30 ft (h,i)	20 ft	25 ft	10 ft (h,i)	3 (g)	40 ft	—	—
	1-2 ec. 08(9)	12,000 sq ft	100 ft	100 ft	50%	40 ft	5 ft (h,i)	10 ft (h,i)	30 ft (h,i)	—	30 ft	5 ft (h,i)	4 (g)	50 ft	—	—
	1-3 ec. 08(10)	20,000 sq ft	100 ft	100 ft	50%	40 ft	10 ft (h,i)	20 ft (h,i)	30 ft (h,i)	—	25 ft	10 ft (h,i)	4 (g)	50 ft	—	—
	1-1 ec. 08(11)	40,000 sq ft	150 ft	150 ft	60%	40 ft	20 ft (h,i,j)	50 ft (h,i,j)	30 ft (h,i,j)	—	40 ft	20 ft (h,i,j)	3½ (g,j)	45 ft	—	—
	1-2 ec. 08(12)	2 ac	200 ft	200 ft	60%	40 ft	30 ft (h,i,j)	80 ft (h,i,j)	40 ft (h,i,j)	—	40 ft	30 ft (h,i,j)	5 (g,j)	70 ft	—	—
	UP ec. 08(13)	—	—	—	—	100 ft.	50 ft. (h,i,j)	100 ft. (h,i,j)	100 ft. (h,i,j)	—	50 ft.	50 ft. (h,i,j)	—	—	—	—

Section 309 (B) Footnotes to the Table of Dimensions

- (a) Manure storage or shelters for animals must be set back at least 200 feet from R-1, R-2 or R-3.
- (b) Only a sign may be located between a residential building and a front lot line in R-1 and R-2.
- (c) Zero side lot line duplexes are allowed with 10-foot minimum yards on opposite sides of 6,000 sq. ft. lots in R-2.
- (d) Residential Multiple in the R-3 zoning district shall have a minimum area of 3,060 square feet per unit.
- (e) Tri-City Area Joint Airport Zoning Ordinance height limits shall apply where they are stricter than these standards.
- (f) Setbacks for detached accessory structures:

Zoning District	Front Yard	Rear Yard	Least 1	Side Yards Total of 2	Corner Lot Yards Side Street	Remaining Side
A-1**	60 ft	30 ft	10 ft	50 ft	50 ft	10 ft
A-2**	60 ft	15 ft	10 ft	35 ft	35 ft	10 ft
R-1	30 ft	5 ft	8 ft	25 ft	30 ft	8 ft
R-2	30 ft	5 ft	8 ft	20 ft	25 ft	8 ft
R-3*	30 ft	5 ft	8 ft	25 ft	25 ft	8 ft
MH	See Section 402(v)					
TC	40 ft	10 ft	5 ft	25 ft	25 ft	5 ft
B-1	40 ft	10 ft	5 ft	25 ft	25 ft	5 ft
B-2	40 ft	10 ft	5 ft	10 ft	30 ft	5 ft
B-3	40 ft	10 ft	5 ft	20 ft	25 ft	5 ft
M-1	40 ft	20 ft	15 ft	50 ft	40 ft	15 ft
M-2	40 ft	20 ft	20 ft	40 ft	40 ft	20 ft
AP	50 ft	30 ft	20 ft	50 ft	50 ft	20 ft

* Row Houses in the R-3 zoning districts shall comply with the following for accessory structures:

Front Yard	20 ft.
Rear Yard	20 ft
Side yards	0 ft
Corner lot side street	20 ft
Remaining side	10 ft

** Accessory buildings used for agricultural purposes in the A-1 zoning district may not exceed 85 feet and in the A-2 zoning district 75 feet. See footnote (m).

- (g) Height limitations applicable to lots adjacent to the A-2, R-1, R-2 zoning districts:

Zoning District	Height of Structure
R-3	2 story or 30 feet, whichever is less
B-1	2 story or 30 feet, whichever is less
B-2	2½ story or 35 feet, whichever is less
B-3	2 story or 30 feet, whichever is less
M-1	2½ story or 35 feet, whichever is less
M-2	3½ story or 45 feet, whichever is less

- (h) Landscaping screen adjacent to the A-1, A-2, R-1, R-2, or R-3 zoning districts:
- A 20-foot yard with six foot visual screen required. Visual screen must be reduced to three foot height within a front yard setback.
- (i) Landscaping screen adjacent to the A-1, A-2, R-1, R-2, or R-3 zoning districts:
- A 100-foot yard with 6-foot visual screen is required. Outdoor storage, if permitted, allowed in side or rear yard with a 50-foot setback.
- (j) Parking is allowed in a side or rear yard with a 20-foot setback. No yard is required on side or rear if the building has railroad service on the applicable side. Principal buildings and accessory structures must be setback at least equal to their height on all sides.
- (k) In the A-1 zoning district, dwelling unit area shall be, at minimum, 400 sq. ft. per bedroom.
- (l) Dwelling unit minimum floor area in the R-3 zoning district:
- | | |
|------------------------------|-----------------|
| Efficiency Unit | 400 square feet |
| 1 bedroom | 600 square feet |
| 2 bedroom | 800 square feet |
| plus each additional bedroom | 100 square feet |
- (m) The minimum lot size in the A-1 District for agricultural production shall be twenty (20) acres. One single-family home is permitted on that lot.
- Separate lots that are residential in nature and not used for general agricultural production shall be a minimum of one (1) acre and not more than three (3) acres in area. Such lots shall have a lot width of not less than 167 feet, and shall meet all other setback, dimensional, and structure regulations of the A-2 District.