

## ARTICLE 3.00

### DEFINITIONS

#### Section 3.01            Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows:

**Abutting:** Properties having a common border with or being separated from such common border by an alley or recorded easement.

**Accessory Building:** A building that is incidental to the building that houses the principal use of the property and is located on the same zoning lot as the principal building.

**Adult Day Care Organizations:** A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

1.     **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
  
2.     **Adult foster care small group home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  
3.     **Adult foster care large group home:** A facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, for compensation.
  
4.     **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

**Adult Day Care Facility:** A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over eighteen (18) years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.

**Adult Regulated Uses:** As used in this Ordinance, the following definitions shall apply to adult regulated uses:

1. **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
2. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
3. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
4. **Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bonafide art school or similar educational institution.
5. **Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or Specified Anatomical Areas" (as defined herein).
6. **Adult Motion Picture Arcade:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas".
7. **Massage Parlor or Massage Establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include

properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

8. **Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
9. **Specified Anatomical Areas:** Portions of the human body defined as follows:
  - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
10. **Specified Sexual Activities:** The explicit display of one or more of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts of human masturbation, sexual intercourse, or sodomy.
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**Agriculture:** The act or business of cultivating or using land or soils for the production of crops for the use of animals or humans and includes, but is not limited to, pasturage, floriculture, dairying, horticulture, viticulture, and livestock or poultry husbandry, but excluding such uses as feedlots, industrial poultry factories.

**Airport:** A cleared and leveled area where aircraft can take off and land. Airports may include hard surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodation for cargo.

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

**Alterations:** Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**Amusement Business:** Businesses from which the proprietor(s) primary income is derived from the operation of pool tables, billiard tables, and/or coin operated amusement devises, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices and/or similar equipment are clearly accessory uses and do not generate the proprietor(s) primary income.

**Animals, Domesticated:** All animals, including poultry and excluding household pets, normally found on a farm or raised for commercial purposes. Such animals shall be distinguished by size as follows:

1. Large size animals, including horses and cattle.
2. Medium size animals, including sheep, swine, goats and miniature horses.
3. Small size animals, including rabbits, mink, dogs, cats, mice, rats, and snakes.
4. Poultry, birds or fowl, including chickens, ducks, geese, turkeys, pigeons, parrots, and guinea hens.

**Animals, Exotic:** An animal from a species which is not commonly domesticated, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Exotic animals shall include but not be limited to the following:

1. Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.
2. Any constrictor snake over eight (8) feet long.
3. Piranha fish.
4. Non-human primates.
5. Alligators, crocodiles, and caimans
6. Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard lion, lynx, mountain lion, panther, ocelot, tiger, wildcat, and hybrids with domestic species.
7. Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.
8. Large animals typically kept in zoological gardens, not including barnyard animals.
9. Birds of prey including but not limited to owls, hawks, and falcons.

**Applicant:** An individual, firm, association, partnership, limited liability company, corporation, or combination thereof, who holds ownership interest in land or is authorized by the owners to serve as their representative and is seeking approval for a division or partition of land, site plan approval, rezoning, variance, special use approval, planned development approval, or other permit or license regulated in accordance with this Ordinance.

**Apartments:** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**Arcade:** An establishment that provides on its premises three (3) or more machines which may be operated or used as a game, contest, or for amusement of any description, not including personal computers or devices solely for playing music.

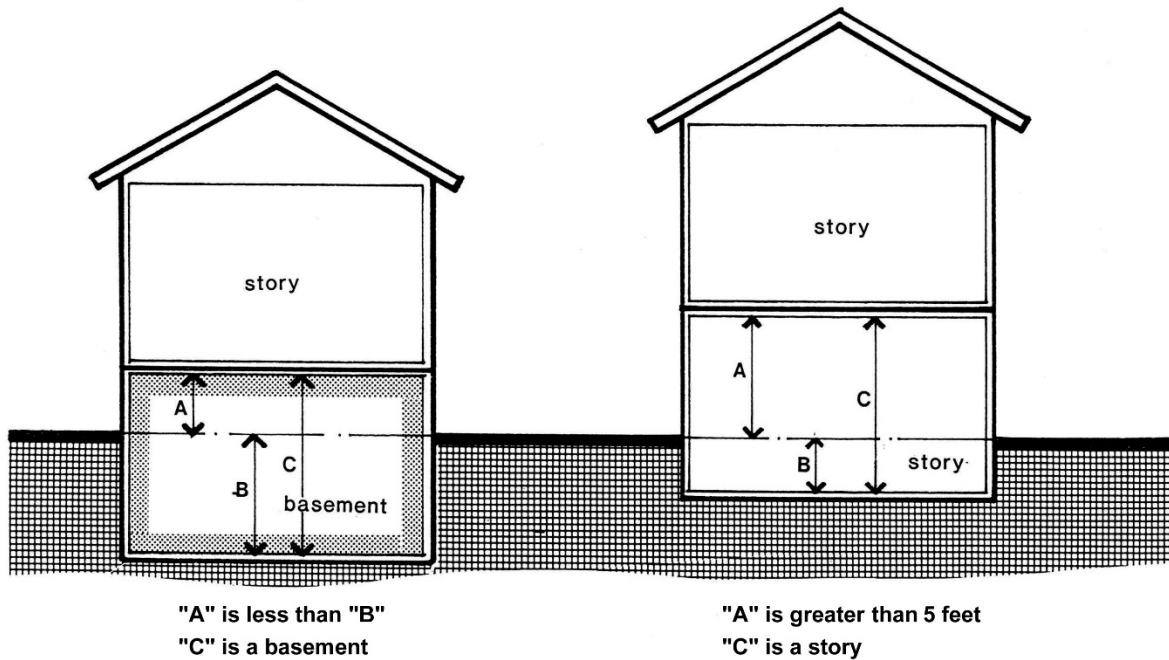
**Architectural Elevation:** A geometrical projection of a building or other structure on a vertical plane.

**Automobile Repair – Major:** Any activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services, such as body frame, or fender straightening and repair; overall painting and vehicle rust-proofing.

**Automobile Repair – Minor:** Any activity involving incidental repair to motor vehicles such as engine tune-ups, pump replacement, tire repair, electrical system repair, and radiator repair. Quick oil change, sales of accessories, tire rotation and lubricating facilities are included in this definition.

**Automobile Service Station:** A building or structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor repair, vehicle washing, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing where the primary use of the premises is such high speed washing, or sales of new or used cars, trucks, or motorcycles.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See illustration “basement and story”)



## Basement and Story

**Block:** The property bounded by streets or abutting on one side of a street and lying between and/or bounded by a combination of streets, parks, lakes, river or stream; unplatted acreage or the corporate boundary lines.

**Board of Appeals:** The Zoning Board of Appeals of the Charter Township of Bangor, Bay County, Michigan.

**Boarding House (Rooming House):** A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging, or lodging and meals, are provided for three or more persons, excluding any Adult Day Care Organization. A rooming house shall be deemed a boarding house for the purpose of this Ordinance.

**Board of Trustees:** The elected, legislative officials of the Charter Township of Bangor, Bay County, Michigan.

**Buildable Area:** The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

**Building:** A structure, either temporary or permanent, erected on site, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

**Building Envelope:** The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance.

**Building Height:** The vertical distance measured from the finished grade to the highest point of the roof surface of a flat roof; or to the deck line of a mansard roof; or to the ridge for gable, gambrel or hip roof. Where the building is located on sloping terrain, the height shall be measured from the average ground level of the finished grade at the building wall.

**Building Line:** A line parallel to the front lot line at the minimum required front setback line.

**Building Official:** The officer or other authority designated by the Township Board to administer and enforce the Building Code and/or Zoning Ordinance.

**Building, Temporary:** A building that is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. For example, trailers used on a construction site, and buildings used to house environmental clean-up operations.

**Business or Commercial:** Engaging in the purchase, sale or exchange of goods and services, or the operation for profit of offices, recreational or amusement enterprises.

**Caliper:** The diameter of a deciduous (canopy) tree measured one (1) foot above the surrounding grade for trees with a diameter over four (4) inches, six (6) inches above surrounding grade for a tree with a diameter of four (4) inches or less.

**Campground:** The uses and activities that take place on a lot or parcel of land for temporary short term recreation, resort or vacation purpose in accordance with the provisions of Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Department.

**Caretaker Living Quarters:** An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located. A caretaker's living quarters shall not be less than six hundred fifty (650) square feet in gross floor area.

**Cemetery:** Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, and mausoleums when operated in conjunction with and within the boundary of such cemetery.

**Cemetery, Pet:** Land used or intended to be used for the burial of pets.

**Child Care Organization:** A facility for the care of minor children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:

1. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (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 (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A childcare center or a 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.

2. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
3. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
4. **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 twenty four (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.
5. **Foster family home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
6. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Child Day Care Facilities:** See “Child Care Organization”

**Church:** Any structure wherein persons regularly assemble for religious worship.

**Clinic, Medical:** A place for the outpatient care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients.



**Clinic, Veterinary:** An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

**Club:** A non-profit organization of persons for special purposes for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

**Commercial Medical Marihuana Facility or Facility:** Means one of the following:

1. **Provisioning Center** as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”)
2. **Processor** as that term is defined in the MMFLA
3. **Secure Transporter** as that term in the MMFLA
4. **Grower** including Class A, Class B and Class C as those terms are defined in the MMFLA
5. **Safety Compliance Facility** as that term is defined in the MMFLA.  
(Amended by Ordinance #356, effective 09/28/17)

**Commission:** The Planning Commission of Bangor Charter Township.

**Condominium:** A condominium is a system of separate ownership of individual units or multi-unit projects according to Michigan 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. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

1. **Common elements:** Portions of the condominium project other than the condominium units.
2. **Condominium act:** Shall mean Michigan Public Act 59 of 1978, as amended.
3. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the line separating the lot for the public right-of-way or private road easement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
4. **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 Michigan Public Act 59 of 1978, as amended.

5. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
6. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
7. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **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 these Zoning Regulations and the Condominium Act.
9. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
10. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
11. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
12. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
13. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

**Convalescent or Nursing Home:** A facility with sleeping rooms, designed for persons who need a wide range of health and support services, including personal nursing care where such people are lodged and furnished meals and nursing care for hire. Services provided are authorized and licensed by the state and/ or county authorities.

**Convenience Stores:** A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”).

**Cul-de-Sac:** A short minor street with only one point of access to another non-cul-de-sac road and being permanently terminated at the other end by a vehicular turn-around.

**Cul-de-Sac Circle:** The surface that terminates a cul-de-sac permitting vehicles to turn around while maintaining a forward driving gear.

**Deck:** An open horizontal structure attached to the principal building utilized for recreational and leisure activities.

**Density:** The number of dwelling units per acre of land.

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**Development:** Any man-made change to alter the existing land use of a parcel of land including but not limited to the construction, reconstruction, or relocation of buildings, structures, or site improvements.

**District, Zoning:** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and certain uses of land and buildings are prohibited as set forth in this Ordinance, or within which certain lot areas, yards, open spaces, and other requirements are established or within which a combination of such aforesaid conditions are applied.

**Divide or Division:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act, Michigan Public Act 288 of 197 as amended.

**Dock:** Any platform, boat hoist, pier, ramp or other structure any part of which is attached to the ground or any part of which is located within the waters of the lake or below the ordinary high water mark of a lake and which is intended or capable of being used for keeping, docking, mooring, launching, recovering or anchoring a boat.

**Domestic Center:** A structure which provides temporary shelter on the premises for individuals and /or families who are the victims of domestic violence and/or sexual assault and/or provides such persons counseling, legal advocacy or other services which would benefit those individuals.

**Drive-In Establishment:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, except those business establishments defined as drive-in theaters.

**Drive-In Theater:** An open-air theater constructed and operated in an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in an automobile. The term as used herein shall mean and include the entire premises upon which such theater is constructed, including parking areas, and all other accessory facilities.

**Driveway:** A private way giving access from a public or private street to abutting property.

**Driving Range:** A facility equipped with distance markers, clubs, balls, and tees for practicing golf.

**Dwelling:** A dwelling unit is any building or portion thereof having cooking and sanitary facilities, which is occupied exclusively as the home, residence or sleeping place of one (1) family, but in no case shall a travel trailer, motor home, automobile chassis, tent, houseboat or other portable building be considered a dwelling. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

1. **Dwelling, Single-Family:** A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and kitchen accommodations for one (1) family only.
2. **Dwelling, Townhouse:** A single-family dwelling designed as a part of a series of three (3) or more dwellings, all of which are either attached to the adjacent dwelling or dwellings by common separating walls or located immediately adjacent thereto with no visible separation between walls or roofs.
3. **Dwelling, Two-Family:** A detached building, designed for or occupied by two (2) families living independently of each other. Also known as a duplex dwelling.
4. **Dwelling, Multiple:** A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.
5. **Dwelling, Efficiency Unit:** An efficiency unit is a multiple dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove located directly off the principal room.

**Engineer, Township:** A person or firm designated by the Township Board to advise the Township Administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

**Erected:** For the purpose of this Ordinance “erected” shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare, but not including office buildings, generating sources and facilities, or maintenance depots. Essential services shall not include cellular telephone towers, gas sweetening plants, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

**Excavation Site:** The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

**Family:** Shall mean either of the following:

1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling 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 which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

**Farm:** The land, buildings, and machinery used in the commercial production of farm products. The minimum size for a farm shall be ten (10) acres. Farm products are plants and animals useful to human beings and includes, but not limited to, forage and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land of not less than forty (40) acres.

A farm that is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as petting zoos or model farms or interpretative farms.

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

**Farm Market:** A building or other structure for the display and retail sale of farm products, open for business no longer than nine (9) months per year.

**Feed Lot:** A feed lot is determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; (2) any structure, pen or corral wherein cattle, horses, sheep, goats, or other such animals are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions.

**Fence:** Trees, hedges, bushes or an artificially constructed barrier of wood, masonry, stone, metal, or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark, a boundary.

**Fence, Decorative:** An artificially constructed barrier of wood, metal or any other manufactured materials which is erected as a landscaping adornment, which does not always function as a barrier to movement from one point to another and which may not provide a true enclosing function.

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

**Floodplain:** The relatively flat area or low lands adjoining a watercourse or body of water, which may be inundated by floodwater when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels above the norm.

Determinants of a floodplain are as follows:

1. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest documented flood levels experienced in a period of one hundred (100) years. The Federal Emergency Management Agency has determined there is a one percent annual chance that a one hundred (100) year flood will occur.
2. Principal estuary courses of wetland areas that are part of the river flow system.
3. Contiguous areas paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

**Floodway:** The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water or are inundated by natural high water conditions.

**Floor Area, Residential:** For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

**Floor Area, Usable:** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or restroom facilities, shall be excluded from this computation of Usable Floor Area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Fuel Station/Convenience Goods:** An establishment that includes buildings and premises for the primary purpose of retail fuel sales. An automobile convenience/fuel service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing fuel. A service station is not an automobile repair or body shop. The retail sale of foods, drinks and other convenience goods may be included in addition to the sale of fuel.

**Garage, Private, Residential:** A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.

**Grade:** A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. (See Illustration)

**Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

**Hard-Surfaced:** A concrete or plant-mixed bituminous surface, installed in accordance with the adopted construction and engineering standards of Bangor Township and the State of Michigan.

**Home Occupation:** Any use customarily conducted entirely within the dwelling/accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such articles are produced on the premises; the occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.

**Hospitals:** An institution providing human health services, licensed by Michigan Department of Health, primarily for inpatient and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff services. A general hospital includes 24-hour emergency care services, and in-patient/out-patient diagnostic and therapeutic services, and medical clinics. A general hospital may include a specialty hospital or hospitals.

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may also include a restaurant or cocktail lounge, public banquet hall, ballrooms, or meeting rooms.

**Impact Assessment:** The impact assessment is an explanatory document designed to specifically address the impact of a proposed use on the natural features, economic condition and social environment of the township. The purpose of the impact assessment is to fully explain the developer's choice of alternatives in developing a site and to enable careful attention to the proposal's effect on public costs and services, on existing and planned uses in the vicinity of the site. The impact assessment must explain and propose protective measures for the impact of the proposed development on the physical environment.

**Impervious Surface:** Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five (5) percent or less. Impervious surface shall include pavement, buildings, and structures.

**Industrial Park:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**Industrial, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industrial, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Infrastructure:** A system of permanent installations of utilities and roads designed to accommodate development.

**Institution:** A non-profit corporation or a non-profit establishment for public use.

**Junk Yard:** A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale or purchase of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**Kennel:** Any lot or premises on which four (4) or more dogs, cats or other household pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

**Laboratory:** An establishment devoted to scientific, industrial or business research and experimental studies including testing and analyzing, but not including manufacturing of any nature.

**Lake or Pond:** A natural or artificial body of surface water that retains water year round. A lake is a body of water of five (5) or more acres. A pond is a body of water of less than five (5) acres. The shoreline of such bodies of water shall be measured from the maximum condition (that is, water level) rather than from the permanent pool in the event of any difference.

**Landfill:** A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.



**Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

1. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these Zoning Regulations.
2. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Bay County, Michigan.
3. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these Zoning Regulations.
4. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
5. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
6. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
7. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
8. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
9. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
10. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.
11. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
12. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

13. **Sod:** An area of grass-covered surface soil held together by matted roots.
14. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Bay County, Michigan.
- a. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
  - b. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
15. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

**Livestock:** Cattle, horses, sheep, swine, poultry or any other domesticated animal (as defined herein) or fowl that are being produced primarily for purposes of commercial gain.

**Loading Space:** An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading bulk merchandise or material; designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

**Lot:** An undivided tract of land which is vacant, occupied or intended to be occupied, by a main building and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. Such tract of land shall be of sufficient area to meet minimum requirements under this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot.

**Lot, Area:** The total horizontal land area within the boundaries of a lot or parcel, which may include private easements or portions of private easements immediately adjacent to or abutting the lot.

1. **Gross Lot Area:** The total area of land contained within the boundaries of a lot or parcel including rights-of way, easements, floodplains, wetlands and bodies of water.
2. **Net Lot Area:** Gross lot area minus any portions of the zoning lot located within the dedicated rights-of-way, drainage easements or bodies of water.

**Lot, Contiguous:** Lots or parcels of land adjoining each other.

**Lot, Corner:** A lot at the junction of and fronting on two or more intersecting street rights-of-way, recorded easement(s) or private road(s) wherein the interior angle of such intersection is not more than one hundred thirty-five (135) degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (See Illustration for Corner, Interior, and Double Frontage Lots)



**Lot Coverage:** The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, including accessory buildings and structures. Decks, porches garden houses, sheds, game courts, and other man-made impervious surfaces shall also be included in lot coverage.

**Lot Depth:** The horizontal distance from the front lot line to the rear lot line, measured along the median between the side lot lines.

**Lot, Double Frontage:** An interior lot (that is, a non-corner lot) having frontages on two (2) more or less parallel streets as distinguished from a corner lot. (See Illustration Corner, Interior and Double Frontage Lots)

**Lot Lines:** The property lines bounding the lot as defined herein:

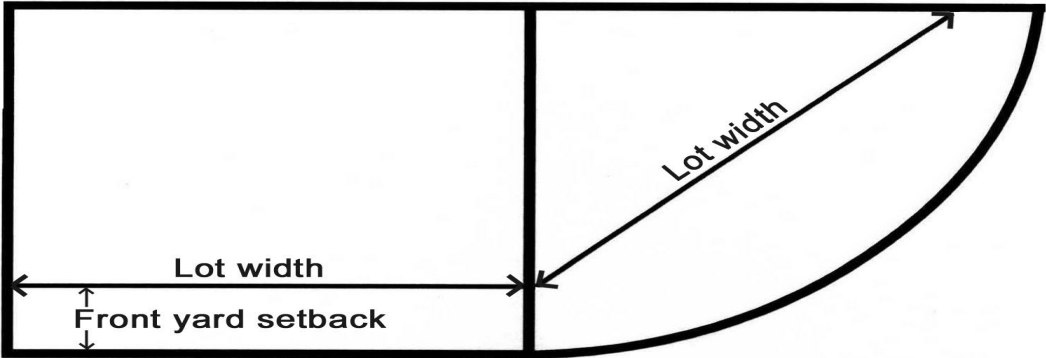
- 1. **Front Lot Line:** In the case of a lot abutting any public or private road the line separating such lot from such road right-of-way or recorded road easement. In the case of waterfront lots, the line adjacent to such water shall also be considered a front lot line.
- 2. **Rear Lot Line:** The lot line that is opposite and most distant from the front lot line of the lot. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- 3. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Bay County Register of Deeds or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Bay County Register of Deeds.

**Lot, Subdivision:** A piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Bay County Register of Deeds.

**Lot, Waterfront:** A lot that abuts, adjoins or is contiguous to a private or public body of water or live stream.

**Lot, Width:** The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. (See Illustration, Lot Width and Setbacks)



## Lot Width

**Lot, Zoning:** A single tract of land that at the time of filing for a land use permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy the Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or portions thereof. When used in this Ordinance, the term "lot" shall generally refer to a "zoning lot," unless otherwise specified.

**Major Thoroughfare:** A functional arterial street which has a hard surface roadway and which is intended to serve as a large volume traffic way for both the immediate area and the region and/or is an interstate highway, freeway, or primary highway as defined by Section 2 (d), (e), and (f) of Act 106 of the Public Acts of 1972, as amended.

**Manufactured Home:** Structure transportable in one (1) or more sections, which in the traveling mode the body measures eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that a manufactured home shall include any structure that meets all the requirements of this definition except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD).

**Manufactured Housing Subdivision:** Individually owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967, as amended, intended as a site for the placement for dwelling purposes of manufactured, mobile, modular or pre-manufactured homes.

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

**Marihuana:** A term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106 and as defined in the MRTMA. *(Amended by Ordinance #356, effective 09/28/17; Amended by Ordinance #378, effective 08/22/19)*

**Marihuana Establishment** or “Establishment” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, Class A marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business Licensed by the department.

1. “Marihuana grower,” as that term is defined in the MRTMA; and
2. “Marihuana microbusiness,” as that term is defined in the MRTMA; and
3. “Marihuana processor,” as that term is defined in the MRTMA; and
4. “Marihuana retailer,” as that term is defined in the MRTMA; and
5. “Marihuana secure transporter,” as that term is defined in the MRTMA.
6. “Marihuana safety compliance facility,” as that term is defined in the MRTMA.
7. “Class A Marihuana microbusiness”, as that term is defined in the MRTMA  
*(Amended by Ordinance #378, effective 08/22/19; Amended by Ordinance #398, effective 08/17/22)*

**Marina:** A dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities.

**Master Plan:** The Master Plan including graphic and written proposals indicating the general locations for various land uses, streets, parks, schools, public buildings, and all physical development of the Charter Township of Bangor, and including any segments or portions of such plan any amendments to such plan, segments, or portions thereof as may be adopted by the Planning Commission.

**Medical Marihuana:** A term as defined in MCL 333.26423.

**Mobile Home Site:** A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

**Mobile Home Park:** Parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home.

**Module/Modular Home:** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

**Motel:** A building or group of buildings, consisting of individual sleeping quarters, detached or connected, providing overnight lodging to the transient public, for compensation, traveling by motor vehicle.

**Nonconforming Building:** A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

**Nonconforming Lot:** A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area, size, frontage, or dimensional requirements of the district in which the lot is located.

**Nonconforming Use:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

**Nuisance Factors:** An offensive, annoying, unpleasant, or obnoxious substance, occurrence 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 can be perceived by or which affects a human being, or the generation of an excessive or concentrated movement of people, vehicles, or substances, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise emanating from a congregation of people (particularly at night), passenger and truck vehicle traffic, invasion of non-abutting street frontage by traffic.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the seasonal or otherwise intermittent sale of fruits, vegetables, or Christmas trees.

**Nursery School, Day Care, or Child Care Center:** See “Child Care Organization”.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

**Oil or Gas Processing Plant:** A facility designed for separating, metering, holding, and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

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

**Open Air Businesses:** Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structures, equipment and vehicles sold on the premises.

**Open Space:** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

**Open Space, Usable:** A land area suitable for active recreation.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, vehicles or equipment in the same place for more than twenty-four (24) hours.

**Owner:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land; including anyone who has any form of ownership in real property as included in the definition of ownership.

**Ownership:** Shall include any and all forms of ownership in real property, including fee simple; easement; option to purchase; leasehold, if for more than one year; land contract, or any other definable legal form of ownership.

**Parapet:** The extension of a false front or wall above the roof line.

**Park:** A publicly or quasi-publicly owned primarily natural passive recreation area with woodlands, wildlife and other natural land areas and surface water features, but which may include incidental active recreation facilities; such as playfields, court games, playground apparatus, gardens, picnic areas, small zoos, boating and canoeing, bathing swimming facilities, and incidental buildings and structures in relation to the previous.

**Parking Lot:** See “Off-Street Parking Lot”.

**Parking Space:** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the permitted parking of vehicles.

**Patient:** A “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq. (Amended by Ordinance #356, effective 09/28/17)

**Performance Guarantee:** A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, other pertinent regulations, and the approved plans and specifications of a development.

**Permit:** *A means a current and valid permit for a Commercial Marihuana Facility issued under the Bangor Township Ordinance Authorizing and Permitting Commercial Marihuana Facilities, Bangor Township Ordinance #349, and/or for an Establishment under the Bangor Township Ordinance Authorizing and Permitting Recreational Marihuana Establishments, Bangor Township Ordinance #377 which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. (Amended by Ordinance #356, effective 09/28/17; Amended by Ordinance #378, effective 08/22/19)*

**Person:** A natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose. (Amended by Ordinance #356, effective 09/28/17)

**Personal Fitness Center:** A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym and shall not include establishments herein defined as massage parlors.

**Pet, Family:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**Planned Unit Development:** A form of land development and comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features, which may contain a mixture of housing units and nonresidential uses.

**Planner, Township:** The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.



**Pole Barn:** Any accessory building of a pole type construction wherein supporting vertical wall members are installed at a minimum depth of forty-two (42) inches below grade and said wall members may consist of wood or steel.

**Pond:** An outdoor body of standing water, accumulated in an artificially constructed basin or naturally occurring depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two feet when filled to capacity and excluding swimming pools, spas and hot tubs.

- a. **Farm Pond:** An artificially impoundment of water designated and utilized primarily for irrigation, water cattle, and other agricultural purposes.
- b. **Decorative and/or Recreational Pond:** An artificial impoundment designed and utilized primarily for aesthetic purposes and/or recreational activities, such as swimming, fishing, ice skating, etc.
- c. **Detention Pond:** A low-lying area that is designed to temporarily hold a set amount of water while slowly draining to another location.
- d. **Retention Pond.** A man- made impoundment designed to hold a specific amount of water indefinitely.

(Amended by Ordinance #316, effective 05/22/08)

**Porch:** A covered entrance to a building.

**Principal Building:** A building within which is conducted the main use of the lot upon which it is situated.

**Principal Permitted Use:** A use listed as a principal use permitted in the respective Zoning District pursuant to this Zoning Ordinance text and as designated on the adopted Zoning Map.

**Property Line:** A line of record bounding a land holding, dividing and distinguishing that land holding from other land holdings as well as from public or private right-of-ways, recorded easements or public space.

**Public Utility:** A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

**Recreation Land:** Any public or private owned lot or parcel that is utilized for recreation activities such as, but not limited to camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

**Recreational Vehicle:** "Recreational Vehicles" shall include the following:

1. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which the manufacturer may identify as a "travel trailer". Travel trailers generally contain sanitary, water, and electrical facilities.

2. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
3. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
4. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
5. **Boats and Boat Trailers:** “Boats” and “boat trailers” shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
6. **Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all terrain or special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

**Restaurants:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

1. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
2. **Delicatessen:** A restaurant that typically offers sandwiches and other foods and beverages. A delicatessen may include both carry-out and patron seating. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.
3. **Restaurant, drive-in:** A drive-in restaurant is a business establishment 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.
4. **Restaurant, drive-through:** 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.
5. **Restaurant, fast-food:** A fast-food restaurant is a business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
6. **Restaurant, standard:** A standard restaurant is a business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

7. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Riding Arena:** An area enclosed within a building or fence that is intended to be used as a place to ride horses.

**Road, Hard Surfaced:** A roadway paved with concrete or a plant mixed bituminous material.

**Roadside Stand:** A temporary or permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operated for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor or residents of the property on which it is located.

**Seasonal Residence:** A dwelling unit which is not normally the permanent residence of the occupant(s) and which is not used as dwelling quarters for more than six (6) months out of any calendar year.

**Setback, Minimum Required:** the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance. (See “Yard”)

**Shopping Center:** A group of businesses and services on a single site with common parking facilities.

**Shoreline:** The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

**Sign:** Any device, structure, fixture or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons and which is visible from any public street, right-of-way, easement, sidewalk, alley, park or other public place. For definitions of particular types of signs see 21.02 of this ordinance.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated to determine its compliance with the provisions of this Ordinance.

**Soil, Sand, or Gravel Processing Plant:** A facility designed for separating, holding, and marketing soil, sand, or gravel prior to sale of the final product.

**Slope:** the degree of upward or downward inclination. For calculation of the slope of a pond or basin, the vertical distance for each foot of horizontal distance measured from any edge of the pond or basin. Slope shall be measured to the lowest point of the pond.

**Special Use:** A use which, due to its unique characteristics cannot be properly classified as a permitted use in a particular zoning district or districts and which is subject to special approval by

the Planning Commission. A special use may be allowed only when there is a specific provision in the Ordinance. A special use is not considered to be a non-conforming use.

**Stable, Private:** A building or structure used or intended to be used only for the housing of horses belonging to the owner of the property for non-commercial purposes.

**Stable, Public:** A building or structure used or intended to be used only for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story. (See illustration "Basement and Story")

**Story, Half:** An uppermost story lying between the eave line and a sloping roof and having an area of at least one hundred sixty (160) square feet with a minimum clear height of seven (7) feet.

**Street (Private):** A privately owned and maintained permanent, unobstructed easement which provides direct access from a public street to more than one legally described parcel.

**Street (Public):** A publicly dedicated and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except alleys and pedestrian ways.

**Structural Alterations:** Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof, or changes by way of additions to the exterior when such changes require a building permit. (See also "Alterations")

**Structure:** That which is built or constructed, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but shall exclude yard ornaments such as yard lights, mail boxes, flag staffs, and yard decorations less than thirty (30) inches in height above grade.

**Subdivision:** The partitioning or dividing of a tract or parcel of land for the purpose, whether immediate or future, of sale or lease of more than one year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, P.A. 288 of 1967. The meaning of the term "subdivision" shall not, however, apply to a property transfer between two (2) or more adjacent parcels if the property taken from one (1) parcel is added to an adjacent parcel.

**Township:** The Charter Township of Bangor, Bay County, Michigan.

**Toxic or Hazardous Waste:** Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

1. An increase in mortality, or
2. An increase in serious irreversible illness, or
3. Serious incapacitating, but reversible illness, or
4. Substantial present or potential hazard to human health or the environment.

**Truck Terminal:** A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the Township, or general area, or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

**Undeveloped State:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreation trail, picnic area, children's play area, greenway, linear park or unimproved private property. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

**Use, Accessory:** A use, building or structure that is clearly incidental to, customarily found in connection with, or subordinate to, and located on the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

**Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted.

**Wall:** An artificially constructed barrier of masonry, stone, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within or mark, a boundary. (Amended by Ordinance #348, effective 08/18/16)

**Wetlands:** Regulated wetlands are regulated by Michigan Public Act 203 of 1979, as amended, the Goemaere-Anderson Wetland Act. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following.

1. Contiguous to a lake, pond, river or stream
2. Not contiguous to a lake, pond, river or stream; and more than five (5) acres in size.
3. Not contiguous to a lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

**Wind Energy Conversion Systems (WECS):** Terms pertaining to WECS are defined, below:

1. Ambient: The sound pressure level exceeded 90% of the time of L<sub>90</sub>.
2. Anemometer Tower (MET): A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisitions (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
3. ANSI: The American National Standards Institute.
4. dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. FAA: The Federal Aviation Administration.
7. Height: Height for wind generators means the height of the wind energy conversion system measured from grade to the tip of the rotor blade or assembly at its highest point or blade tip height.
8. IEC: The International Electrotechnical Commission.
9. ISO: The International Organization for Standardization.
10. Lease Unit Boundary: The boundary around a property leased for purposes of a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
11. On-Site Wind Energy Conversion System: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
12. Pedestal: Pedestal means a structure no taller than twelve (12) feet that is designed and constructed primarily for the purpose of supporting one wind turbine.
13. Roof Mounted: Roof mounted means any part of a wind energy conversion system that is located on the roof of a building.
14. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
15. SCADA: Supervisory Control and Data Acquisitions.
16. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects such as, but not limited to, a window at a dwelling.

17. Small Structure Mounted Wind Energy Conversion System. A Wind Energy Conversion System attached to a structure's roof, walls or other elevated surface. A Small Structure Mounted Wind Energy Conversion System has a nameplate capacity that does not exceed ten kilowatts.
18. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
19. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
20. Utility Grid Wind Energy Conversion system: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to a SCADA TOWER or an electric substation. A Utility Grid Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.
21. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
22. Wind Energy Conversion System (WECS): Shall mean a combination of:
  - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers and;
  - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
  - c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and,
  - d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
  - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.
23. Wind Farm: Clusters of two or more utility Grid Wind Energy Conversion Systems placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(Amended by Ordinance #325, effective 12/23/10)

**Yard:** The open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **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 building line. There shall be maintained a front yard on each street side of a corner lot. No structure or accessory building shall project beyond the front yard line on either street.
2. **Waterfront Yard:** An open space extending the full width of the waterfront lot, the depth of which is the minimum horizontal distance between the water frontage and the nearest point of the waterfront building line as previously established by the location(s) of the principal structure(s) in closest proximity to and on either side of the lot.
3. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
4. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.