

DEFINITIONS

The definition of any work or terms used in this Ordinance and not defined herein shall be construed as defined in Webster's International Dictionary.

The word "**shall**" is always mandatory and not merely directory.

The word "**person**" includes a corporation, firm or partnership, as well as an individual.

The word "**building**" includes the word "structure".

The word "**lot**" includes the word "plot" or "parcel".

The word "**used**" or "**occupied**" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied". Words used in the present tense include the future tense. The singular number includes the plural.

1. **Accessory building, structure and use.** A supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental to, subordinated to, devoted to and secondary to that of the main building, but such use shall not include residential or living quarters for human beings. An unattached garage is an accessory building.
2. **Billboard or signboard.** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices by a court or public office.
3. **Board.** Where the word "Board" is used it refers to the Board of Appeals.
4. **Building inspector.** The person appointed by the Township Board to issue Building Permits and to administer the Building Code as used in Porter Township.
5. **Dwelling.** Any building or part thereof, occupied as the home, residence or sleeping place of one or more persons either permanently or transiently. (a) A one family dwelling occupied by but one family and so designed and arranged as to provide living, cooking and eating space for one family only. (b) A two family dwelling occupied by but two families and so designed and arranged to provide living, cooking, and eating space for two families only.
6. **Essential service.** The erection, construction, alteration or maintenance by private companies or municipal departments of public utilities including gas, electrical, steam, communication, safety, water supply and distribution systems, sanitary sewer and storm water systems.
7. **Family.** A head of household, his or her spouse, children or legal wards living together in a dwelling as a single unit.
8. **Farm.** All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplotted parcel of not less than 5 acres in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries; but establishments keeping furbearing animals or game or operating fish hatcheries,

stock yards, stone quarries or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide operations on the same contiguous tract of land.

- 9 **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 this type for the purpose of their agricultural activities.
- 10 **Floor area.** The area of all floors computed by measuring the dimensions of the outside walls in a building excluding attic and basement floors, porches, patios, terraces, breezeway, carports, verandas, garages and mobile home tongue and hitch assemblies.
- 11 **Garage, private and commercial.** (a) A private garage is any building not over one story in height for storage where no servicing for profit is conducted. (b) A commercial garage is any garage other than private garage.
- 12 **Guest Quarters.** An apartment for visitors in an accessory building not having kitchen facilities and not permanently occupied.
- 13 **Institutional or public uses.** Churches, schools teaching academic subjects, hospitals, convalescent or nursing homes, parks, civic centers, libraries and other public or quasi-public uses.
- 14 **Junk or salvage yard.** An open area used for the collection, storage, dismantling, dumping, display, resale, exchange, bailing, cleaning or handling of second-hand salvaged or wasted materials, machinery, vehicle trailers, equipment, furnishings or part thereof, but excluding automobile, boat or trailer sales areas and similar uses carried on in completely enclosed buildings.
- 15 **Keyholing/keyhole developments.** An act whereby back lots near a lake or stream are provided access to such body of water through a corridor or access lot. To prohibit this is to prevent funneling of non-waterfront residents onto such body of water except at public sites.
- 16 **Lot.** A parcel of land adjoining a dedicated or private street but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision.
- 17 **Lot, corner.** A lot situated at the intersection of two or more streets.
- 18 **Lot line.** Lines bounding a lot as herein described.
- 19 **Major street.** A marked Federal, State or County Highway.
- 20 **Minor or local street.** Any street or highway that is not a major street.
- 21 **Mobile Home.** A mobile home is a transportable structure, built on a chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities as set forth by the Cass County Health Dept.
- 22 **Multiple dwelling unit.** Any building or part thereof so designed and arranged as to provide living, cooking and eating space for more than one family.
- 23 **Non-conforming use.** A use that is lawfully exercised within a building or on a parcel of land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the District in which it is located.

- 24 Parking area.** An area for the parking of motor vehicles and/or boats for a fee or as an accommodation for clients, customers, residents or employees.
- 25 Person.** A farm, association, partnership, corporation or other legal entity or an individual.
- 26 Principal or main use.** The primary or predominant use of the premises.
- 27 Public utility.** Any person, firm, corporation duly authorized to furnish and furnishing to the public under State, County or Municipal regulations electricity, gas, steam, telegraph, transportation or water services.
- 28 Service station or filling station.** A place where fuel or lubrication oils, for motor vehicles is offered for sale at retail to the public, including sale of accessories and repair service.
- 29 Setback lines.** Lines established adjacent and parallel with streets and roads for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary or the street or road right-of-way.
- 30 Sign.** Any announcement, declaration, illustration or insignia used to advertise or promote the interest of any person, product or project when the same is placed, painted or displayed out of doors in view of the general public.
- 31 Single ownership.** Ownership by one person or by two or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to the land in the same ownership.
- 32 Story.** That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then story shall mean the space between the floor and the ceiling next above it.
- 33 Storage lot.** A place where new or usable items are temporarily parked or stored and the open air warehousing of item not suitable for inside storage, such as gravel, minerals, lumber, construction materials and similar items.
- 34 Street.** A public right-of-way which has been dedicated for the purpose of providing access to abutting private lots of land, including the space for pavement and sidewalks.
- 35 Structure.** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term "building" shall mean the same.
- 36 Swimming pool.** A constructed basin or structure for the holding of water for water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pool temporarily erected upon the ground holding less than 300 gallons of water.
- 37 Terms.** The present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to a part thereof. Any word or term not defined herein shall be used with a meaning of common utilization.
- 38 Trailer or mobile home park.** Any site, lot, field, tract or parcel of land upon which two or more occupied trailer or mobile homes are harbored either free of charge, or for a revenue, and shall include any building, structure, tent, vehicle or enclosure used or intended for use, as a part

of the equipment of such trailer or mobile home park, meeting the requirements of the State of Michigan, and licensed therefore under Act No. 243, Public Acts of 1959, as amended.

- 39 Travel trailers, motor home, or recreational vehicle.** A vehicular structure containing living quarters which can be drawn by, or hauled on a motor vehicle or self-propelled motor vehicle. Such vehicles are primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. Travel trailers, motor homes, pickup caps and campers shall not be used as living quarters except in a licensed campground. (Amended: 7-12-94)
- 40 Words requiring special interpretation.** Any words requiring special interpretation and not listed above shall be used as defined in the Housing Law of Michigan, Act. No. 167 of the Public Acts of 1917, as amended.
- 41 Yards.**
- (a) **Front yard:** An open unoccupied space, unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot, and lying between the front street and the required front yard setback line. See ARTICLE VIII, SECTION 4(b) for exception.(Amended: No. 2-D, 9-10-85)
- (b) **Side yard:** An unoccupied space unless occupied by a use hereinafter specifically permitted, on the same lot with the building, between the foundation or any part of the building and the side lot line, extending from the front yard to the rear yard.
- (c) **Rear yard.** A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear lot line and the required rear setback line. See Article VIII, Section 4(d) for exception.
- 42 Zoning administrator.** The person or persons appointed by the Township Board to administer this Ordinance.
- 43 Planning Commission.** The Township Planning Commission is referred to in this Ordinance as the Planning Commission as a distinction from the necessary reference to the Township Board and the Township Planning Commission and the township Zoning Board of Appeals.
- 44 Deck.** An open platform or porch like structure not having a permanent roof. Decks may or may not have a handrail, depending on their height above ground level.(Amended: No. 2-D, 9-10-85)
- 45 Right-of-way.** The strip of ground over which is built a public road. The right-of-way line on either side of a road is located half the distance designated by the Highway Dept. as roadway width, as measured from the center of an existing road. In the case of an undedicated road, or where the property boundary line does not specifically locate the roadway, the greater distance from the center of the road to the edge, shoulder, or ditch, will be considered as the right-of-way line.(Amended: No. 2-D, 9-10-85)
- 46 Gazebo.** A free standing roofed structure which shall be open or screened at the sides, with or without a railing. If a railing is provided, it shall not exceed 36 inches above the floor.
- 47 Kennel.** An establishment where more than four (4) dogs are bred or boarded.(Approved: 2-11-92)
- 48 Boat house.** A building near the water's edge used for the storage of boats and associated equipment such as outboard motors, life preservers, oars, etc. Such building will not contain

living facilities. Boat houses are prohibited except for as provided in 111.102. (Approved: 3-9-93, amended 04-2008)

- 49 Beach house.** A cottage type dwelling near the waters edge not meeting the requirements of a principal residence. Such building will not contain living facilities. Beach houses are prohibited except s provided for in 111.102 (Approved: 3-9-93, amended 04-2008)
- 50 Fences.** A railing, wall, or other means of enclosing a yard, garden, field, farm, etc. to show where it ends or to keep people or animals out or in.
- 51 Exotic Animals.** Animals which are not normally considered to be household pets or farm animals, and which are potentially dangerous. Exotic animals include, but are not limited to alligators, apes, bears, caimans, cheetahs, constrictor snakes, cougars, crocodiles, jaguars, leopards, lions, poisonous reptiles and amphibians, tigers and wolves.
- 52 Marinas.** Meets the definition of a marina under Section 30101(f) of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act. 1994 PA 451, as amended (NREPA) Amended 02/08/00)

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