

## ARTICLE II. DEFINITIONS

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

**Abandonment** - Any facility that is left in a state where it is no longer producing power.

**Accessory Building or Structure** - A subordinate building or structure including garages, or part of a portion of a main building, the use of which is in keeping with, and incidental to that of the main building. Said accessory building shall clearly be located on the lot of the main building, and shall not be used for habitation, or conduct of business except by Special Use Permit.

**Adult Foster Care Home** - A private home licensed by the State Department of Social Services for the care of sick, elderly or handicapped adults. A family home is defined as having one to six adults; a group home seven to twenty.

**Agricultural Labor Camp** - A tract of land and all buildings and other structures pertaining thereto which is established, occupied or used as living quarters for 5 or more migratory workers engaged in agricultural activities including related food processing under Part 124 of the Public Health Code (Act 368 of 1978).

**Agricultural Production** -The production for commercial purposes of plants and animals useful to man, including forages and sod crops; grains and feed crops, dairy and dairy products, livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables and other similar agricultural uses.

**Alterations** - Any change, addition or modification in construction, any building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**Ambient** - Shall mean the sound pressure level exceeded 90% of the time or L90

**Anemometer Tower** - Shall mean a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM.

**Animated Signs** - Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

**ANSI** - Shall mean the American National Standards Institute.

**Automobile or Trailer Sales Area** - Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

**Automobile Repair** - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service; such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

**Automotive Service Station** - An "automotive service station" is a building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto. The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles, or the washing of motor vehicles are permitted accessory uses. A public parking lot or public parking garage is not a permitted accessory use. Uses permissible at a filling station do not include motor vehicle sales, major mechanical and/or body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automotive service stations. An automotive service station is not a repair garage or a body shop.

**Bank** (as related to natural features) - The rising ground bordering a watercourse, lake or reservoir.

**Basement** - That portion of a building partly below grade but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor.

### **Billboards and Signs:**

- A. **Billboard** - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. **Business Sign** - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- C. **Real Estate Sign** - Any temporary structure used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.
- D. **Identifying Sign** - Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or

semipublic building or recreation space, club, lodge, church, or institution; (2) to tell the name or address of an apartment house, hotel, or motels; or (3) to inform the public as to the use of a parking lot.

- E. **Nameplate** - A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

**Board of Zoning Appeals** - The Board of Zoning Appeals of Wayne Township.

**Boardinghouse** - A dwelling in which lodging or meals, or both are furnished to three (3) or more guests for compensation.

**Buildable Area** - That portion of a lot remaining after required yards have been provided.

**Buildable Land** - Areas that naturally have soils and geological characteristics suitable for construction of foundations, individual septic systems, and other properties as may be required to properly accommodate the proposed construction.

**Building** - Any structure, either temporary or permanent, 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 and awnings, of a permanent nature.

**Building Area** - The maximum area covered by a building and its accessory building, excluding open steps, and guttering.

**Building Coverage** - That percentage of the plot or lot area covered by the building area.

**Building Height** - The vertical distance measured from the finished grade level, sidewalk level or its equivalent established grade from the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

**Building Integrated Photovoltaics (VIVPS)** - A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

**Building Line** - A line parallel to the lot line at a distance therefrom equal to the depth of the yard required for the district in which the lot is located.

**Building Permit** - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

**Business** - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Camper** - A mobile or movable structure or vehicle with accommodations for living and sleeping designed for temporary or seasonal occupancy.

**Campground** - Any area or tract of land used or designated to accommodate recreational vehicles or camping parties for periods of not more than 30 consecutive days.

**Camping Cabin** - A hard sided tent or shelter less than 400 square feet in area which is on skids or otherwise designed to be readily moveable.

**Camping Unit** - A tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed and/or used for temporary human occupancy.

**Church** - A building used for the conduct of religious services, not including rescue missions or temporary structures used for revival activities.

**Clinic, Medical or Dental** - A facility where three or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an outpatient basis.

**Club or Lodge, Private** - An association or persons, who are bona fide members paying dues, which owns or leases a building or portion thereof the use of which shall be restricted to members and their guests.

**Commission** - Whenever the word "commission" is used in the context of this Ordinance the same shall be defined as the Wayne Township Planning Commission.

**Community Center** - A public building including one or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities and family day care centers, all for the common use of residents.

**Comprehensive Plan** - A composite, or portion thereof of the mapped and written proposals and recommendations relative to the growth and development of Wayne Township as adopted by the Township Board.

**Day Care Center** - A facility, other than a Day Care Home, which is used by a person licensed by state or local government to provide care and maintenance of children (other than his or her own family and the children of close relatives) during a portion of the day for two or more consecutive weeks.

**DB** - Shall mean the sound pressure level in decibels. It refers to the "A" weighted scale defined by ANSI, a method for weighting the frequency spectrum to mimic the human ear. Measurements shall be taken at property lines unless otherwise stated.

**Decibel** - Shall mean the unit of measure used to express the magnitude of sound pressure and sound intensity.

**Decommission** - To remove or retire from active service.

**Depth of Lot** - The mean horizontal distance between the front and rear lot line.

**Depth of Yard** - The mean horizontal distance between the building line and the lot line.

**District** - An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and/or open spaces are required; lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the district in which they apply.

**Dwelling** - A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete accommodations of a single family complying to the following standards:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- C. It does not have exposed wheels, towing mechanism, undercarriage or chassis.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Van Buren-Cass County Health Department.
- E. The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality or workmanship as the original structure, including the above described foundation and permanent attachment to the principal structure.
- F. The dwelling complies with all pertinent building and fire codes including, in the case of manufactured homes, standards for

manufactured home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction And Safety Standards, being 24 CFR part 380, as it may be amended from time to time.

- G. The foregoing standards shall apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

**Dwelling; Multiple, Family** - A building containing three or more dwelling units (apartment house).

**Dwelling; Semidetached** - One of two buildings; arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the basement floor to the highest point of the roof, along the dividing lot line, and separated from any other building or structure by space on all other sides.

**Dwelling; Two-Family** - A building containing not more than two separate dwelling units.

**Dwelling Unit** - A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having complete and separate cooking and sanitary facilities.

**Easement** - A portion of strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities or services

**Erected** - Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

**Essential Services** - The phrase "essential services" means the erection, construction, alteration or maintenance of public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

**FAA** - Shall mean the Federal Aviation Administration.

**Family** - One person, or group of two or more persons, living together who may or may not be interrelated by bonds of Consanguinity, marriage, or legal adoption, occupying

the whole or part of a dwelling as a separate housekeeping unit within a Common and single set of culinary facilities. The persons thus constituting a family may also include foster children and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

**Farm** - All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture 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.

**Farm Building** - 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 and farming activities.

**Fence** - A structure partially or completely surrounding a part of or the whole of a lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

**Flood Plain** - Flood plains may be either riverine or inland depression areas. Riverine flood plains are those areas continuous with a lake, stream or streambed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100-year flood elevation. Inland depression flood plains are flood plains not associated with a stream but which are low points to which surrounding land drains.

**Floor Area** - The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating the buildings, including any area when used for residential, commercial or industrial purposes, but not including a basement or portion of a basement used for storage or housing of mechanical or central heating or air conditioning equipment, unfinished attics, garages, outside balconies, open porches, accessory buildings, or any floor area within a building which is used for off street parking. The floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e. ten (10) feet in height shall equal one floor,

**Frontage** - The contact of abutting property with a street which affords unobstructed access to the property.

**Garage, Commercial** - Any building or premises (except those defined herein as a private garage) used for storage of motor vehicles, for remuneration.

**Garage, Private** - Accessory building in a residential district with the capacity of no more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of no more than three-quarter (3/4) ton capacity. A garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.

**Garage, Vehicle Repair** - A structure, or portion thereof designed or used for the repair, equipment, or servicing of motor vehicles, including, but not limited to, upholstery work, glass work, painting, welding, body and fender work, and major engine overhaul and transmission work, but not including motor vehicles sales.

**Grade** - The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**Greenbelt or Buffer Strip** - A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**Ground Mounted Private Solar Energy System** - A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

**Height** - The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

**Home Occupation** - Where within this Ordinance a home occupation is permitted as a special land use in a residential district zoning classification, the term “home occupation” specifically permits instruction in a fine art or craft.

**Hospital** - A facility in which patients are rendered medical and/or surgical care on an episodic basis with the standard provision of continuous 24-hour acute medical care on an inpatient basis.

**Hospital, Animal** - A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also be considered a veterinary clinic.

**Hotel** - A building containing separate sleeping units, each of which may have bathroom facilities, designed for or used primarily on a temporary basis of transients.

**IEC - International Electrotechnical Commission** - The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**Industrial Solar Energy Facility** - A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off—site uses or the wholesale or retail sale of generated electricity to any person or entity.



**Industrial Solar Energy Facility Permit** - Is a permit issued upon compliance with standards of this Ordinance Section.

**Inhabited Structure** - Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

**ISO** - International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

**Kennel** - Any lot or premises on which three (3) or more dogs, cats or other household domestic animals at least three (3) months of age are kept.

**Lease Unit Boundary** - Shall mean the boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel of which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.

**Loading Space, Off-Street** - Space logically and conveniently located for both pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Lot** - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building and its accessory buildings, and the open spaces required by this Ordinance, and having its principal frontage on a street, or an officially designated and approved place.

**Lot, Area** - The area of land within the boundary of a lot excluding any part under water or the area of land bounded by any front lot line, the center line of the highway or roadway on which it fronts and the side lot lines intersecting the front lot line at its ends extended to the centerline of the highway or roadway.

**Lot, Corner** - A lot at the junction of two or more streets.

**Lot, Interior** - Any lot other than a corner lot.

**Lot Line, Front** - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

**Lot Line, Rear** - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** - Any lot boundary line not a front line or a rear lot line.

**Lot of Record** - A lot of record at the time of enactment of this Ordinance in the Office of the Cass County Register of Deeds, either as a part of a subdivision or described by metes and bounds.

**Lot, Through** - A lot having frontage on two parallel or two approximately parallel streets.

**Lot Width** - The continuous distance between the side lot lines, measured at the building line and at right angles to the lot depth.

**Manufactured Home** - The terms “manufactured home” and “mobile home” as utilized throughout this Ordinance are intended to be synonymous.

**Manufacturing or Industry** - Any use, in which the major activity is the treatment, processing, rebuilding or repairing or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises; and distinguished from a retail use, where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

**Met Tower** - Shall mean a meteorological tower used for the measurement of wind speed.

**Michigan Tall Structure Act (Act 259 of 1959)** - Shall govern the height of structures in proximity to airport uses and is included as a standard in this Article by reference.

**Mobile Home** - A structure designed or used for residential occupancy designed and built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is jacked up or skirted,

**Mobile Home Park** - A mobile home development, designed with facilities for common use, and in which mobile home spaces are rented.

**Mobile Home Subdivision** - A subdivision providing lots for sale for the placement of mobile homes for residential purposes.

**Motel** - A building or a group of buildings containing sleeping units, each with bathroom facilities, designed for or used primarily on a temporary basis by automobile tourists or other transients, with parking space conveniently located to each unit,

**Motor Vehicle Sales Lot** - Any premises where three (3) or more motor vehicles are offered for sale or sold during any calendar year.

**Nonconforming Lot** - A lot or record which does not conform to the lot area or lot width regulations of this Ordinance.

**Nonconforming Structure** - A structure on land which lawfully existed at the time of its construction, but which by terms of the ordinance or any amendment is not now allowed or does not meet certain regulations such as minimum square footage, etc.

**Nonconforming Use** - Any building or land lawfully occupied by a use which at the time of the passing of this Zoning Ordinance or an amendment thereto does not conform with the regulations in which it is situated.

**Non-Participating Parcel** - A property within that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Industrial Solar Energy facility.

**Nursing Home** - An institution licensed by the State Department of Health for the care of sick or elderly adults, having seven or more beds.

**Onsite Wind Energy System** - Shall mean a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce onsite consumption of utility power. A system is considered an onsite wind energy system only if it supplies electrical power solely for on site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company.

**Open Space** - The portion of the gross site area that is landscaped or that is usable and maintained for recreational purposes (including lawns, patios, and usable rooftops).

**Off-Street Parking** - A parcel of land with a durable surfaced area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one (1) standard automobile. Such open, unoccupied space shall be other than a street or alley, and the principal use of such parcel of land, durably surfaced, enclosed or unenclosed, shall be for the purpose of parking vehicles off the thoroughfares.

**Ordinary High Water Mark** - The line between upland and bottomland which persists through successive 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 itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

**Parking Space — Automobile** - That area required for the parking or storage of one automobile (9 ft. x 20 ft.) including necessary aisle or driveway space providing space thereto, but not on front lawn areas.

**Participating Parcel** - A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing an Industrial Solar Energy facility.

**Person** - Means any natural individual, firm, trust, partnership, association or corporation.

**Planning Commission** - The Wayne Township Planning Commission.

**Planned Unit Development** - Residential, commercial or industrial development, or combination thereof, on a tract of land under single ownership or control according to an approved final site development plan.

**Private Solar Energy System** - A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

**Professional Office** - Rooms or buildings used for office purposes by members of any recognized profession including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

**Public Sewer System** - A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof; for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes or such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.

**Public Utility** - Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**Recreation Area, Private** - All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Recreational Vehicle (RV)** - A vehicular camping unit used or designed to be used and intended specifically for recreational travel and temporary living and/or sleeping purposes that either has its own motor or is designed to be mounted or towed by

another vehicle, including boats, motor homes, snowmobiles, travel trailers, truck campers, camping trailers, campers, pop-up trailers, park model trailers and overnight trailers, and other similar items, whether self-propelled or towed.

**Restaurant** - A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, dinner theater, drive-ins, and any fast food establishment permitting consumption on the premises.

**Right-of-Way Line** - The dividing line between a lot and a public street, legally open or officially plotted by the Township, County or State or over which the owners or tenants of two (2) or more lots held in single or separate ownership have the right-of-way.

**Roadside Stand** - A structure which is used seasonally for the sale of produce, and lacks heat and running water. The use of a roadside stand shall not constitute a commercial district.

**Roof or Building Mounted Solar Energy System** - A private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

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

**Salvage Yard** - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed or disassembled or handled. Salvage material shall include, but not be limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes vehicle wrecking yards of any size for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Sanitary Landfill** - A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest volume, and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Part 115 of Act 451 of 1994, as amended.

**Screening** - A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

**Setback** - Means the required distance between every structure and any lot line on the lot on which it is located.

**Shadow Flicker** - Shall mean alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to, a window at a dwelling.

**Shopping Center** - A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises, and related in its location, size, and type of stores, to the trade area which it serves.

**Shoreline** - The line between upland and bottomland which persists through successive 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 itself, the configuration of the surface of the soil and the vegetation.

**Sidewalk** - Is any construction between 2.5 feet and 4 feet wide of any material designed to provide barrier free access. It may be constructed up to 6 inches above existing grade to provide for proper drainage. Sidewalks may be located in required front, side and rear yards.

**Significant Natural Feature** - Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources, or other appropriate governmental agency, which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

**Sign** - Any name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly upon a building (including on window area), structure or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization or business.

**Sound Pressure** - Shall mean 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.

**Sound Pressure Level** - Shall mean the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Special Land Use** - Uses of land and/or buildings because of their particular nature and due to certain circumstances are designated as exceptions and may be permitted to become established within those districts as specified in this ordinance.

**Story** - That portion of a building, included between the surface of any floor and the surface of the floor next about it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

**Story, Half** - That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet above the floor level of such half story.

**Street, Highway, and Roadway** - A public dedicated right-of-way or right-of-way meant for public use other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular.

**Structure** - Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50 percent solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

**Subdivision** - All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

**Swimming Pool** - An artificial or semi artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than 2-1/2 feet for the immersion or partial immersion therein of human beings.

**Tavern** - A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises.

**Tent** - A portable shelter made of cloth, canvas, plastic, or similar material, supported by one or more poles or a frame and often secured by ropes, cords, or other devices attached to pegs or stakes driven into the ground.

**Township** - Shall mean the Township of Wayne in Cass County Michigan.

**Use** - The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be, used, occupied or maintained.

**Utility Grid Wind Energy System** - Shall mean a land use for generating power by use of the wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA Tower, electric substation. A UTILITY GRID WIND ENERGY SYSTEM is designed and built to provide electricity to the electric utility grid.

**Variance** - A variation of the lot size or width requirements, yard requirements, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in the Zoning Ordinance, granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance

where strict enforcement of the terms of the Ordinance would create undue hardship, owing to the unique characteristics of the property for which the variance is sought.

**Watercourse** - An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

**Wind Energy Conversion Facility (WECF) or Wind Energy Facility** - shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such a facility.

**Wind Energy Facility Site Permit** - Shall mean a permit issued upon compliance with standards of this Article.

**Wind Energy Facility Site Plan Review** - Shall mean the process used to review a proposed Wind Energy Facility.

**Wind Energy Overlay Districts** - Shall mean districts created by the Wayne Township Planning Commission, by identifying specific areas within the allowed districts as best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the Zoning Ordinance.

**Wind Energy System** - Shall mean a land use for generating power by use of wind: utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON-SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.

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

**Wind Turbine** - Shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Ordinance if it both has a total height greater than 140 feet and nameplate capacity of greater than 100 kilowatts.

**Wind Turbine Height** - Shall mean, when referring to a Wind Turbine, the distance measure from ground level to the center of the turbine hub.



**Yards** - The area of each lot in which no building or structure shall be erected. The size of such area is determined by the distance from the property lines to the building lines.

- A. **Front** - The minimum required open space, extending the full width of the lot from the property line or right-of-way line, if the property line extends into the right-of-way, to the building line.
- B. **Side** - The minimum required open space extending the full depth of the lot and extending from the side lot line to the nearest point of the main building line.
- C. **Rear** - The minimum required open space extending the full width of the lot from the rear lot line to the nearest point on the main building line.

**Zone** - Same as District.

**Zoning Administrator** - The designated administrator and enforcement official of this Ordinance.

**Zoning Map** - A map showing the division of land into various districts within the jurisdiction of Wayne Township.

**Zoning Permit** - A permit for commencing construction or use, issued in accordance with the filing of all information necessary to insuring compliance with this Zoning Ordinance. Actual construction cannot be commenced until issuance of a Building Permit, Health Department Permits and satisfaction of other statutory and regulatory requirements which may apply to the specific use.