

ARTICLE 2

DEFINITIONS

SECTION 2.01. Rules of Construction

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, this text shall control.
3. The word “shall” is always mandatory and not discretionary; the word “may” is permissive and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word “building” includes the word “structure.” The word “build” includes the words “erect” and “construct.” A “building” or “structure” includes any part thereof.
6. The word “dwelling” includes “residence.” The word “lot” includes the words “plot,” “unit,” and “parcel.”
7. The word “used” includes “arranged,” “designed,” “intended,” or “occupied.”
8. The terms “Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of the Charter Township of Commerce and any amendments thereto.
9. The terms “abutting” or “adjacent to” includes land across a zoning or governmental boundary, property line, alley, or access easement.
10. The phrase “such as” shall mean “such as but not limited to,” and the words “include” or “including” shall mean “including but not limited to.”
11. The word “person” includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a “person” under the laws of Michigan.
12. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
13. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of their common or customary usage or as defined in the Commerce Charter Township Code.
14. Terms referred to in the masculine gender include the feminine.

15. Unless otherwise stated, the word “days” shall mean calendar days; “month” shall mean any consecutive period of 30 calendar days; and “year” shall mean any consecutive period of 365 calendar days.

SECTION 2.02. Definitions

Access: A means to provide vehicular entrance to or exit from a parcel.

Access Management: Controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road.

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

Acre (Gross): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area including all the area within the legal description of the parcel, and the area within the right-of-way as adopted by the Road Commission for Oakland County, Michigan.

Acre (Net): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area exclusive of floodplains, wetlands and watercourses, area under water and exclusive of area within the existing or proposed right-of-way requirements as adopted by the Road Commission for Oakland County, Michigan.

Adult Foster Care Facility:

1. Adult Foster Family Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time adult foster care family home pursuant to Public Act 218 of 1979, as amended, for not more than six (6) adults who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law. 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 private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 218 of 1979, as amended, for at least seven (7) but not more than twelve (12) adults who are provided supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.
3. Adult Foster Care Large Group Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 218 of 1979, as amended, for at least

thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.

4. Adult Foster Care Congregate Facility: A foster care facility pursuant to Public Act 218 of 1979, as amended, for more than twenty (20) adults who are provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.

Agriculture: Any use of substantially undeveloped land, of five (5) acres or more in size, for the production of plants, animals, and poultry useful to man, including forages and sod crops, grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; Christmas trees; and other similar uses and activities.

Agritourism: Uses associated with farming and agricultural operations intended to expose the public to rural and farm activities while providing farm produce, food & beverage products, entertainment, rural and farm related products, services, special events, and other activities intended to attract visitors and customers during the growing and harvest seasons and throughout the farm year with the purpose of making it economically feasible to retain open space and farming activities once predominate in what has become an urban township. The nature of the operation is intended to encourage preservation of open space, foster and encourage agricultural activities while attempting to minimize the conversion of open space and farmland to urban uses. The agritourism classification is intended to provide flexibility to the farm operator to sell products, provide services, and develop attractions conducive to preservation of farmland and open space within the Township.

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

Alterations: Any change, addition or modification to a structure or type of occupancy, and change in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Alternative Nicotine Product: Any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360f.

Apartments: A living unit in a residential multiple dwelling structure that contains three (3) or more dwelling units.

Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

Attached Housing Unit: An attached housing unit is a self contained unit that is physically attached to other such units. Townhouses and patio houses are types of attached housing units.

Automobile Dealership: A place where automobiles, vans, trucks, and similar vehicles are sold, and where service may be carried out for minor repair and servicing, and where bumping and painting is clearly accessory to the use.

Automobile Fueling Station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Automobile Repair Station. An enclosed building where minor and major motor vehicle repair services may be carried out.

Automobile Repair Major. Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

Automobile Repair Minor. Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.

Automobile Service Center. A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

Automotive Service Annex: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, and only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of the interior of a larger planned shopping center complex.

Automobile Repair Garage: A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, painting, upholstery work, auto glass work and miscellaneous auto repairs.

Basement: That portion of a building which is partly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, and is not habitable except that residency can be permitted in an earth sheltered dwelling as otherwise permitted in this ordinance. (See Illustration.)

Bed-and-Breakfast: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be utilized for visual and/or audible screening purposes.

Bioswale: Landscape elements designed to reduce silt and pollution from surface runoff water. Bioswales consist of a swaled drainage course with gently sloped sides (less than six percent), which is filled with vegetation, compost and/or riprap. The water's flow path, along with the wide and shallow ditch, are designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

Block: The property abutting one side of a road and lying between the two nearest intersecting roads.

Board of Appeals: The Zoning Board of Appeals of the Charter Township of Commerce.

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for the purposes of shelter or enclosure of persons, animals, chattels, or property of any kind.

Buildable Area: The buildable area of a lot or parcel is the space remaining after yard, parking, septic system, or any other requirements of this ordinance have been met. This definition does not waive Federal, State, County or other applicable requirements.

Building, Accessory: A building that is subordinate in size, area, extent or purpose to the principal use or structure and located on the same lot or parcel of the principal use or structure, the use of which is clearly incidental to that of the principal use or structure.

Building Director: The Director of Building, Zoning, and Water & Sewer or his/her successor or designee.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Height: The vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs; to the deck line on mansard roofs; and to the average height between the eaves and ridge for gable and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Illustration.)

Building Line: A line formed by the face of the building, and for the purpose of this ordinance, a building line is the same as a front setback line.

Campground: See definition of Travel Park.

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

1. Child Care Center or Day Care Center: A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group 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 which 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 child care center. “Child Care Center” or “Day Care Center” does not include instruction solely for religious purposes 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. Group Day Care Home: A private house in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family that occupies the house by blood, marriage or adoption. It includes only those homes which give care to unrelated children for more than four (4) weeks during a calendar year.
3. Family Day Care Home: A private house in which one (1) but less than seven (7) minor children, are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family that occupies the house by blood, marriage or adoption. It includes only those homes which give care to at least one unrelated child for more than four (4) weeks during a calendar year.

Child Foster Care Facilities:

1. Child Foster Family Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than one (1), but not more than four (4) minor children who are unrelated to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Public Act 288 of 1939, as amended, 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, by or under the supervision of Licensee under said State Law and are unattended by a parent or legal guardian.
2. Child Foster Family Group Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster

family home pursuant to Public Act 116 of 1973, as amended, for more than four (4), but less than seven (7) minor children who are unrelated to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Public Act 288 of 1939, as amended, 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, by or under the supervision of the Licensee under said State Law and unattended by a parent or legal guardian.

Clinic: A place for the 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, but shall not include facilities for in-patient care or major surgery.

Club: An organization of persons for special purposes, such as for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial Use: “Commercial Use” relates to the use of property in connection with, or for, the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

Convalescent or Nursing Home: A licensed facility with sleeping rooms, where disabled persons are housed or lodged and are furnished with meals, nursing and/or medical care for three (3) or more persons.

Development: The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use or building.

Direct Lake Access: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dog Daycare Center: A commercial establishment where four (4) or more dogs are left by their owners for supervised care, play and social interaction with other dogs at the establishment, which may offer accessory services such as retail sale of dog care supplies, grooming and short-term boarding, subject to the provisions of this Zoning Ordinance.

Drive-in: 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 rather than within a building or structure.

Drive-in Restaurant: A business establishment for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor

vehicle, or permit patron self-service for consumption within motor vehicles, as differentiated from a restaurant with indoor seating only, even though the establishment may have some indoor seating.

Drive-Through Restaurant: Establishments where patrons, without leaving their motor vehicles, pick up food to be eaten off premises.

Driveway: Any vehicular access from a public or private road to one (1) residence, single occupant building or lot, or serving an essential public service structure. It shall include a way for ingress and egress leading from a public or private road to a parking lot or other area accessory to a single non-residential use being served. Only that portion which is intended for the exclusive use of a single residence or single non-residential permitted use shall be considered a driveway.

Dry Cleaning Establishment: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

Dry Cleaning Plant: A building, portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel or articles of any sort by immersions only, in volatile solvents including, but not limited to solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, in separate units, and living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof designed exclusively for occupancy by three (3) or more families, in separate units, and living independently of each other.

Engineer: The full time or consulting engineer of the Township.

Entrance Ramp: A roadway connecting a feeder road with a limited access road and used for access onto such limited access road.

Erection: Any physical operations on the premises which are required for construction or moving on, including reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water

transmission or distribution system, collection, communication, 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 equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Exit Ramp: A roadway connecting a limited access road with a feeder road and used for access from such limited access road to a feeder road.

Expand: Means to increase the extent, number, volume, importance, or scope. To become larger or more extensive.

Family: For the purposes of this Ordinance a family shall be defined as:

1. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are living as a single nonprofit housekeeping unit, including unrelated persons living together as a single housekeeping unit in a Recovery Home who meet the definition of handicapped under the Federal Fair Housing Act and Michigan law. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period, nor shall it include residents of a State licensed residential facility except to the extent required by PA 110 of 2006, as amended.

Farm Market: A retail facility located in a permanent structure, which adjoins active farmland, and is intended for the sale of farm products. A Farm market may also include uses to promote the sale of farm produce and related goods, such as, but not limited to, a cider mill, bakery, hay rides, you-pick activities, and so forth.

Fast Food Restaurant: A self service or drive-through restaurant which sells food and beverage in disposable containers or wrappers for consumption inside or outside of the building, in motor vehicles, or off premises.

Fence: A barrier of fabric or material, and of definite height and location.

Fence, Obscuring: A barrier of sufficient height and location to serve as an obscuring screen or buffer.

Fence, Ornamental: An architecturally attractive fence that obscures no more than 50% of the landscape when viewed from an angle perpendicular to the fence. Ornamental fences are often of the rail or wrought iron type. A chain link or privacy fence is not considered ornamental. Furthermore, ornamental fences should complement the principal structure and/or be designed in such a way that it is of an integral design of the principal structure; earthtones or those colors that are used on the principal structure should also be used.

Filling: The depositing, removal, redistribution or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

Firearm: An instrument which is capable of propelling missile by means of exploding or burning powder.

Floodplain: The “Floodplain” shall be herein defined as either of the following: 1) That area identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Commerce Township” with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Township Building Department. 2) Other floodplains as defined by the Township Engineer and approved by the Township Board.

Floor Area (Residential):

The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of area of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

1. Bi-Level: A house with two (2) levels and no basement, the first floor being partially below grade such that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor.
2. Tri-Level: A house with three (3) levels, the first level being located partially below grade, the second level being located at or slightly above grade, and the third level being located one-half (1/2) level up from the second level and directly over the first level. The first level shall be counted as either a story or a basement depending on its location in relation to the average grade (see definition of basement).
3. Quad-Level: A house similar to a tri-level but with the addition of a fourth level. The third level is usually located directly above the first and the fourth level is usually located directly above the second. The first level shall be counted as either a story or a basement, depending on its location in relation to the average grade (see definition of basement).

Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and non-ground floor 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 or for utilities, shall be excluded from this computation of “Usable Floor Area”. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients, shall be measured to determine necessary parking spaces. Under no circumstance shall usable floor area be determined to be less than (70%) percent of gross floor area. (See Illustration.)

Footcandle: A unit of illuminance widely used to set lighting levels in architecture. The illuminance at one (1) foot from a one (1) candela point source of light.

Garage, Private: A portion of a main residential building designated or used solely for the storage of motor driven vehicles, boats and similar vehicles owned and operated by the occupants, and miscellaneous items generally associated with a residential occupancy.

Garage Sale: A temporary sale conducted by the homeowner(s) or occupant(s) of the premises on which the sale is located, usually out of the garage for the resale of personal property whereby the public at large is invited to attend.

Garbage: Putrescent solid and semi-solid animal or vegetable wastes resulting from the production, handling, preparation, cooking, service or consumption of food or food materials.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of the minor repair of automobiles.

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Greenbelt: A strip of definite width and location reserved for the planting of shrubs, trees or plants to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Gun Clubs: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms on its property.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit at the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Hospital: A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician.

Hotel: A building occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services as maid service, the furnishing and laundering of linens, telephone and desk service, and meeting rooms. A hotel may contain restaurant and convention facilities.

Industrial Use: Any land or building occupied or used for purposes allowed in the Industrial District by this Ordinance, that is 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.

Institutional Uses, Large Scale: Public, parochial, and private schools, churches, community buildings, and municipal facilities that have either one or both of the following characteristics:

1. Five hundred (500) or more parking spaces are required to fulfill the parking requirements in the Zoning Ordinance.
2. The seating capacity of the main area of assembly is one thousand five hundred (1,500) or more.

Kennel (Commercial): Any lot or premises on which dogs, cats or other species of household pets are kept, either permanently or temporarily, for the purposes of breeding, boarding, sale or transfer.

Keyhole Lake Access: Property which abuts a lake or a navigable tributary thereto and which provides lake access to owners or occupants of nearby property which does not abut the lake.

Laboratory: A place devoted to experimental study, testing, or analyzing, but not devoted to the manufacturing of a product or products.

Lake: Includes navigable tributaries of a lake.

Land Area (Net): All the area within the confines of a given legal description exclusive of area under water and exclusive of areas within the proposed right-of-way requirements as adopted by the Road Commission for Oakland County.

Land Area (Gross): All areas within the confines of a given legal description including areas under water and including areas within the right-of-way.

Landfill: Landfill means any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

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. Berms: A continuous, raised earthen mound 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 this Ordinance.
2. Forb: A broad-leaved herb other than a grass, especially one growing in a field, prairie, or meadow.
3. Grass: Any of a family of plants with narrow leaves that is viable as permanent lawns in Oakland County, Michigan.
4. 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 this ordinance.
5. Ground Cover: Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
6. Hedge: A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
7. 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.
8. Interior Parking Lot Landscaping: A landscaped area located in the interior of a 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 parking area.
9. 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.
10. 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.
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 nonliving 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. **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 Oakland 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.
14. **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.
15. **Shade Tree (or Canopy Tree):** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a height of forty (40) feet or greater at maturity in Oakland County, Michigan.
16. **Vine:** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Livestock: Horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm or range.

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 merchandise or materials.

Lot: A lot is an existing parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A parcel of land described by metes and bounds;
4. An existing nonconforming lot or portion thereof.

In no case shall any division or combination create a residual lot or parcel which does not meet the requirements of this Ordinance. For the purposes of this Ordinance, a unit and associated limited common area in a site condominium project shall be considered to be a lot.

Lot Area: The total horizontal area within the lot lines of the lot excluding any public road right-of-way, prescriptive road easement, or private road easement and further excluding any areas beneath the surface of a river, lake, pond or similar body of water.

Lot, Corner: A lot located at the intersection of two (2) or more roads. A lot abutting on a curved road or roads shall be considered to be a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees. (See Illustration.)

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. Lot coverage shall be based on building footprint, disregarding roof overhangs.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: Any lot having frontage on two more or less parallel roads as distinguished from a corner lot. In the case of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and shall meet front yard setback requirements.

Lot, Interior: Any lot other than a corner lot with one street frontage.

Lot Lines: The lines bounding a lot as defined herein:

1. Front Lot Line: In the case of an interior lot, the front line shall be the line separating the lot from the street, except if the shape of the parcel, or some other reason, makes it impractical to use said line as the front line, another line may be used as the front upon approval by the Board of Appeals, if the placement of the structure(s) and resulting yards are consistent with, and more easily blend with, the other buildings and development in the adjoining area. In the case of a corner lot, the front lot line is that line separating said lot from the street or streets, which is designated as the front street in the plat and in the application for a building permit or zoning occupancy certificate. In the case of a double frontage lot the front lot line is that line separating said lot from that street which is designated as the front street in the plat, or in the request for a building permit. In the case of double frontage lots with water frontage, the waterfront front lot line shall be the waterline.
2. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street or road is a side street lot line. A side lot line separating a lot from another lot or lots is a side lot line.

Lot, Nonconforming: A parcel of land described by metes and bounds, or a lot of record or a portion of a lot of record, which does not meet the requirements of this Ordinance.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deed or in common use by Township or County officials, and which

actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Water Frontage: In the case of lots abutting lakes, rivers and canals, said lots shall be considered to be double frontage lots as defined above. This includes lots separated by a lake, river or canal by a subdivision outlot, condominium common area or other communal property upon which a permanent structure cannot be constructed and the distance separating the lot from the water's edge is no more than 100 feet. (See Illustrations.)

Lot Width: The horizontal distance between the side lines measured at the two points where the building line, or setback, intersects the side lot lines. The arc shall be used in lieu of a straight line where lots have curved frontage.

Manufactured Dwelling: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Massage Therapy: A place or establishment where the primary service is the treatment of any nature for the human body that is given by means of massage (consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids), alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment. Said service must be administered by a massage therapist licensed by the State of Michigan.

Master Plan: A comprehensive plan including graphic and written proposals indicating the general location of roads, parks, schools, public buildings and all physical development of the Township. This shall include any element or part of such plan, and any amendment to such plan or parts thereof.

Master Right-of-Way Plan: The right-of-way and/or thoroughfare plan officially adopted by the Township and the Road Commission for Oakland County.

Medical Marihuana Definitions: Some of the words and phrases defined below are also defined in the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq. and the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA"). If the definition of a word or phrase set forth below conflicts with the definition in the MMMA, MMFLA, or if a term is not defined below but is defined in the MMMA or MMFLA, then the

definition in the MMMA or MMFLA shall apply. The words and phrases below are defined as follows:

Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Medical use means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Primary caregiver means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition.

Registry identification card means a document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

Marihuana facility means a location at which a license holder is licensed to operate under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”)

Medical marihuana cultivation building means a permanent freestanding building on one lot where more than twelve (12) marihuana plants are being grown in compliance with the MMMA.

Medical marihuana dispensary means a building or part of a building where there is a transfer of marihuana between primary caregivers or between qualifying patients. This definition does not include a building in which the transfer of marihuana occurs between a primary caregiver and his or her qualifying patient.

Plant means any marihuana plant with not more than one readily observable root formation.

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story. (See Illustration.)

Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

Mobile Home: A structure, transportable in one (1) or more sections, which is built on a 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 in the structure. A mobile home shall not include a modular unit as approved by the State Construction Code Commission. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purpose of this Ordinance.

Mobile Home Park: A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Motor Vehicle: Every vehicle that can propel itself on land using any type of motor. Aircraft, watercraft, and travel trailers are not included in this definition.

Multiple Family Unit: A dwelling unit contained within a single building that clearly houses several such units.

Nicotine Product: Any product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance, nor to the regulations of the district in which it is located. (See Illustration.)

Nonconforming Use: A use which lawfully occupied a building or land at the time of the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located. (See Illustration.)

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nursery, Plant Material: Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land, space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas Trees.

Nursing Home: Also Convalescent or Rest Home: A licensed facility, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein more than two (2) persons are housed or lodged, and furnished with nursing care.

Occupied: Being in actual or constructive possession of a structure or land.

Occupancy Load: The maximum number of individuals normally occupying a building or part thereof, or for which existing facilities have been designed.

Off-premises Alcohol Sales Outlet: A retail facility located in a permanent structure from which beer, wine and/or liquor are sold for off-premises consumption.

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 vehicles.

Open Air Business: A business that is conducted wholly or partially in the open, outside of a building.

Outdoor Collection Receptacle (Large): Any container intended or utilized for the deposit or collection of trash, waste, refuse, compacted materials, donation items, materials intended for recycling or re-use, and after hours material delivery, or similar uses with a volume greater than 18 cubic feet.

Outdoor Collection Receptacle (Small): Any container intended or utilized for the deposit or collection of U.S. mail, express packages or envelopes, library books, and after hours delivery or payment boxes or similar uses with a volume of 18 cubic feet or less.

Outdoor Dining: One or more tables and/or chairs in an area designated for outdoor seating adjacent to a principal building and restaurant use on a site to allow for the consumption of food and/or beverages served at and from the building.

Parking Lot: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other Township Ordinances, and is built on the surface of the ground.

Parking Structure: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other Township Ordinances and which may be one or more stories in height.

Performing Arts Center: A building consisting of one or more theaters and other rooms for assembly, for the principal purpose of staging theatrical and musical productions; but also including ancillary facilities which may include space for offices, artisans, display of art, meeting rooms, restaurants, and so forth.

Pet Services Establishments: Premises where domestic animals belonging to others are boarded, handled, or trained, and such activities are conducted within an enclosed building.

Phantom Lot Lines: Lines surrounding a condominium unit or units defined by the minimum lot width and lot area. Phantom Lot Lines are used to calculate the amount of open space provided in open space and roadside open space projects and for measuring setback requirements. The area within the Phantom Lot Lines shall not be counted toward any open space requirements.

Planned Commercial or Shopping Center: Two (2) or more commercial establishments which are contiguous and/or developed under one (1) site plan.

Planning Commission: The Planning Commission of the Charter Township of Commerce as designated in Public Act 33 of 2008, as amended.

Poultry: Domestic fowl such as chickens, turkeys, ducks and geese.

Principal Use: A use specified in this Ordinance under each district as a principal use.

Protected Wetlands: All wetlands subject to regulations by the Michigan Department of Environmental Quality (MDEQ).

Public Access: A site for lake access provided by the State of Michigan or any political subdivision thereof, a commercial marina, or other property owner for the use of the general public whether with or without charge.

Public Service Facilities: Public service facilities within the context of this Ordinance shall include such uses and services as election polling places, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility: Any persons, firm, corporation, municipal department, or board of commission duly authorized to furnish under Federal, State, or Municipal regulations and is furnishing to the public either gas, steam, electricity, sewage disposal, communication, telegraph, cable television, transportation or water.

Rain Garden: A planted depression that is designed to take all, or as much as possible, of the excess rainwater run-off from a building and its associated landscape. The plants – a selection of wetland edge vegetation, such as sedges, rushes, ferns, shrubs and trees – absorb the excess water, and through the process of transpiration return water vapor into the atmosphere. Unlike a bioswale, a rain garden does not slope.

Record Owner(s): Shall mean the person whose name appears upon the last township tax assessment records as the owner of the parcel of property.

Recovery Home: A single family residential dwelling occupied by no more than 6 persons who are currently participating in a program to treat and rehabilitate addicts or alcoholics provided that such occupants are not currently using alcohol or addictive drugs (except as prescribed by a licensed physician) and otherwise meet the definition of a handicapped person under the provisions of the Federal Fair Housing Act. Occupants of Recovery Homes shall be under the direct supervision and observation of a qualified treatment specialist who shall be present in the dwelling 24 hours per day and 7 days per week.

Recreational Vehicle: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Refuse: Any putrescent or non-putrescent solid waste, except human excreta, but including garbage, rubbish, ashes, road cleaning, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste.

Restaurant: 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 restaurant whose method of operation involves sales 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. Restaurant, Drive-In: A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
3. Restaurant, Drive-Through: A drive-through restaurant is a restaurant 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.
4. Restaurant, Fast-Food: A fast-food restaurant is a restaurant 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.
5. Restaurant, Standard: A standard restaurant is a restaurant whose method of operation involves either:
 - A. The delivery of prepared food by waitpersons to customers seated at tables within a completely enclosed building or in an approved outdoor seating area.
 - B. 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 or in an approved outdoor seating area.
 - C. Bar/Lounge: 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.

Riparian Owner(s): Shall mean a person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

Road: A way for vehicular traffic, including the entire area within the right-of-way, whether designated as a “street,” “highway,” “thoroughfare,” “avenue,” “boulevard,” “lane,” “cul-de-sac,” or by some other term.

Road, Arterial: A road serving large volumes of traffic, traveling 45 miles per hour or faster, typically involving a high proportion of long distance trips and through traffic, but which may provide access to abutting properties.

Road, Collector: A road that provides access to abutting properties and which connects either roads within a developed property, other collector roads, or local roads to arterial roads.

Road, Local: A road that is intended to provide access to abutting properties, accommodate lower traffic volumes, and provide mobility within a neighborhood.

Roadside Produce Stand: A portable, temporary, and seasonal retail facility that is intended for the sale of produce (i.e., fruits and vegetables) that is primarily grown on the adjoining property or elsewhere in Commerce Township.

Rubbish: Rubbish means any non-putrescible solid waste excluding ashes, such as paper, cardboard, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, glass, excelsior, rubber, leather, crockery and other similar materials.

Salvage Yard: An open area where waste, used or secondhand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “salvage yard” includes automobile wrecking yards, and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Secondary Tenant: A business, which leases physical, measurable space from a primary building owner and/or tenant and occupies not more than forty nine (49%) of a single building which may or may not have a separate entrance. A secondary tenant is intended to be long term, as opposed to temporary or short term (less than three months) and is incidental and/or subordinate to the primary tenant. In determining the percentage of occupied space, only that floor area which is used wholly and exclusively by the secondary tenant shall be used.

Senior Housing: A building or group of buildings containing dwellings intended to be occupied by older persons, as defined by the Federal Fair Housing Act. Senior Housing may include:

1. Independent Living – A residential living setting for senior adults who lead an independent lifestyle that requires minimal or no extra assistance. Although minimal or no extra assistance may be required, some independent living facilities may provide

- hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities. A Senior Apartment is an age-restricted multiunit independent housing facility for older adults who are able to care for themselves, where usually no additional services such as meals or transportation are provided.
2. **Dependent Living** – A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One type of Dependent Living facilities is Assisted Living, which is a special combination of dependent housing, personalized supportive services and health care designed to meet the needs of those who need help with activities of daily living. Services provided in Assisted Living residences usually include:
 - Three meals a day served in a common dining area.
 - Housekeeping services.
 - Transportation.
 - Assistance with eating, bathing, dressing, toileting and walking.
 - Emergency call systems for each resident’s unit.
 - Health promotion and exercise programs.
 - Medication management.
 - Personal laundry services.
 - Social and recreational activities.
 3. **Congregate Housing** – Similar to independent living except that it usually provides convenience or supportive services like meals, housekeeping, and transportation in addition to rental housing.
 4. **Continuing Care** – Residential campuses that provide a continuum of care, from assisted living to skilled nursing care, all in one location.

Setback: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is 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 definition of **YARD**).

Setback Line: A lot line, road right-of-way line, prescriptive easement, or other line established herein, whichever is furthest from the center of the road, from which required yards are measured.

Shared Driveway: Any vehicular access that provides access from a public or private road to two (2) single family lots, site condominium units or non-residential principal buildings, provided that each lot, condominium unit, or non-residential principal building has frontage upon the public or private road. In unified developments, such as shopping centers, office parks, or similar uses that share common parking facilities, a way for access, ingress, and egress to or from such parking facilities shall be considered a shared driveway, provided that control over the way is established by a maintenance agreement meeting the requirements of the Commerce Charter Township Code.

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. Unless otherwise indicated, the definition of a sign includes interior and exterior signs which are visible from any public street, road, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined below.

Sign Area. The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Awning: A sign that is painted or printed on, or attached to an awning or canopy and extends not more than two (2) feet from the wall with no copy on the sides or edges.

Sign, Clearance. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

Sign Copy. Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

Sign, Damaged: A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.

Sign, Ground or Freestanding: A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.

Sign Height. The vertical distance measured from the average grade at the sign location to the highest point of the sign.

Sign, Nonconforming. A sign that was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of “nonconforming sign” shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.

Sign, Pole: A ground sign mounted on a freestanding pole(s) or other support(s) with a clear space between the bottom of the sign face and the grade.

Sign, Portable. A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.

Sign, Projecting: A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.

Sign, Roof. Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.

Sign, Temporary. Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display. These include, but are not limited to:

1. Banner. A temporary sign made of fabric or other non-rigid material with no enclosing framework.
2. Festoons. A string of ribbons, tinsel, small flags or pinwheels.
3. Inflatable Sign. Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.

Sign, Unlawful. A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

Sign, Unsafe. A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

Sign, Wall: A display sign that is painted on, adjacent to, or attached to a building wall, door, window, or related architectural feature.

Sign Window: A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

Site Entry Feature with Signage. A sign located at the entrance to a residential development, industrial park or similar development.

Smoke Shop: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, synthetic marihuana and/or tobacco or marihuana paraphernalia and from which more than 51% of the total gross receipts and 51% of gross retail square footage are derived from the sale of tobacco products, vapor products, nicotine products, and/or alternative nicotine products.

Soil Excavation: The excavation or removal of gravel, clay, sand, peat, soil or other similar materials.

Special Land Use: A use specified in this Ordinance as permissible in a specific use district as a special land use permitted only after special conditions are met.

Stable, Private: A stable for the keeping of horses for the noncommercial use of the residents of the principal use, not including the keeping of horses for others, or for commercial breeding.

Store: 1. To put away, place or retain anything for more than twenty-four (24) hours for use or transport at anytime in the future. 2. A retail establishment where merchandise is sold.

Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4").

Street: A public thoroughfare or private easement which affords the principal means of access to abutting property and which is not a driveway or shared driveway as defined herein.

Structure: Anything constructed or erected and designed for a location on the ground, whether temporary or permanent.

Temporary Building or Use: A structure or use permitted to exist during periods of construction of the main building or use, or for special events.

Tents: A portable shelter of canvas, course cloth, or similar material but not including those used solely for children's recreational purposes.

Thoroughfare, Major: An arterial road which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfare, Secondary: An arterial road which is intended to serve primarily the immediate Township area providing access to major thoroughfares.

Tobacco product: Any product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, cigar, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422.

Townhouse: Single-family attached units with common walls. Each unit has its own front door opening to the outdoors and typically each house is a complete entity with its own utility connections. Although townhouses have no side yards, they can have front and back yards.

Township Board: The duly elected or appointed Township Board of the Charter Township of Commerce.

Township: The Charter Township of Commerce, Oakland County Michigan.

Travel Park (Overnight Camping Facility): A place utilized for the temporary use of camping vehicles and for camping purposes where there is no storage of recreational vehicles, and where recreation vehicles and tents are not occupied for more than ninety (90) days each year, and where commercial activity is limited to servicing the needs of the temporary occupants of the travel park.

Unified Development Site: One or more parcels of land developed in such a fashion and function as a single development site such as a shopping center.

Use: The purpose or function for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

Utility Room: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

Variance: A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when certain conditions are met.

Vapor Product: A noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, which can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360f.

Veterinary Clinic: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein:

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(s), or water line in the case of water front lots, and the nearest supporting member of the main structure. (See Illustration.)
2. 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, or zoning district line,

- whichever is closer to the building, and the nearest point of the main building. (See Illustration.)
3. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line, or zoning district line, whichever is closer to the building, and the nearest point of the main building. (See Illustration.)

Walls, Obscuring: An obscuring barrier of definite height and location constructed of wood, masonry, concrete or similar material.

Watercourse: Any waterway, including a river, stream, lake, pond, or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Public Act 40 of 1956, as amended. A watercourse does not include a retention or detention pond constructed as a landscape feature or constructed for the purpose of stormwater management.

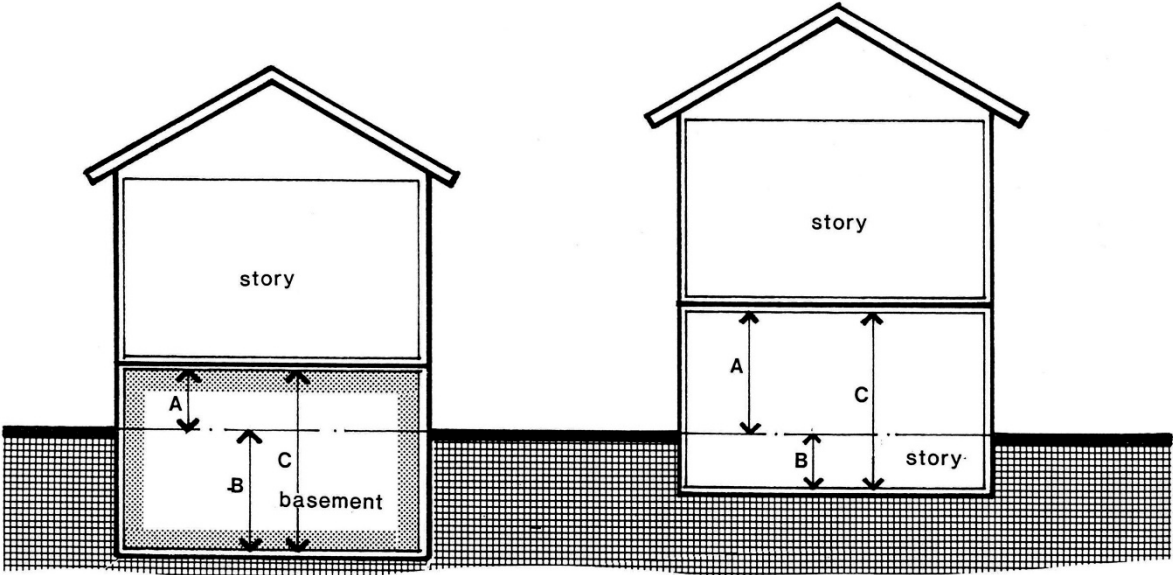
Wetland: to the term “wetland” shall have the same meaning as defined in Public Act 451 of 1994, as amended.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency for the purpose of transmitting or receiving radio signals and may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

Wireless Communication, Co-location: The location by two or more wireless communications providers, public authority or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use wireless communications facilities within the Charter Township of Commerce.

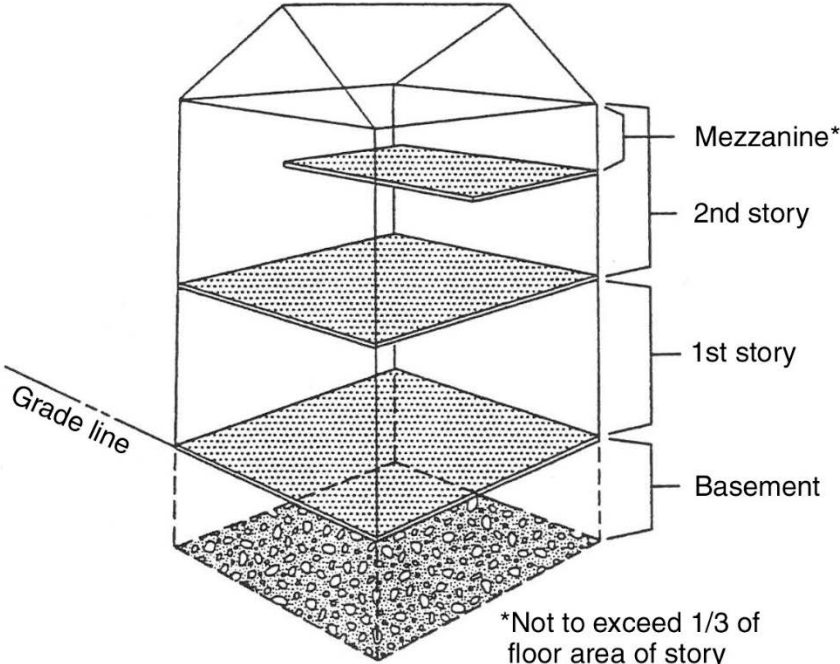
Zoning Administrator: The Zoning Administrator of the Charter Township of Commerce.

Basement and Story





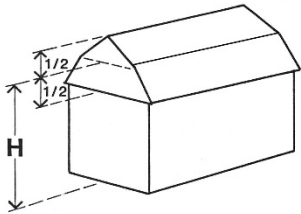
"A" is less than "B"
"C" is a basement

"A" is greater than 5 feet
"C" is a story

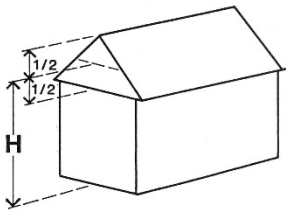


Basic Structural Terms

-  Floor area - (to be measured as minimum allowable)
-  Floor area - (not measured as minimum allowable)

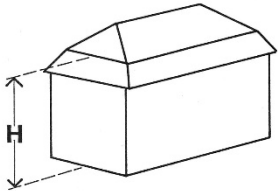


Gambrel

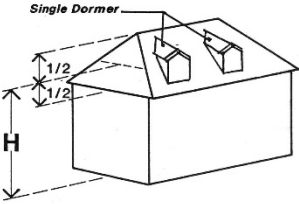


Gable

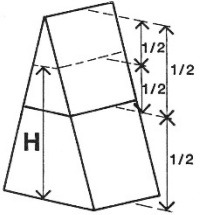
Building Height



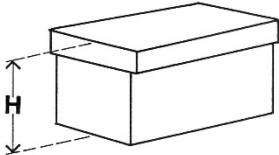
Mansard



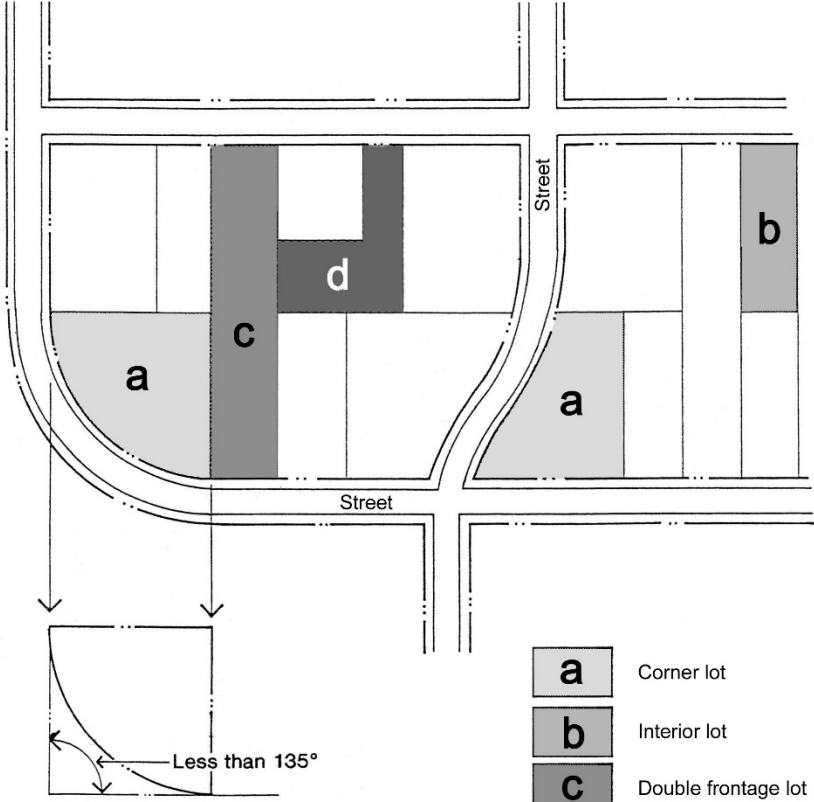
Hip



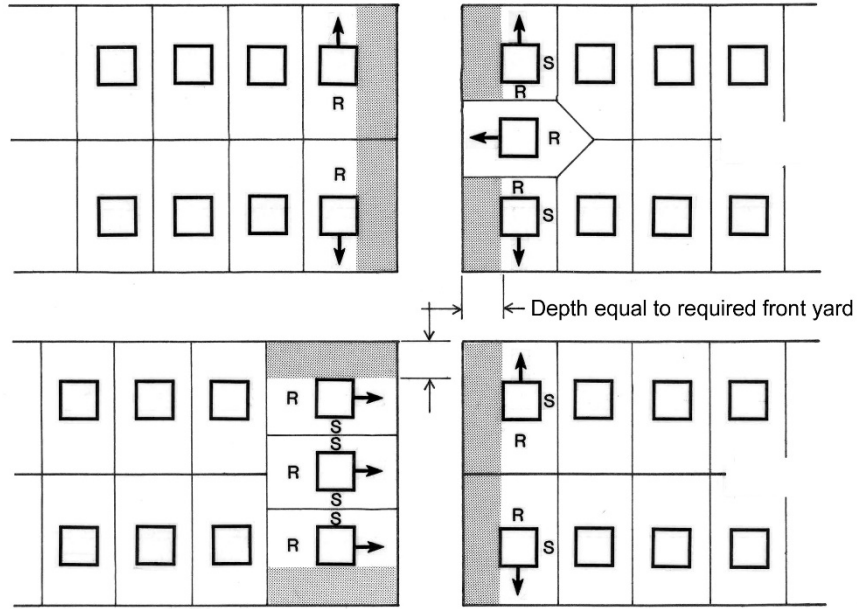
A-Frame





Flat

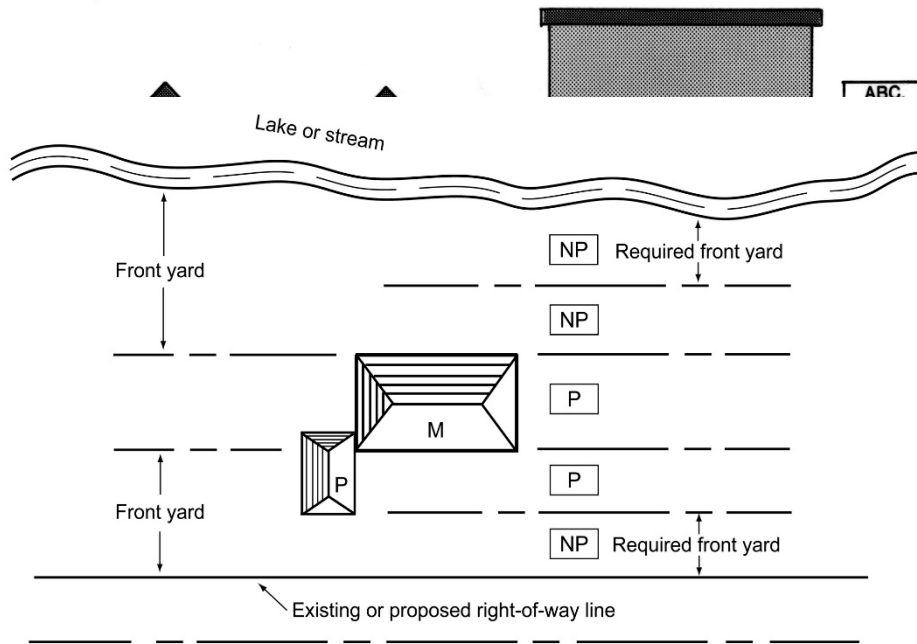


Corner, Interior & Double Frontage Lots



-  Required setbacks - corner lot
-  Front yard
- R Rear yard
- S Side yard

Side Yards Abutting Street



- M - Main building
- P - Accessory building (permitted)
- NP - Accessory building (not permitted)

Water Frontage Lot