

ARTICLE 2.00 – RULES OF TEXT INTERPRETATION AND DEFINITIONS

Section 2.01 Rules of Text Interpretation

The following rules of interpretation apply to the text of this ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word 'erected' shall include the moving upon the land of any structure, including mobile homes.
- F. A "building" or "structure" includes any part thereof.
- G. The phrases "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for", are all intended to be synonymous phrases.
- H. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity of any kind, or a combination thereof.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- J. The word "he" shall mean he or she.

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- K. The provisions of this Ordinance are intended to impose the minimum requirements adopted to promote the public health, safety, and general welfare, and shall be interpreted and applied accordingly.
- L. Any word or term not specifically defined in Section 2.02 or elsewhere in this Ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning.
- M. Any reference in this Ordinance to a specific law is intended to also include any amendment of that law, and any subsequently enacted superseding law on the same subject matter.

Section 2.02 Definitions of Terms

For the purpose of this ordinance the following terms and words are herein defined, and these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated:

Access Lot: a type of waterfront lot providing for private or common (semiprivate) access to a waterway for one or more access lot beneficiaries. An access lot includes the buffer strips required herein.

Access Lot Beneficiary: the owners/occupants of an offshore lot or waterfront lot, and any other person with a right of access to a waterway and/or use of a waterway through a waterfront lot, in whole or in part, by fee ownership, easement, lease, license, gift, business invitation, or any other form of conveyance, dedication, permission, or access/use rights. Members of the same family as defined by Section 2.02 of this Ordinance shall be collectively considered as one access lot beneficiary.

Accessory Building: a subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building it serves and which, unless expressly permitted otherwise in this Ordinance, is located on the same lot as the main building.

Accessory Uses: a use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Agriculture: the use of land for raising crops and livestock or poultry, but not including concentrated animal feeding operations, as defined herein.

Agricultural Production: the production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding

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or breeding or management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, aqua-cultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables, including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon; but not including any such land use specifically designated in this ordinance.

Alley: a passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

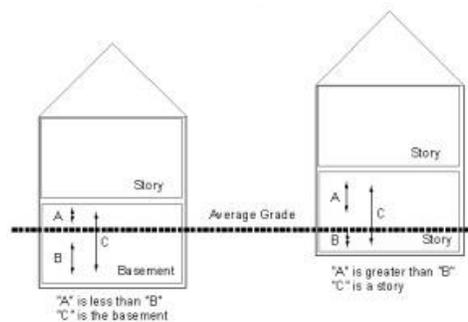
Alter or Alteration: any change, improvement, or repair to the structure that results in a change or modification to the exterior dimension of said structure. Roofing, siding, insulation, etc. shall not be construed to be a change in the exterior dimension.

Apartment House: a building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service or utilities in common.

Automobile: any vehicle with four or more wheels, which is self-propelled by an engine or motor, and designed for the transporting of the operator and accompanying passengers, on public roads. An automobile includes any passenger car, station wagon, suburban, van, panel or pick-up truck of a light delivery type none of which may exceed 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity).

Barn: an enclosed building which is located on a farm and used either for the shelter of farm animals, storage of farm produce and/or equipment.

Basement: that portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.



Bed & Breakfast Inn: a private residence, owned and occupied by the innkeeper, that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent; is the residence in which the innkeeper resides while renting the rooms; and in which breakfast is provided to tenants at no extra cost.

Biofuel: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term “ethanol” means a substance that

meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

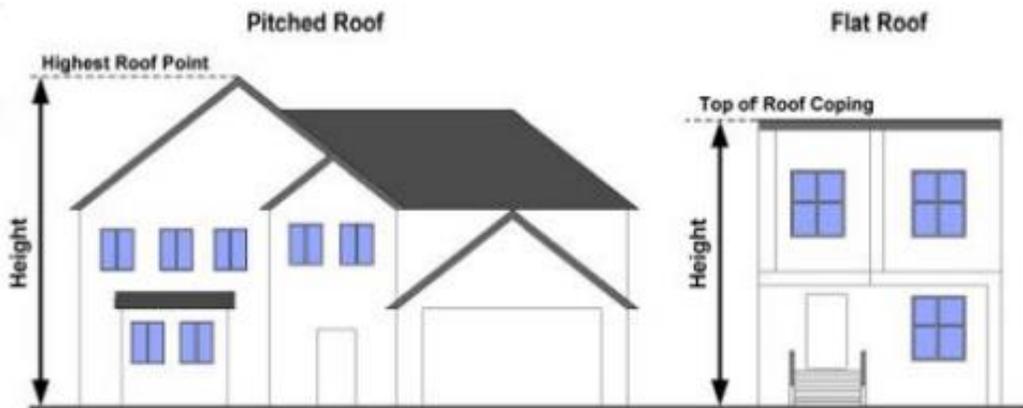
Boarding House: a dwelling in which lodging, with or without meals, is furnished to guests for compensation.

Boat House: a permanent structure constructed on the land or over the water for the purpose of providing shelter for one or more boats.

Buffer Strip: a portion of an access lot, required to be established and preserved as a natural barrier between the usable portion of the access lot and an adjacent lot.

Building: a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building Height: the vertical distance from the natural grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the highest peak for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the highest natural grade around the perimeter of the building foundation wall.



Building Line: a line beyond which the foundation wall or any porch, vestibule, raised patio or other portion of building shall not project.

Campground: A use on a parcel or tract of land licensed by the State for camping in tents and/or recreational vehicles on a temporary recreational basis.

Care Home: includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feeble-minded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.

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Cellar: see 'basement'.

Child Care Facility: a facility for the care of children under 18 years of age, as licensed and/or registered and regulated by the State under Act No. 116 of the Public Acts of 1973 and the associated standards and rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. "Child care center" or "day care center" means a facility, other than a private residence, receiving one or more pre-school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include 1) a Sunday school, a Vacation Bible School, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a 12-month period; or 2) a facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

- B. "Family child care home" means a private home which is the bona fide private residence of the operator of the family day care home and in which one (1) or more, but less than seven (7), minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. "Group child care home" means a private home which is the bona fide private residence of the operator of the group day care home and in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Church: a building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.

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Collocate: to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Commercial District(s): the NCC Neighborhood Convenience Commercial District, the HSC Highway Service Commercial District, the HCI Heavy Commercial and Industrial District and any other subsequently established zoning district which includes “C” or “Commercial” in its title.

Commercial Medical Marihuana Facility (or Facility): the term may include any of the following:

- A. Grower Facility, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by Ordinance No. 257.
- B. Processor Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 257.
- C. Safety Compliance Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 257.
- D. Secure Transporter Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 257.

Common Ownership: ownership by the same individual(s) or entity; provided that property owned by one or both spouses, and corporations or other entities in which two or more directors are the same individual (or their spouses) shall be considered to have the same ownership for purposes of this ordinance. This term is intended to be synonymous with the term “single ownership”.

Condominium terms:

- A. Condominium Common Element: that portion of a condominium project designed and intended for joint ownership and/or use by the owners of individual condominium units, as described in the master deed for the condominium project.
- B. Condominium Project: a development plan or project consisting of not less than two (2) condominium units established in conformance with the Michigan Condominium Act (P.A. 59 of 1978, as amended).
- C. Condominium Project Plan: the drawings and technical information prepared in compliance with this Ordinance and the Michigan Condominium Act (P.A. 59 of 1978, as amended) for review by the Planning Commission.

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Condominium Unit: that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. The functional equivalent of a “lot”.

Contractors Services: a place of business for contractors providing personal services directly to their clients in the electrical, plumbing, heating, painting, woodwork or similar occupations where any production, assembly or fabrication of a product is installed or applied by the owner and where there is no manufacturing, assembling or fabrication of products for other persons or businesses.

Deck: a structure consisting primarily of flooring which is raised above the ground level, which may be constructed as part of the principle building, or may be constructed as an accessory structure.

Density: the number of dwelling units occupying, or to be developed upon, a net acre of land.

District: an area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; and lot areas, building height limits, and other requirements are established. This term and the term “zone” mean the same thing as used in this Ordinance.

Distillery: an establishment licensed by the State of Michigan as a manufacturer of spirits.

Dock: a platform, either permanent or portable, extending over a body of water, from which one can fish, swim, and moor or board boats.

Dwelling: a building or portion thereof arranged or designed to provide living facilities for a single family, complying with the following standards:

- A. Minimum square footage requirements as set forth in Article 6.00.
- B. A core area of living space of at least 20 feet by 20 feet in size.
- C. Permanently attached to a solid foundation as required by the Michigan Single State Construction Code.
- D. No exposed wheels, towing mechanism, undercarriage or chassis.
- E. No additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.

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- F. Connection to a public sewer and water supply or to such private facilities approved by the local health department.
- G. Aesthetic compatibility in design and appearance to conventionally on-site constructed dwellings, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
- H. Compliance with all pertinent building and fire codes, including those pertaining to newly manufactured homes or newly manufactured mobile homes.
- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required by this Ordinance for mobile home parks.

Dwelling, Single Family: a building containing not more than one (1) dwelling unit.

Dwelling, Two-Family: a building containing not more than two (2) separate dwelling units.

Dwelling, Multiple Family: a building containing three (3) or more dwelling units.

Dwelling Unit: a building or a portion thereof arranged or designed to provide living, cooking and sanitary facilities for not more than one (1) family of permanent residents.

Earth Removal: the digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for carrying on a business or manufacturing operation. Does not mean grading or filling incidental to improvement of the land.

Elevation, Building: the total length of any side of a building facing in the same direction.

Essential Services by Public Utilities and Other Agencies: the erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of electric substation, gas regulator buildings and auxiliary buildings, underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including: poles, wires, mains, drains, sewers, pipes, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices, buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies or communication towers.

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Equipment Compound: an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Family: the term may include either of the following:

- A. One (1) or more persons related by the bonds of consanguinity, marriage, or adoption, and foster children and servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or
- B. A collective number of individuals occupying a dwelling unit with a demonstrable and recognizable relationship of a permanent and distinct domestic character, and cooking and otherwise housekeeping as a single housekeeping unit.
- C. Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered to be within the scope of this term, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order; and any group of students or other individuals whose domestic association is likely or contemplated to exist for a limited or temporary duration, or whose association is otherwise of a transitory, temporary or resort-seasonal character or nature.

Farm Market: a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five (5) year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state and federal regulations.

[50 Percent of the Products Marketed: for purposes of determining the percentage of products being marketed, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used. At least 50 percent of the gross sales dollars of products sold at the farm market need to be from products produced on and by the affiliated farm. For process products, at least 50 percent of the products' main 'namesake' ingredient must be produced on

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and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.]

Fence: a barrier constructed of either wood, metal, stone, brick or masonry materials that may act as an enclosure of an area of land, property boundary identification or visual screen, which surface may be of either solid or open construction.

Fixture: the assembly that houses the lamp(s) and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Floor Area: the area of all floors calculated by measuring the dimensions of the outside walls of a building, excluding the floor area of basements, garages, accessory buildings, attics, breezeways and porches.

Footcandle: the illuminance cast on a surface by a one (1) candela source one (1) foot away. One (1) footcandle is the equivalent of 10.76 Lux.

Foster Care (Small Group) Facility: a residential facility licensed by the state pursuant to Public Act 218 of 1979, as amended or Public Act 116 of 1973, as amended, which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.

Foster Care (Large Group) Facility: a residential facility licensed by the state pursuant to Public Act 218 of 1979, as amended or Public Act 116 of 1973, as amended, which provides resident services, supervision and care for 7-20 persons 24 hours a day.

Frontage: the length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.

Garage, Private: a building accessory to a dwelling, or a portion thereof, which is designed and used primarily for the housing or storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

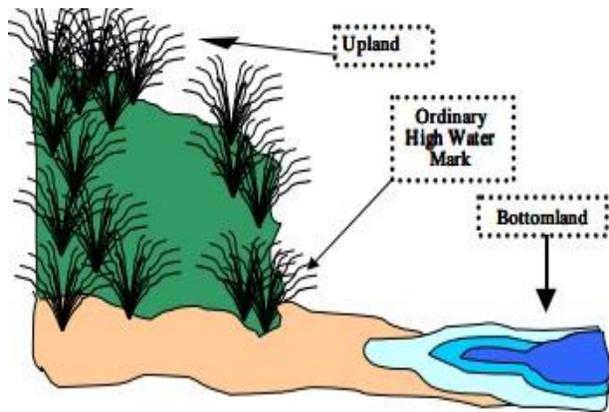
Gasoline Service Station: building and lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services as lubrication, washing, polishing and other minor servicing to motor vehicles.

Glare: light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or that causes annoyance or discomfort.

Grade: the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Guest House: an accessory building (or portion thereof) designed and used for the convenience of housing guests visiting a premises occupied by a single family dwelling as the principal use, but not including any rented or leased space.

High Water Line: the line between upland and bottom land which persist 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.



Home Occupation: an occupation customarily engaged in by residents in their own dwelling.

Horse Boarding or Riding Stable: a facility for boarding by persons not residing on the premises and/or where riding horses are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.

Hospital: any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more nonrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

Hotel: a building occupied as a temporary lodging place for individuals who are lodged with or without meals, in which as a rule the rooms are rented singularly in which provision is not made for cooking in any individual room.

Illuminance: a measure of light incident on a surface, expressed in lux or footcandles.

Industrial District(s): the HCI Heavy Commercial and Industrial District and any other subsequently established zoning district which includes "I" or "Industrial" in its title.

Isofootcandle plan: a site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

Junk Yard: any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof.

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Kennel: any lot or premises used for the boarding, breeding, training of four (4) or more dogs for remuneration. Kennel shall also mean the keeping of four (4) or more dogs over the age of six (6) months with or without remuneration.

Landfill: any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.

Light Spillover: the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Livestock: those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits; but excluding dogs and cats.

Lot: a parcel of land (including a “unit” within a site condominium development) with the frontage required by this Ordinance on a public street, or on a private road as specifically allowed by this Ordinance, and separated from other land by legal description, deed, or subdivision plot.

Lot, Area: the total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

Lot, Access: (see Access Lot).

Lot, Corner: a lot located with frontage on two intersecting streets.

Lot Coverage: the amount of a lot, stated in terms of percentage, which is covered by all the buildings and other structures located on the lot, including porches, arbors, breezeways, patio roofs and the like, whether open box type and/or lathe roofs or fully roofed, but not including fences, walls, swimming pools, swing sets and other residential recreational structures that are not buildings.

Lot, Depth of: the average horizontal distance between the front lot line and the rear lot line measured at right angles to lot width. Where the front lot line and the rear lot line are not parallel the average horizontal distance between them shall be calculated as the mean (midpoint) of the two extreme horizontal distances.

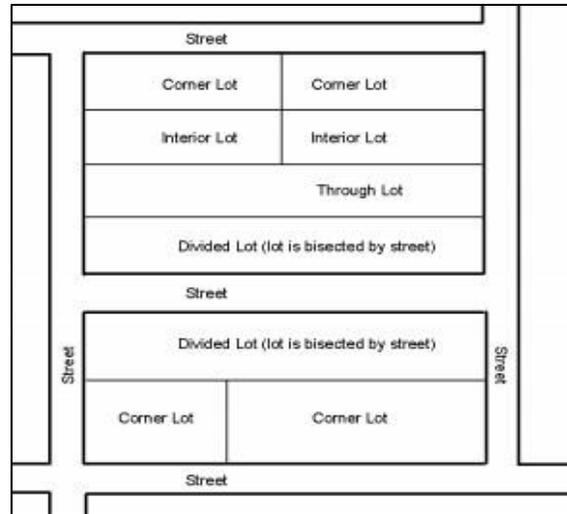
Lot, Double Frontage: an interior or through lot which abuts two streets that are located on opposite sides of the lot.

Lot, Interior: a lot other than a corner lot.

Lot, Waterfront: (see Waterfront Lot).

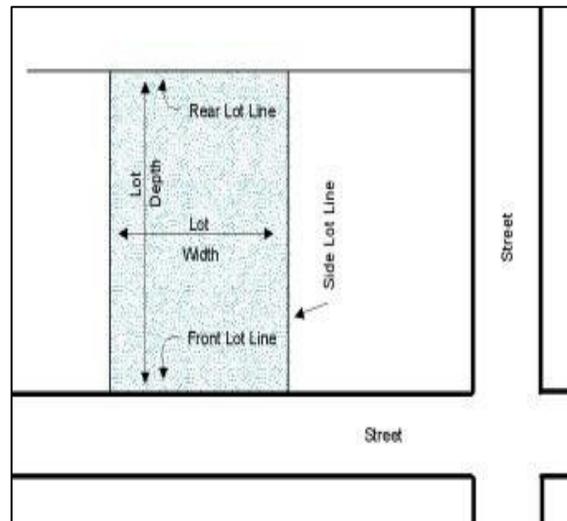
Lot Frontage: that portion of a lot extending along the front lot line.

Lot Line, Front: that portion of a lot which abuts a street or a lawful private road; except that the front line of a waterfront lot shall be that portion of the lot abutting or facing the water. In the case of a corner lot or double frontage lot the front lot line shall be that line separating the lot from the street which is designated as the front street in the plat and/or in the request for a building or zoning compliance permit, except as otherwise provided above with respect to waterfront lots.



Lot Line, Rear: the lot boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: any lot boundary line which is not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is also called an interior lot line.



Lot, Width: the average horizontal distance between the side lot lines as measured at right angles to lot depth. Where the side lot lines are not parallel the average horizontal distance between the side lot lines shall be calculated as the mean (midpoint) of the two extreme horizontal distances.

Lot, Zoning (zoning lot): One or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is required or allowed by this ordinance; and in such circumstances the outside perimeter of the grouping constitutes the applicable front, rear and side lot lines for purposes of this ordinance.

Luminaire: a complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices (permanently installed or portable), used for illumination or advertisement.

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Micro-Brewery: an establishment licensed by the State of Michigan as a micro-brewery.

Mobile Home: any vehicle, without motive power designed for carrying property or persons or so constructed and licensable as a mobile home under the laws of the State of Michigan.

Motel: a group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

Nonconforming Building or Structure: a building or structure that was legally established and was lawfully existing at the time this Ordinance became effective but which does not conform to the present dimensional or bulk regulations of the district in which it is located.

Nonconforming Lot of Record: a lot that was legally established by recorded deed or land contract or other legal document and was lawfully existing at the time this Ordinance became effective but which does not conform to the present dimensional regulations of the district in which it is located.

Nonconforming Use: the use of a building or of land lawfully existing at the time this Ordinance became effective but which does not conform to the present use regulations of the district in which it is located.

Nursing Home: see "Care Home".

On-Farm Biofuel Production Facility (Type I): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- E. At least 75 percent of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
- F. At least 75 percent of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

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On-Farm Biofuel Production Facility (Type II): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- E. Less than 75 percent of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
- F. Less than 75 percent of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

On-Farm Biofuel Production Facility (Type III): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.

Open Space: land area which is maintained as a yard or court providing space between two (2) or more buildings or between a building line and the boundary line of a parcel of land, other space suitable for recreation, or land in its natural state which is unimproved; all of which is primarily open and unobstructed from the land surface to the sky.

Outdoor Lighting: the nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Parking Space: that area required for the parking or storage of one (1) automobile including necessary aisle or driveway space providing access thereto.

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Patio: a structure consisting primarily of flooring at ground level.

Permanent Resident: any person who has resided in the same dwelling for a continuous period of 30 or more days is construed as a permanent resident for the purpose of this Ordinance.

Planned Unit Development: a land development project comprehensively planned as an entity via an overall site plan which may permit flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of natural features. This definition shall include a tract of land having more than one (1) single-family dwelling and/or two (2)-family dwelling upon it other than a mobile home park.

Principal Use: The primary or predominant use of the premises.

Private Road: a private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this Ordinance and any other applicable ordinances of Paw Paw Township, and all other applicable county or state laws, rules and regulations.

Public Utility: any person, firm or corporation, municipal department, board or commission duly authorized to furnish and the furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation or water.

Public Utility Buildings and Structures: gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures; provided that

Wireless Communications Support Structure, as defined in this Ordinance, and buildings accessory thereto, shall not be considered a public utility building or structure for purposes of this Ordinance.

Recreational Vehicle: any self-propelled vehicle or towed vehicle primarily designed and used for recreational, camping or travel purposes. This definition includes travel trailers, camping trailers, motor homes, and truck campers, as said terms are defined by Michigan statute at MSA 14.15 (12501); MCLA 333.12501, and boats, boat trailers, snowmobiles, snowmobile carriers, horse trailers, rafts, dune buggies, off-road vehicles and motorcycle carriers.

Residential District(s): the ARR Agricultural – Rural Residential District, the LDR Low Density Residential District, the WFR Waterfront Area District, the VE Village Edge Medium-High Density Mixed Use District, the MHR Mobile Home Residential District, the G-PUD Gateway Planned Unit Development District and any other subsequently established zoning district which includes “R” or “Residential” in its title. This term and the terms “residential use district” and “residential zone” mean the same thing as used in this Ordinance.

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Restaurant, Carry-Out: any establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. The customer stands in line or at a counter to be served.
- B. The food or beverage served is carried out of the building to be eaten on or off the premises.

Restaurant, Drive-In: any establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state, and whose design, method of operation or any portion of whose business includes the following characteristics:

- A. Foods or beverages are served directly to the customer in a motor vehicle either by an employee or by other means which eliminates the need for the customer to exit the motor vehicle.

Restaurant, Fast-Food: any establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes both the following characteristics:

- A. The customer stands in line or at a counter to be served.
- B. The customer consumes the food and/or beverage either within the building or out of the building on a fairly equal basis.

Restaurant, Standard: any establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods and/or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- B. A cafeteria-type operation where foods or beverages generally are consumed within the building.

Roadside Stand: see 'Farm Market'.

Safety Lighting: exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

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Security Lighting: exterior lighting installed solely to enhance the security of people and property.

Setback (Building or Structure): the minimum horizontal distance required to exist between a building or structure (including any portion of steps, porches, vestibules, patios raised above grade, or eaves) and the front, side or rear lot line. The required setback or yard area is that area encompassed by the respective lot lines and the respective setback lines.

Setback Line (Minimum): the line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this Ordinance.

Sharp Cutoff Fixture: a down-type fixture, mounted horizontally and angled perpendicular to the ground.

Shelter, Fall-Out: a structure or portion of a structure intended to provide protection to human life during periods or danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level may be contained within any yard area.

Sign: every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboards and signs painted directly on walls or structures.

Abandoned sign: a sign serving a premises vacant or unoccupied for more than 180 consecutive days.

Animated sign: a sign which uses moving parts or change of lighting to depict action or create a special effect or scene. This definition includes rotating signs.

Balloon sign: a temporary sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention. Unlike inflatables, balloon signs can be suspended in midair, independent of any structure other than that which keeps the device from floating away.

Banner sign: a temporary sign intended to be hung with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. A feather banner is a type of banner sign. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for purposes of



this Article.

Billboard: a sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured, or furnished upon the site on which the sign is located.

Changeable copy sign: a sign on which the message is changed manually.

Directional sign: a sign which is located and sized in a manner to safely and efficiently direct the flow of vehicular and pedestrian traffic to, from, and within a development site

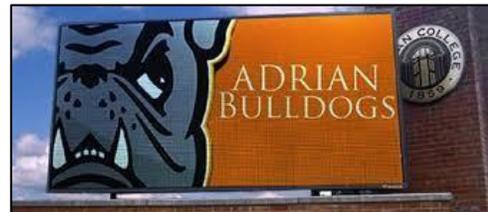


Electronic display sign: a sign that uses changing lights to form a sign message in text or graphic or video display form wherein the sequence of the messages and the rate of change is electronically programmed. Electronic display signs include the following:

Electronic changeable copy sign: a sign on which the message is changed automatically through the use of electronic display technology.



Electronic graphic display sign: a sign that displays static electronic images, including static graphics or pictures, in which the message change sequence is immediate or by means of fade or dissolve modes.



Video display sign: a sign that displays a message characterized by motion, movement or pictorial imagery to depict action or a special effect that imitates movement



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Multi-vision or tri-vision sign: a sign composed of a series of vertical or horizontal slats that are designed to rotate at intervals so that each rotation of the slats produces a different image.



Flashing sign: a sign that contains an intermittent or flashing light source. Electronic display signs shall not constitute a flashing sign for purposes of this Ordinance.

Freestanding sign: a sign not attached to a building or wall which is supported by one (1) or more poles or braces which rest on the ground or on a foundation resting on the ground.

Ground sign: a three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted.



Inflatable sign: a temporary sign consisting of flexible material that takes on a three-dimensional shape when filled with air/gas and is commonly used to draw attention to a site.

Nameplate: a non-electric sign which identifies the name of the resident of the property, with or without the address.

Nonconforming sign: any sign that does not conform to the requirements of this Ordinance.

Pennant sign: any geometric shaped cloth, fabric or other lightweight material normally fastened to a stringer and which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

Portable sign: a sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another.

Public sign: a noncommercial message sign erected in the public interest by or upon orders from a local, state, county or federal public official. Examples of public signs include, but are not limited to, legal notices, safety signs, traffic signs, memorial signs, signs of historical interest, and similar signs.

Roof Line: the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections

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Roof sign: a sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall, and that is wholly or partially supported by such building.

Exception: For the purposes of this definition, a sign that is mounted on a mansard roof, roof overhang, parapet wall, or on a wall with a roof below, shall not be considered a roof sign but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the roofline.

Sign area: the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, pole, or other structure necessary to support the sign.

Signs with two or more faces: The area of a sign that has two or more faces shall be measured by including the area of all sign faces. Except, if two such sign faces are placed back to back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be computed as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the face.

Sign height: measured as the vertical distance from the highest point of the sign to the finished grade of the abutting street.

Temporary sign: a sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground.

Wall sign: a sign that is attached directly to a wall, mansard roof, roof overhang, or parapet wall with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than 12 inches from the building or structure wall and does not extend above the roofline of the building to which it is attached.

Window sign: a sign attached to the inside or outside surface of a window on a building wall or door.

Solar Farm: solar panel energy systems placed on property with the intent to provide utility-scale energy to the grid.

Solar Panel: a solar panel, a photovoltaic panel, solar hot air or hot water panel collector device or other type of energy system which relies on solar radiation as the source for the generation of electricity or the transfer of stored heat. A solar panel is an accessory use in all zoning districts subject to Section 8.26.

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Special Event: a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event and are not regulated under this section.

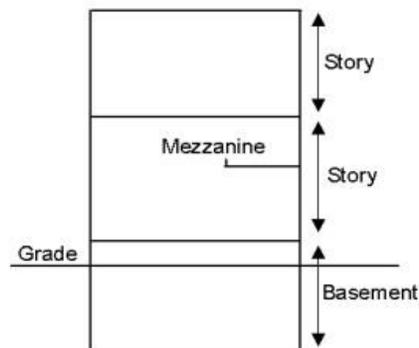
Special Event Facility: a facility where special events are permitted to occur under this section. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility, such as for a fundraiser for a charitable non-profit organization. Facilities may operate entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include physical improvements necessary to accommodate special events, such as access and circulation improvements, parking areas, and water supply and sewer systems.

Special Land Use: a use listed as a “special land use” in a zoning district is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as necessitating prior Planning Commission authorization pursuant to specified standards in order to safeguard the general health, safety and welfare.

Stable-Private: a building used or to be used by an individual for housing horses owned by said individual for the use of himself and his immediate family.

Stable-Public: a building used or to be used for the housing of horses for hire by the owner or operator thereof.

Story: that portion of a building included between the surface of any floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.



Street: a public or private thoroughfare, other than an alley, which affords the principal means of vehicular access to abutting property. This term is synonymous with the term “highway” or “road”.

Structure: anything constructed, assembled or erected, or to be moved to or from any premises, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business

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or living purposes. The word “structure” shall not apply to fences, or wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

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.

Variance: the granting to a petitioner, by the Zoning Board of Appeals, permission to vary from the strict application of this Ordinance as provided in Article 11.00.

Veterinary Clinic: a place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or surgical attention.

Waterfront Lot: any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:

- A. Abuts the shoreline of any waterway; or
- B. Abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.

Waterway: a natural or man-made lake, river, stream, channel, pond, or other natural or artificial watercourse.

Wind Energy System: an electrical generating facility, accessory to a principal use, comprised of a wind turbine, rotor, support structure, and related electrical equipment that operates by converting the kinetic energy of wind into electrical energy, and that is designed and operated to wholly or primarily provide electricity to the principal use, rather than to the electric utility grid.

Winery (including cidery): an establishment licensed by the State of Michigan as a winery/small winery. A winery may, with proper licensing, produce brandy and operate a wine tasting room.

Wireless Communications Equipment: the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communications Facility: all support structures and communications equipment used in the provision of wireless communications services. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes;

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and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communications Support Structure: a structure that is designed to support, or is capable of supporting , wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Yard: an open space of a required minimum width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein. The depth/width of such yard shall be measured at the shortest horizontal distance between the applicable lot line (front, rear, side) and the nearest point of a building or projection thereof.

Yard, Front: open space extending across the full width of a lot between the front lot line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the front lot line and the nearest point of the building or projection thereof.

Yard, Rear: open space extending across the full width of a lot between the rear lot line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and nearest point of the building or any projection thereof.

Yard, Side: open space extending on each side of a lot from the front yard to the rear yard, or in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard is the shortest distance between the side lot line and nearest point of the building or any projection thereof.

Zone: (See District)

