

ARTICLE TWO – DEFINITIONS

200 RULES APPLYING TO TEXT

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

- (a) The particular shall control the general.
- (b) With the exception of the definitions which follow in Section 2.3 through 2.48 of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "Building" or "Structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- (h) The words "erected" or "erection" as applied to any Building or Structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the Building or Structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- (i) The word "Township" means the Township of Spring Lake, Ottawa County, Michigan.
- (j) The words "Township Board" mean the Spring Lake Township Board.
- (k) The words "Planning Commission" mean the Spring Lake Township Planning Commission.
- (l) The words "Board of Appeals" means the Spring Lake Township Zoning Board of Appeals.
- (m) The words "Building Inspector" mean the Spring Lake Township Zoning Administrator.

(n) The words "Legal Record" mean the circumstance where the legal description of a Lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Ottawa County, Michigan.

201 DEFINED TERMS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined in Section 201.01 to 201.26. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

201.01 "A"

Aboveground Utility Equipment: Aboveground Utility Equipment shall include all poles (e.g., electric poles, telephone poles, and similar Structures) and the utility lines carried upon the poles by which a Utility Service Provider is able to provide utility services to any Person or entity, if the equipment is located or installed, in whole or in part, above the natural grade or topography of the location at which the equipment is located or installed.

Aboveground Utility Equipment Site. Unless defined to be a specific legally described area in an application filed pursuant to this Ordinance, the Aboveground Utility Equipment Site shall be the location of the Aboveground Utility Equipment, Supporting Buildings, and/or Supporting Equipment together with the property within a radius of five (5) feet.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

Accessory Building: A separate building devoted to use as accessory to the principal use of the premises.

Accessory Use, Building or Structure: A use, Building or Structure on the same Lot with, and of a nature customarily incidental and subordinate to, the principal use, Building or Structure. Without limiting the foregoing definition of an Accessory Building, the following Buildings are hereby determined to be Accessory Buildings: detached garages, storage buildings, guest houses, boat houses, green houses, play houses, pool equipment and storage Buildings, and pump houses.

Adult Arcade: A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of Specified Anatomical Areas or Specified Sexual Activities.

Adult Bookstore Or Adult Video Store: A commercial establishment that has as a substantial or significant portion of its stock in trade, and as one of its principal business

purposes offers for sale or rental for any form of consideration, any one or more of the items set forth in subsections (1) or (2). A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in subsections (1) and (2), and still be categorized as an Adult Bookstore or Adult Video Store.

(1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or any other visual representations or media which depict or describe Specified Anatomical Areas or Specified Sexual Activities; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

(1) Persons who appear in a State of Nudity;

(2) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

(3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or

(4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Entertainment Booking Agency: A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Adult Foster Care Facility: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;

B. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;

C. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;

- D. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Motel: A hotel, motel or similar commercial establishment that does any of the following:

- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities and has a sign visible from the public right of way that advertises the availability of any of the above;
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a State of Nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agricultural Retail - Engaging in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; and facilities used in the research and testing of farm products and techniques.

Alterations, Structural: Any change, addition or modification in the construction of any Building or Structure including, without limitation, any change in the supporting

members, bearing walls, columns, posts, beams, girders or roof structures, any architectural change of the interior or exterior of a Building or Structure which may affect its structural integrity, or any addition to or diminution of a Structure or Building.

Alternative Tower Structure: Man-made trees, clock Towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting Structures that camouflage or conceal the presence of Antennas or Towers.

Animals, Dangerous: Animals which are not normally considered to be household pets or farm animals, but which are potentially dangerous. Dangerous Animals include, but are not limited to apes, bears, bobcats, cougars, jaguars, lions, panthers, poisonous snakes, tigers and wolves. In the event that a person disagrees with the Zoning Administrator's determination that an animal is or is not a Dangerous Animal, that person may appeal to the Board of Appeals for a determination pursuant to Section 603 of the Zoning Act.

Animal Grooming - Any property, structure, building, or premise in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

Antenna: Any exterior transmitting or receiving device mounted on a Tower, Building or Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

Assembly Operation - Buildings, structures and premises used for the combining of parts into finished products and/or sub-assembly components for subsequent finishing on or off site and for the packaging, shipping and receiving of such products.

Assisted Living/Nursing Care Facilities - A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Automobile Repair Facility: General repair, rebuilding, or reconditioning of engines, or Vehicles, collision service (including body repair and frame straightening), painting or upholstery, or Vehicle steam cleaning and undercoating.

201.02 "B"

Basement: That portion of a Building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed And Breakfast: An operation in which transient guests are provided a sleeping room and board in return for payment, which operation is located in a Single Family Dwelling which is used to house a Family as its principal place of residence.

Boat Launch: A public or private facility designed and used for boat access to the Grand River, Spring Lake and its bayous.

Building: Anything which is constructed or erected, including a Mobile Home, having a roof, which is used for the purpose of housing, sheltering or storing persons, animals, or personal property or carrying on business activities or other similar uses.

Building Envelope: The area of a condominium unit within which the principal Building or Structure may be constructed, together with any Accessory Buildings or Structures, as described in the master deed for the Site Condominium Project. In a Single Family Dwelling Site Condominium Project, the Building envelope refers to the area of each condominium unit within which the Dwelling and any accessory Buildings or Structures may be built.

Building Height: The vertical distance measured from the average level of the highest and lowest point of that portion of a Lot covered by the Building to the highest point of the roof surface.

Building Line: A line parallel to the street line touching that part of a building closest to the street. See also Waterfront Building Line.

Building Setback: The measurement from the property line to the nearest point of the Building or Structure.

Building Site: A Building Site as related to a Site Condominium Project may be considered as either:

- (i) The area within the Site Condominium Unit itself (i.e., exclusive of any appurtenant Limited Common Element), including the area under the Building Envelope and the area around and contiguous to the Building Envelope; or
- (ii) The area within the Site Condominium Unit itself, with any appurtenant Limited Common Element.

201.03 “C”

Campground - An establishment to accommodate an organized, supervised recreational program of outdoor activities for boys, girls or families, normally housed in tents or cabins, usually operated during the summer.

Car Wash - A building and equipment used for the commercial washing, waxing, detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand-wash facilities, as well as any combination thereof.

Cemetery: Any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

Condominium Act: Public Act 59 of the Michigan Public Acts of 1978, as amended. Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Article Five which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: Acommon elements@; Acondominium documents@; Acondominium unit@; Acontractible condominium@; Aconvertible area@; expandable condominium@; Ageneral common elements@; and Amaster deed.@

Construction Zone: An area used on a temporary basis for the storage and process of materials and supplies used in actual construction of a project for a limited period of time.

Contractor's Facility - A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

Convenience Store (w/o Fuel Pumps) - Any retail establishment offering for sale such items as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Corner Lot: A Lot located at the intersection of two (2) or more Streets where the corner interior angle formed by the intersection of the Streets is one hundred thirty-five (135) degrees or less, or a Lot abutting upon a curved Street or Streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form an interior angle of one hundred thirty-five (135) degrees or less.

Country Club - Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open to only members and their guests.

201.04 "D"

Dating Service: A business engaged in for financial remuneration, either directly or indirectly, where arrangements are made to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service.

Day Care Center or Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for 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. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care 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 any of the following:

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 more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

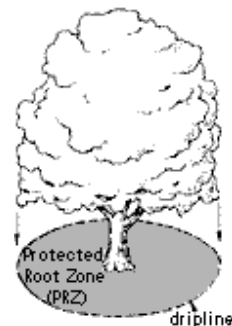
Day Care, Family: A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group: A private home in which more than seven (7) but not more than twelve (12) minor 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 by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Density: The number of dwellings per unit of land.

Diameter Breast Height (D.B.H.): The diameter in inches of a tree measured at four and one-half (4-1/2) feet above the established grade.

Dripline: The line farthest away from but surrounding the trunk of a tree, on the ground underneath the tree, onto which moisture drips straight down from the tree (i.e., the tree canopy). Alternatively, the Dripline shall be a circle, with the tree at the center, whose radius equals one (1) foot per inch of caliper at the tree's D.B.H. In the event the above two measurements are not the same, the lesser measurement shall be used. The area within the Dripline is considered the protected root zone.



Drive-through Establishment - A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dwelling: Any Building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more Families, but not including Motels or tourist rooms. Subject to compliance with the requirements of Section 3.28, a Mobile Home shall be considered to be a Dwelling.

- (a) Dwelling, Single-Family: A Building designed for use and occupancy by one (1) Family only.
- (b) Dwelling, Two-Family: A Building designed for use and occupancy by two (2) Families only and having separate living, cooking and eating facilities for each Family.
- (c) Dwelling, Multi-Family: A Building designed for use and occupancy by three (3) or more Families and having separate living, cooking and eating facilities for each Family.

Dwelling Unit: One (1) room or a suite of two (2) or more rooms designed for use or occupancy by one (1) Family only.

201.05 “E”

Eating and Drinking Establishment - A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Educational Institution - Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a preschool, elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.

201.06 “F”

FAA: The Federal Aviation Administration.

Family:

- (a) An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not

- more than one additional unrelated person, where domiciled together as a single, domestic, non-profit housekeeping unit in a Dwelling Unit; or
- (b) A collective number of individuals domiciled together in one (1) Dwelling Unit, including not more than six (6) people plus their offspring, whose relationship is of a continuing, non-transient, permanent and distinct domestic character and who are cooking and living as a single non-profit housekeeping unit which is functionally equivalent to a Family (i.e. a "Functional Family"). This definition shall not include any society, club, fraternity, sorority, association, lodge, 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 terms or other similar determinable period.

Farm: Land, plants, animals, buildings, structures, including ponds, used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products. By way of example, this definition includes, but is not limited to, greenhouses, nurseries, orchards and facilities for the production of wine, tree farms, chicken hatcheries, poultry farms, dairy farms, animal farms and livestock facilities, and similar activities as further defined in Act 93 of 1981. This definition does not include the sale of agricultural produce, chemicals or equipment; the commercial storage of agricultural produce or chemicals; or commercial feedlots.

Farm Animals or Livestock: Animals customarily kept by humans for the purpose of providing food, clothing or work, and which are customarily raised for profit, including but not limited to, equine, bovine, ovine, caprine, porcine, fowl, and bees and as further defined in Act 93 of 1981.

Farm Buildings: Any building or structure, other than a dwelling, used or maintained on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

Farm Product Processing Facility: A facility involved in the complete or partial conversion of any agricultural product into a commercial product of any kind, or in the processing of agricultural-related waste products. A Farm Product Processing Facility may include, but shall not be limited to, ethanol processing plants, grain mills, slaughter operations, dairy operations, canning operations, methane processing and refining plants, and similar facilities.

FCC: The Federal Communications Commission.

Final Distribution Connections. The term Final Distribution Connections shall mean the Aboveground Utility Equipment that serves only the purpose of connecting the final end consumer of the utility to other equipment owned or operated by the Utility Service Provider.

Financial Institution - Commercial establishments such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

Floor Area: The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) dwellings, and excluding areas of basements, unfinished attics, attached garages or carports, breezeways, and enclosed and unenclosed porches.

Floor Area, Gross: The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and including those areas which are used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Floor Area, Usable: The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and not including those areas which are used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Frontage: That side of a lot abutting on a street where the main building entrance is located.

Fuel Storage - A combination of storage tanks or containers, including pipes connected thereto, which is used to contain petroleum or other inflammable liquids.

201.07 "G"

Gasoline Station - Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as an Automobile Repair Facility.

Golf Course - A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

Governmental (Office) - The offices of any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

Greenhouse or Nursery - Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and

humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

201.08 “H”

Height: When referring to Aboveground Utility Equipment, the Height shall be the distance measured from the finished grade of the parcel at the base of the installed Aboveground Utility Equipment to the highest point on the Aboveground Utility Equipment.

Height: When referring to a Tower or other Building or Structure upon which an Antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the Building or Structure to the highest point on the Tower or other Building or Structure, including the base pad and any Antenna.

Home Based Business - An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident’s dwelling, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

Home Occupation: A gainful occupation traditionally and historically carried on in the home, carried on by members of the Family only as a use clearly incidental and secondary to the use of the home as a Dwelling place, where no article is sold or personal services rendered except such as are produced or performed by the Home Occupation itself and where the Home Occupation is conducted entirely within the Dwelling.

Hospital (or Clinic): A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

201.09 “I”

Impervious Surface: Any material that prevents the absorption of stormwater into the ground, including asphalt and concrete.

201.10 “J”

Junkyard: A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked Vehicles,

used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

201.11 “K”

Kennel: Any land, Building or Structure where five (5) or more cats and/or dogs over three (3) months of age are either permanently or temporarily boarded, housed, bred or sold.

201.12 “L”

Lattice Tower: A support Structure constructed of vertical metal struts and cross braces, forming a triangular or square Structure which often tapers from the foundation to the top.

Laundry and Dry Cleaning Establishment - A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.

Laundry and Dry Cleaning Plant - A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

Limited Common Element: An area which is appurtenant to a Site Condominium Unit and which is reserved in the master deed for the Site Condominium Project for the exclusive use of the owner of the Site Condominium Unit.

Live/Work - A structure, or a part of a structure used both as a residence and for any nonresidential use permitted in the zoning district in which the unit is located.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal Building or a group of such Buildings and Accessory Buildings or Structures, or utilized for a principal use and Accessory Uses, together with such open spaces as are required by this Ordinance.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: That part or percent of the lot occupied by buildings, including accessory buildings.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

201.13 “M”

Machine Shop - A business in which metal objects are processed, reduced, or finished by turning, shaping, planing, or milling by machine-operated tools.

Manufactured Housing Community - An area where three or more manufactured housing units are parked or intended to be parked, designed or intended to be used as living facilities for one or more families.

Marina: A place where five (5) or more boats or water craft are stored, docked, moored, anchored or otherwise located for use, loading, servicing or any other purpose.

Massage: The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for non-therapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this Chapter.

Massage Parlor: Any commercial establishment where non-therapeutic massage is made available for any form of consideration.

Massage School: Any place, establishment or facility which provides instruction in the theory, method and practice of non-therapeutic massage.

Mine, Sand and Gravel - A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

Mineral Removal - The removal of sand, gravel, rock clay and other minerals from the ground.

Mini/Self Storage Facility - A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

Mixed Use (development) - A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

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; excluding, however, a Vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, including a Vehicle having its own motor power or a Vehicle moved on or drawn by another Vehicle.

(a) Single Wide B a Mobile Home with Longitudinal width of no greater than fourteen (14) feet for its full length.

(b) Double Wide B a combination of two (2) Mobile Homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile Home Commission Act: Michigan Act 419 of 1976, as amended, or other similar successor statute having similar licensing jurisdiction.

Mobile Home Lot: A measured parcel of land within a Mobile Home Park which is delineated by Lot lines and which is intended for the placement of a Mobile Home and the exclusive use of the occupants of such Mobile Home.

Mobile Home Pad: That portion of a Mobile Home Lot reserved for the placement of a Mobile Home, appurtenant Structures or additions.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of Mobile Homes for non-transient use.

Mobile Home Subdivision: A Mobile Home Park except that the Mobile Home Lots are subdivided, surveyed, recorded and sold.

Mortuary/Funeral Home - A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith prior to burial or cremation.

Motel: A Building or group of Buildings on the same Lot, whether detached or in connected rows, containing sleeping or Dwelling Units which may or may not be independently accessible from the outside with garage or parking space located on the Lot and designed for, or occupied by transient residents. The term shall include any Building or Building groups designated as a hotel, motor lodge, transient cabins, cabanas or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

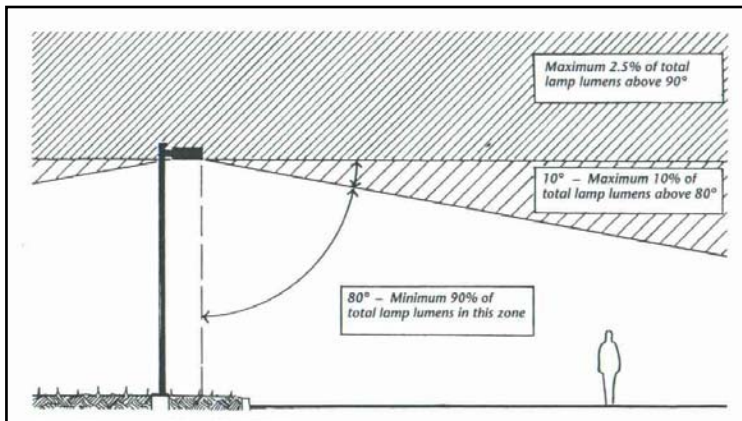
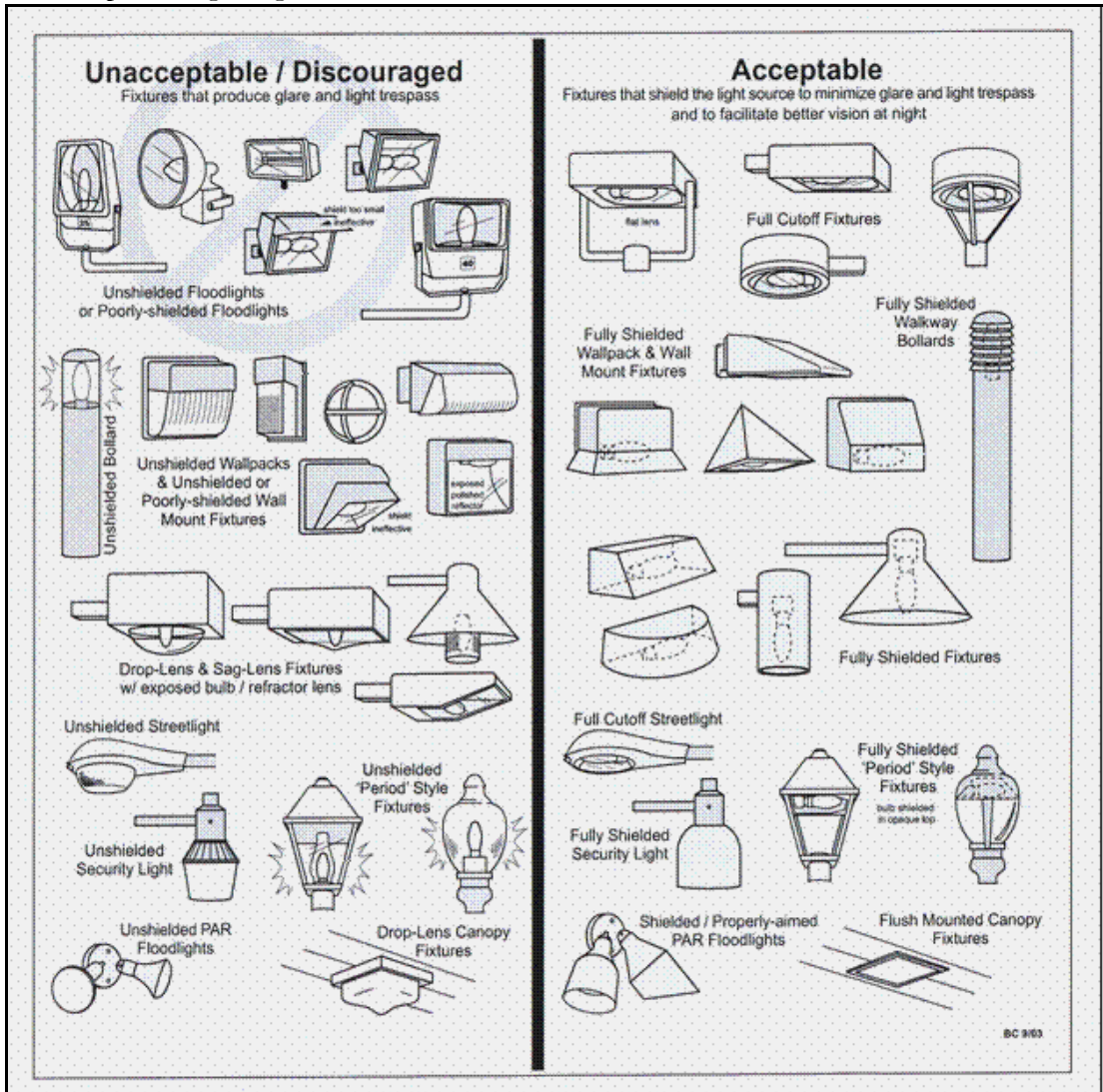
Motor Vehicle: Every Vehicle which is self-propelled.

Multiple Use Aboveground Utility Equipment: Multiple Use Aboveground Utility Equipment means any Aboveground Utility Equipment utilized by more than one Utility Service Provider.

Multi-tenant Industrial Establishment - A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.

210.14 “N”

Night Sky Friendly Lighting: Lighting which complies with the following diagram and uses the acceptable lighting fixtures illustrated below.



Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but not including:

- (1) An educational institution funded, chartered, licensed or recognized by the State of Michigan; or
- (2) A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:

- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
- (2) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
- (3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.

Nursing Home: A facility licensed under Michigan Act 368 of 1978, as amended, or any similar successor statute having similar licensing jurisdiction.

201.15 “O”

Outdoor Pond: Any outdoor body of standing water accumulated in a natural or artificially construction basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

Open Space: Any property or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Outdoor Sales Facility - The display and sales of products and services primarily outside of a building or structure, including, but not limited to, vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

201.16 “P”

Park or Parkland – An outdoor open space intended for active or passive recreational use; however not including the use of motorized recreational vehicles or as a shooting range.

Parking Area, Space or Lot: An off-street open area, including access drives, the principal use of which is for the parking of Motor Vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

Parking Bay: A concrete, bituminous or similar hard surface area adjacent and connected to, but distinct from a Street, intended for parking Motor Vehicles.

Personal Service Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel.

Pier: Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a Mobile Home and intended to serve as a base for supporting the frame of the Mobile Home.

Places of Public Assembly: Places of public assembly shall include theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, worship or similar activities involving assembled groups of people numbering fifty (50) or more.

- a. **Small Places of Public Assembly.** A place of public assembly shall be considered a small facility if it has either less than five thousand (5,000) square feet in gross floor area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.
- b. **Large Places of Public Assembly.** A place of public assembly shall be considered a large facility if it has either five thousand (5,000) square feet or more in gross floor area, total seating capacity of more than three hundred (300) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future. For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the applicant or an entity associated with the applicant, a building designed to readily accommodate an expansion or a declaration by the applicant of future intent to expand the facility to meet these standards.

Power Generating Facility - A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission grid. Such facilities include geothermal, hydro, solar, coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.

Preexisting Aboveground Utility Equipment: Preexisting Aboveground Utility Equipment means any Aboveground Utility Equipment existing prior to the effective date of the ordinance adding this Chapter.

Preexisting Towers and Preexisting Antennas: Any Tower or Antenna for which a Building permit or Special Use permit has been properly issued prior to the effective date of the amendment to the Ordinance adding this Chapter, or any Tower or Antenna for which no Building and/or Special Use permit was required, including permitted Towers and Antennas that have not yet been constructed so long as such approval is current and not expired.

Private Driveway: A privately owned and maintained access which affords traffic circulation and principal means of access from a Street or Private Road to one (1) Lot or Site Condominium Unit which has frontage on that Street or Private Road.

Private Road: A privately owned and maintained right-of-way which affords traffic circulation and principal means of access for more than four (4) Lots or Site Condominium Units; such a privately owned and maintained right-of-way shall be considered one (1) Private Road, regardless of any turns or changes in direction, until it intersects with a Street.

Processing and Manufacturing - Establishments engaged in a series of operations, in a continuous and regular action or succession of actions, taking place or carried on in a definite manner associated with chemical or mechanical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

Professional Office: An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.

Protected Tree: Any tree six (6) inches or greater D.B.H. which does not have a life-threatening disease and which has not been damaged to a point which threatens its viability

Public Lands - Real property owned by a public agency or governmental unit.

Public Place: Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or by a college or university of the State of Michigan and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public Utility: Any governmental unit, board or commission, or any person (under public regulation if a private agency) furnishing to the public, transportation, water, gas, electricity, telephone, steam, telegraph, sewage disposal or other essential public service.

201.17 “Q”

201.18 “R”

Rebuilt Aboveground Utility Equipment: Aboveground Utility Equipment shall constitute Rebuilt Aboveground Utility Equipment if during maintenance or otherwise fifty percent (50%) or more of the then existing Aboveground Utility Equipment is replaced or upgraded or the then existing Aboveground Utility Equipment is expanded or enlarged by fifty percent (50%) or more.

Recreational Vehicle: Any motor home, travel trailer, house trailer, bus, trailer home, camper, trailer coach or similar transportable unit used or designed as to permit its being used as a conveyance on Streets and intended for occasional or short-term occupancy during travel, recreational or vacation use.

Research, Testing and Laboratory - An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

Residential above Retail or Office Uses - A mixture of land uses in which dwelling units are located on floors or stories above retail businesses or office uses.

Retail Business or Retail Sales: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail, Limited - An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail, Major - An establishment containing 15,000 square feet or more of gross floor area engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Roadside Market: A Building, Structure or Vehicle used solely by the owner or tenant of the premises on which it is located for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

201.19 “S”

Service Drive: A minor public or private street or driveway which may be parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Sexual Encounter Center: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a State of Nudity.

Service Establishment Accessory to Principal Use - An establishment whose primary activity is the provision of assistance or products, to individuals, business, industry, government, and other enterprises, and which is located interior to or inside an office building or other principal use.

Sexually Oriented Business: Any of the following: (1) Adult Arcade; (2) Adult Bookstore or Adult Video Store; (3) Adult Entertainment Booking Agency; (4) Adult Cabaret; (5) Adult Motel; (6) Adult Motion Picture Theater; (7) Adult Theater; (8) Dating Service; (9) Escort Agency; (10) Massage Parlor; (11) Massage School; (12) Nude Model Studio; and (13) Sexual Encounter Center.

Shared Residential Driveway: A privately owned and maintained right-of-way or other interest in land which affords traffic circulation and principal means of access for at least two (2) but not more than four (4) Lots or Site Condominium Units.

Shipping Facility - A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items where trucks or other vehicles are used to load, unload and transport.

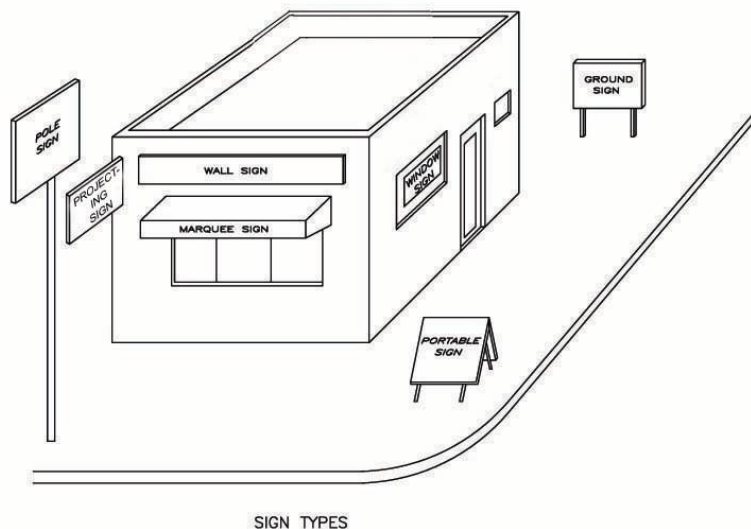
Showroom - An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising a business, product or service.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The following are definitions of sign types:

1. Abandoned sign: A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive or out of business for a period of ninety (90) consecutive days or longer; or (b) a sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. Awning or Canopy sign: A sign that is either attached to, affixed to, or painted on an awning or canopy
3. Banner: See temporary sign.
4. Billboard: A sign directing attention to a use, activity or product not located, sold, manufactured or processed on the premises on which the sign is located. Need separate from off-premise.

5. Changeable copy sign: A portion of a sign on which copy is changed manually.

6. Directional sign: A sign giving directions or instructions for vehicular or pedestrian circulation. A directional sign shall not contain advertising display copy.



7. Electronic message board: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Figure 230.800

8. Directory sign: A sign, which displays names and/or logos of the premises.
9. Ground mounted sign: A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.
10. Illegal sign: A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
11. Nonconforming sign: A sign, which was legally erected prior to June 21, 2008 and which does not conform with the requirements herein.

12. Off-premise directional sign: A sign located on property other than the location of the services or business advertised thereon directing passersby to activities, events or items for sale with graphics or a commercial message.
13. Pole sign: A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.
14. Portable signs: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other mobile structure with or without wheels.
15. Projecting sign: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.
16. Sign: Any device, structure, fixture, billboard or placard using graphics, symbols and/or written copy, which is designed, intended or used to advertise or inform.
17. Sign owner: The owner of a premises upon which a sign is located is presumed to be the owner of the sign unless facts are submitted to the Township showing other ownership.
18. Temporary sign: A sign designed for use for a limited period of time to announce special events or sales.
19. Wall sign: A sign attached to a wall and not projecting away from the wall more than 12 inches.
20. Yard sign: A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

Sign Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Site Condominium Project: A plan or project consisting of not less than two (2) Site Condominium Units established in compliance with the Condominium Act.

Site Condominium Project Plan: The plans, drawings and information prepared for a Site Condominium Project as required by Section 66 of the Condominium Act and as required by this Ordinance for review of the project by the Township Planner and the Planning Commission.

Site Condominium Unit: A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as

described in the Site Condominium Project master deed, and within which a Building or other improvements may be constructed by the condominium unit owner.

Site Plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot as required by **Article XX** of this Zoning Ordinance.

Specified Anatomical Areas: Either of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Include any of the following:

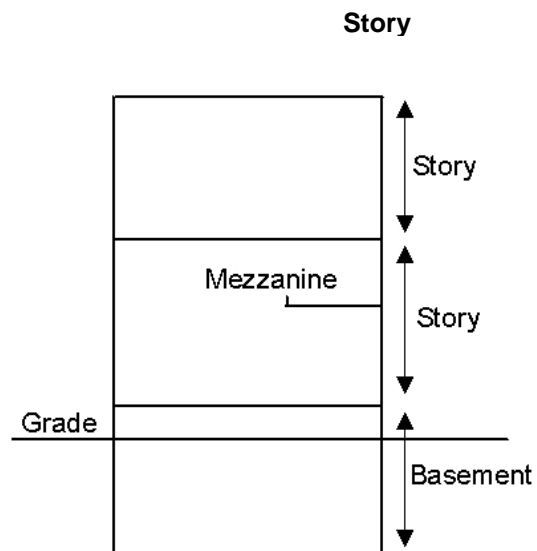
- (1) The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and/or masturbation;
- (3) Sexual arousal or gratification using animals or violence, actual or simulated;
- (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

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

Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley. A street may be one (1) of four (4) types, as classified by the Ottawa County Road Commission, including the following: State Trunk Line, County Primary Road, County Local Road or Subdivision Street.

Story: That part of a building, except a mezzanine as defined herein, 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. A basement shall not be counted as a story.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this



ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Structure: Anything except a Building, constructed or erected, the use of which requires permanent location on the ground or permanent attachment to something having a permanent location on the ground; also anything which is temporarily located on the ground or temporarily attached to something permanently located on the ground, if specifically addressed in this Ordinance (e.g. temporary signs or temporary sign Structures).

Supporting Buildings: Supporting Buildings shall mean those Structures which are designed, intended, constructed, or utilized primarily for the proper operation, maintenance, and use of associated or connected Aboveground Utility Equipment.

Supporting Equipment: Supporting Equipment is designed, installed, or maintained primarily for the proper operation, maintenance, and use of associated or connected Aboveground Utility Equipment.

Swimming Pool: A Structure either above or below or partly above and partly below grade, located either in part or wholly outside of a permanently enclosed and roofed Building, designed to hold water to a depth of greater than two (2) feet when filled, and intended to be used for swimming purposes.

201.20 “T”

Tattoo, Piercing Parlor - An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.

Tourist Home: A Building, other than a Motel, where lodging is provided by a resident Family in its home for compensation, mainly for transients.

Tower: Any Structure that is designed and constructed primarily for the purpose of supporting one (1) or more Antennas, including self-supporting (i.e. without guy wires or other external means of support) Lattice Towers, guyed Towers, or monopole Towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the Structure and any support for the Structure.

201.21 “U”

Urgent Care - A medical care facility open to the public in which professional medical care is provided for injuries and illness.

Utility Service Provider: A Utility Service Provider is any Person who provides to any other Person, utility service including but not limited to electric, telephone, cable television and internet.

201.22 “V”

Variance: Permission to depart from the requirements of this Ordinance.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a Street, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Veterinary Clinic/Kennel - A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four (4) or more domestic animals, six (6) months of age or older are kept temporarily or permanently for the purposes of breeding, boarding or sale.

201.23 “W”

Warehouse - A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.

Wells, Extraction - Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities associated therewith, but shall not include irrigation wells.

Wholesale Facility - An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Conversion System - Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

Wireless Communication Tower - Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or other communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers, or attached to an existing structure, such as artificial trees, steeples, light poles, poles

supporting power lines or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

201.24 “X”

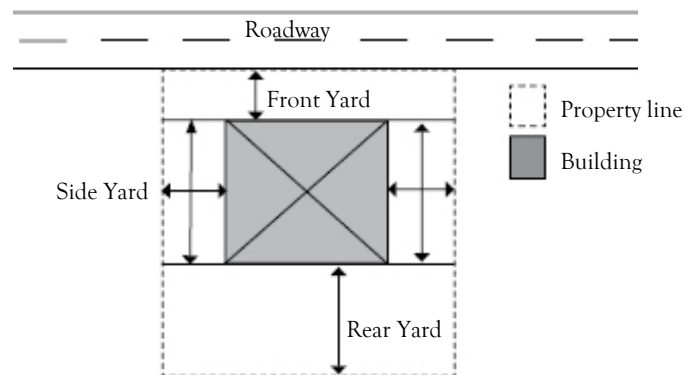
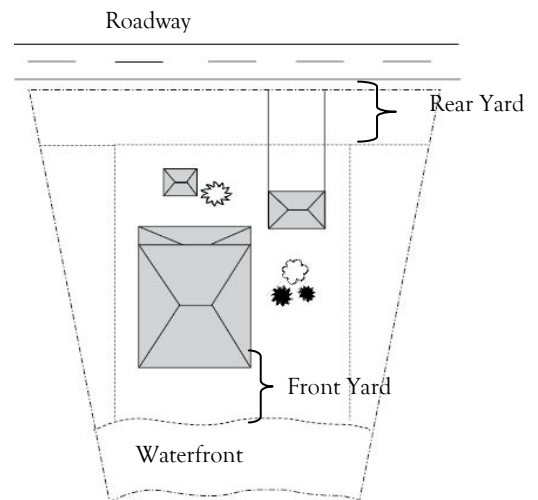
201.25 “Y”

Yard: A required open space other than a court unoccupied and unobstructed by any Building or Structure; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A Yard extending across the full width of the Lot, the depth of which is the distance between the Street right-of-way line or easement right-of-way line and the nearest part of the Building or Structure. In the case of waterfront Lots, the Yard fronting on the water shall be considered the Front Yard.

Yard, Rear: A Yard, unoccupied except for Accessory Buildings, extending across the full width of the Lot, the depth of which is the distance between the rear Lot line and the nearest part of the main Building.

Yard, Side: A Yard between a main Building and the side Lot Line, extending from the Front Yard to the Rear Yard. The width of the required Side Yard shall be measured from the nearest point of the side Lot Line to the nearest part of the main Building.



201.26 “Z”

Zoning Act: Michigan Act 110 of 2006, as amended.