

ARTICLE XXXII

DEFINITIONS

Section 32.1 Rules of Construction and Interpretation

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

1. All words and phrases shall be construed and understood according to common usage. Technical words and phrases and those which may have acquired a particular meaning in the law shall be construed and understood according to such particular meaning.
2. The particular shall control the general.
3. The word “shall” is mandatory and not discretionary. The word “may” is discretionary and permissive.
4. 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.
5. The word “structure” includes the word “building”, and reference to structure or building includes any part thereof.
6. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
7. The word “person” includes any individual, corporation, partnership, incorporated association or other similar entity, unless the context clearly indicates otherwise.
8. The word “dwelling” includes the word “residence”, and the word “lot” includes the word “parcel”.
9. 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 “either/or” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions or events shall apply.

- b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either/or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
10. Accessory shall have the same meaning as accessory use.
 11. The word “road” refers to both public and private roads, unless the context clearly indicates otherwise.
 12. The term “including” means “including, but not limited to” and the term “such as” means “such as, but not limited to” unless otherwise noted.
 13. Definitions set forth in this Article XXXII are in addition to definitions contained in Sections 15.2, 16.3, 18.2, and 24.2 of this Ordinance.

Section 32.2: Definitions

For the purpose of this Ordinance, the terms and words herein are defined as follows:

DEFINITIONS – A

32.2.1 Accessory Building

A building or structure, in excess of 25 square feet, whether permanent or temporary, on the same lot or parcel with a principal building that is clearly incidental and subordinate.

32.2.2 Accessory Use

A use naturally and normally incidental and subordinate to the principal use of the premises.

32.2.3 Adult Day-Care Home

A private home, which is the bona fide permanent residence of the operator of the adult day-care home in which 6 or fewer adults who are aged, mentally ill, developmentally disabled, or physically handicapped receive care and supervision for periods of less than 24 hours a day.

The physical facility and operation of the home shall comply with all applicable federal, state and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

32.2.4 Adult Day-Care Center

A facility, other than a private residence, in which 7-12 adults who are aged, mentally ill, developmentally disabled, or physically handicapped receive care and supervision for periods of less than 24 hours a day.

The physical facility and operation of the center shall comply with all applicable federal, state and local laws or regulations. An adult day-care center does not include any establishment commonly described as an alcohol or substance abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

32.2.5 Adult Foster Care Family Home

A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day, 5 or more days a week and for 2 or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

32.2.6 Agriculture

The cultivation, tilling or use of land for the purpose of growing crops, animal or poultry husbandry as a primary source of income or other use defined by the Michigan Right to Farm Act, being 93 PA of 1981 [MCL 286.471 et seq], as amended.

32.2.7 Agricultural Land

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses *or* activities.

32.2.8 Airport

Any airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under provisions of the Michigan Aeronautics Code, being 1945 PA 327 [MCL 259.1a et seq], as amended.

32.2.9 Animal Unit

A unit of measurement for any animal based on feeder cattle as the basic unit 1.0 or 1000 lbs. total weight. Examples of animal equivalent units are dairy cow (1.4), pig (2.5), sheep (10.0), horse (.5), turkey (50), chicken (100) and duck/geese (50).

32.2.10 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, wireless telecommunications signals or other communication signals.

32.2.11 Apartment

That portion of a multiple dwelling building, which has a common front or rear yard with another dwelling unit in the multiple dwelling, but which has self-contained facilities for living, sleeping and cooking and which is designed for and occupied by one family.

32.2.12 Area of Lot or Parcel

That total number of square feet or total number of square feet converted to acres within a parcel of land, exclusive of any public streets, public alleys or area in private road easements.

32.2.13 Area of Sign [See Section 24.2]

32.2.14 Automobile Repair

General service, repair, rebuilding, or reconditioning of engines, autos, or trucks, collision service (including body repair and frame straightening), painting, or upholstery; or vehicle steam cleaning and undercoating, as a business.

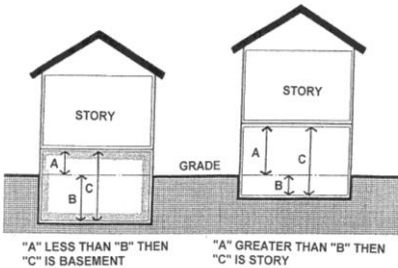
DEFINITIONS – B

32.2.14b Barn Event Venue

A barn event venue is defined as the use of an existing building (usually called a barn), originally constructed for agricultural uses, and made available on a lease or rental basis as a venue for events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. [Amended 3-28-2020]

32.2.15 Basement

The floor level of a building which is primarily below ground grade, as depicted in Figure 32-1. A basement shall not be used for sleeping quarters unless proper light and egress are provided consistent with the building code in effect.



"A" LESS THAN "B" THEN "C" IS BASEMENT "A" GREATER THAN "B" THEN "C" IS STORY

Basement Illustration
Figure 32-1

32.2.16 Bed and Breakfast

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation and including provisions for a morning meal for overnight guests only. A bed and breakfast establishment is distinguished from a hotel or motel by having one kitchen facility serving overnight guests and resident family, employs only those persons residing in the dwelling and no more than 2 non-resident employees and has a façade style consistent with other homes in the vicinity.

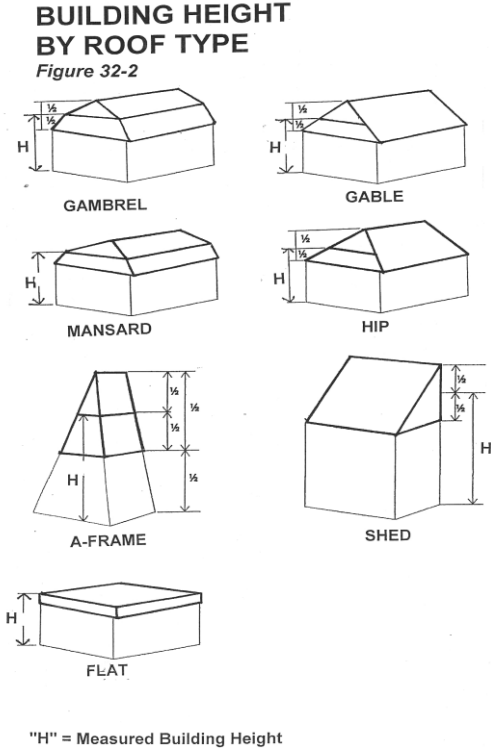
32.2.17 Billboards and Signs [See Section 24.2 for definitions]

32.2.18 Building

Any structure having a roof supported by walls, including accessory buildings.

32.2.19 Building Height

The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof. The height exception provisions of Section 21.20 of this Ordinance shall apply where appropriate. Figure 32-2 depicts building height for various roof styles.



32.2.20 Building Inspector

Any reference in this Ordinance to the “Building Inspector” shall mean the entity appointed by resolution of the Barry County Board of Commissioners (or the Township agent if appointed by resolution of the Thornapple Township Trustees) to perform the functions and tasks assigned by this Ordinance to the “Building Inspector”.

32.2.21 Business Center

Two or more businesses which meet 1 of the following:

- a) Are located on a single parcel of property.
- b) Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings.
- c) Are under common ownership or management and have a common arrangement for the maintenance of the grounds.
- d) Share a common parking area.
- e) Otherwise present the appearance of a single, contiguous business area.

DEFINITIONS - C

32.2.22 Campground

A parcel or tract of land on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the temporary use by 5 or more recreational vehicles or tents. All campgrounds must be currently licensed by the State of Michigan to be considered a lawful use of land under this Ordinance.

32.2.23 Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides. Carports are considered a structure under definition 32.2.1 and are subject to provisions of Article 21.2 and 21.3.

32.2.24 Clinic

A building or group of buildings where human patients are examined and treated by more than 1 professional, such as a physician, dentist or other health care professional, except that patients are not lodged therein overnight.

32.2.25 Club

An organization of persons for special purposes or for promotion of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

32.2.26 College

An educational institution authorized by the state to award a vocational certificate, or award Associate, Baccalaureate or higher degrees.

32.2.27 Co-location

The use of a single support structure, building and/or site by more than one wireless communication provider.

32.2.28 Commercial Establishment

A business operating independently of any other businesses located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate-controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

32.2.29 Commercial Recreation

Commercial establishments related to recreation activities such as, but not limited to, billiard or pool hall, indoor theater, bowling alley, miniature golf, driving ranges, skating rinks, and video arcades.

32.2.30 Communication Tower

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

32.2.31 Common Open Space Residential Development (OSRD)

A residential development that includes not less than thirty-five percent of the gross site area in common open space, publicly or privately owned, which is available for use by all lot or unit owners within the development and/or the general public.

32.2.32 Conditional Rezoning

A process whereby a landowner may voluntarily request a written agreement to permit a change in zoning district classification on land with stated conditions to be attached to the proposed zoning district classification.

32.2.33 Condominium Project

A land development, building construction or renovation consisting of 2 or more condominium units established in conformance with the Condominium Act, being 59 PA 1978, [MCL 559.101 et seq] as amended.

32.2.34 Condominium Subdivision Plan

A land development established pursuant to Section 66 of the Condominium Act, [MCL 599.166 et seq], being 59 PA 1978, as amended, in which building sites are treated as separate ownership units, with or without general or limited common elements.

32.2.35 Condominium Unit

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use or any other type of use, including time share.

32.2.36 Confined Feedlot *[Also called Intensive Livestock operation]*

The place of confined keeping of livestock or other animals in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of such animals that meets at least 1 of the following conditions:

- 400 or more cattle
- 1,000 or more swine, goats, or sheep
- 30,000 or more fowl
- 4 or more cattle/acre
- 20 or more swine/acre
- 700 or more fowl/acre
- 10 or more sheep or goats/acre

32.2.37 Conservation Easement

An equitable interest in real property that imposes limitations and affirmative obligations, the purpose of which is to protect and preserve natural or scenic resources as open space.

32.2.38 Contractor Yard

An area used for the outdoor storage of building equipment, machinery, vehicles, and supplies, including gravel, sand, topsoil, stones, and other similar materials used in the building and construction trade. The definition of contractor yard does not include mineral extraction and processing activities.

32.2.39 Cul-de-sac

A circular turn-around at the end of a dead-end street.

DEFINITIONS – D

32.2.40 Day-Care Facility

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, [MCL 722.111 et seq], as amended, and the associated rules promulgated by the State Department of Human Services. Such facilities shall be further defined as follows:

- a) **Family Day-Care Home:** A private home in which 1-6 children are received for care and supervision, including those children less than 7 years old in the resident family. This number shall not include more than 2 children less than 12 months old.
- b) **Group Day-Care Home:** A private home where 7 to 12 children are received for care and supervision. This number shall not include more than 2 children younger than 2 years old.
- c) **Child Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, for not less than 2 consecutive weeks (regardless of the number of hours of care per day), and where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative preschools, play groups and drop-in centers, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

32.2.41 Deed Restriction

A covenant imposed on real property reflected in a document recorded with Barry County *Register of Deeds*. A deed restriction can create an easement or restrict use and development on land.

32.2.42 Density

The number of dwelling units situated on or to be developed on land based on actual land area, exclusive of public road right-of-way or private easement for ingress/egress.

32.2.43 Development Plan [Also see Site Plan]

The drawings and specifications of a proposed development showing its topography, location of buildings and structures, all non-enclosed uses, parking, loading and traffic handling facilities, storm drainage, typical floor plans, elevation drawings, a detailed statement of the proposed use or uses, and other relevant information, data and documentation concerning the proposed development, all in sufficient detail to enable the Township to study and evaluate the proposed development.

32.2.44 Drive-In or Drive-Through Establishment

A business establishment so developed that its retail or service character is in part dependent on providing a driveway approach or parking spaces for vehicles to serve patrons while in a vehicle, rather than within a building.

32.2.45 Drive-In Restaurant

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food directly to patrons in or on vehicles parked on the premises where orders for food are placed without the patron having to leave the vehicle.

32.2.46 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 1 or more families, but not including bed and breakfast establishments, motels, hotels, tourists rooms, or seasonal cabins.

- a) **Dwelling, Single-Family.** A building designed for use and occupancy by 1 family only.
- b) **Dwelling, Two-Family.** A building designed for use and occupancy by 2 families living independently of each other.
- c) **Dwelling, Multi-Family.** A building designed for use and occupancy by 3 or more families, living independently of each other.

32.2.47 Dwelling Unit

A building or portion thereof designed for use or occupancy by one family with self-contained facilities for living, sleeping, bathroom and cooking.

DEFINITIONS – E

32.2.48 Earth Change

An activity involving digging, filling or re-grading on land.

32.2.49 Easement

A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

32.2.50 Efficiency Dwelling Unit

A dwelling unit having only 1 room exclusive of bathroom, kitchen, pantry, common corridors or closets and exclusive of any dining alcove.

32.2.51 Elderly Housing

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 55 years of age or older, or couples where either the husband or wife is 55 years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled

Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being Sections 330.61 and 330.62 of the Compiled Laws of 1948.

32.2.52 Erected

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected”.

32.2.53 Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal departments or corporations authorized by the Township to provide community services of underground or overhead gas, electrical, steam, water, sewer, communication, supply or disposal systems, including poles, wires, mains, drains sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone ex-change buildings, gas regulator stations and substations, and other similar equipment and accessories used in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or community service corporations or for the public health or safety or general welfare.

32.2.54 Excavation

Any breaking of the ground by digging or removing of soil, sand, gravel, marl or rock.

DEFINITIONS – F

32.2.55 Family

- a) A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic help living together as a single housekeeping unit in one dwelling unit.
- b) A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single, non-profit housekeeping unit intended to endure for the indefinite future.

32.2.56 Farm

A contiguous tract of land which is used for commercial agriculture. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, farm products, farm animals or used for the operation of the farm. A farm for purposes of this Ordinance shall be a tract of land 5 or more acres in land area.

32.2.57 Farm Products

Those plants and animals useful to man and includes, but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiarian, equine, and other similar products.

32.2.58 Farm Products Retail Establishment

A building or structure used for the display and/or sale of farm products solely grown or produced on the premises upon which the structure is located. On-premises parking must be provided.

32.2.59 Fence or Wall

Upright structure or barrier of wood, stone, brick, plastic, metal, rails, posts, wire mesh, etc. designed to enclose, protect, divide, confine or define a boundary.

32.2.60 Flood, Base [See Section 14.8]

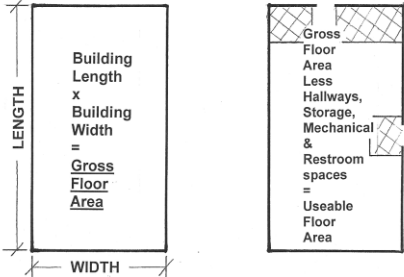
32.2.61 Floor Area, Gross

The floor area, as measured along outside dimensions, of all floors of a building or an addition to an existing building. This area is used to determine required on-site parking.

32.2.62 Floor Area, Useable

Gross floor area within a building less interior spaces devoted to mechanical room, hallways, entry foyer, restrooms and storage. Useable floor area is used to determine maximum building occupancy and requirements for internal fire suppression, if applicable.

FLOOR AREA, GROSS & FLOOR AREA, USEABLE
Figure 32-3



32.2.63 Fowl

Includes chickens, turkeys, ducks, geese, peacocks and any other bird that is raised for human food consumption.

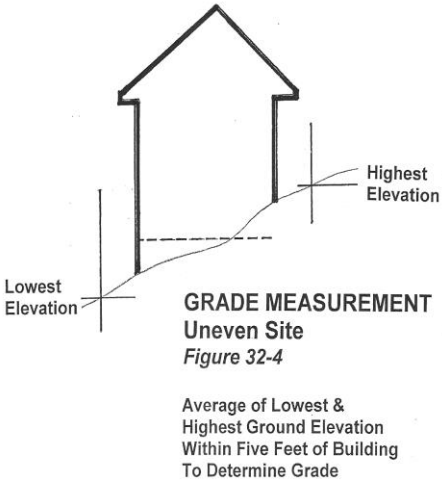
32.2.64 Frontage

Frontage is that portion of a lot or parcel contiguous to a public road right-of-way or private road easement. Any such private easement shall be improved with a private road meeting standards of this Ordinance.

DEFINITIONS – G

32.2.65 Garage

A detached accessory building or portion of a principal building used for indoor parking of passenger vehicles.



32.2.66 Grade

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building prior to any grading or filling of the site. [Figure 32.4 illustrates uneven grade example.]

32.2.66b Greenhouse Event Venue

A Greenhouse Special Event Venue is defined as the use of an existing and still used greenhouse building, originally constructed for greenhouse growing or retail uses, and made available on a lease or rental basis as a venue for special

events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. [Amended 3-28-2020]

32.2.67 Groundwater

The sub-surface water that completely fills the pore spaces of soil and bedrock voids beneath the water table.

DEFINITIONS – H

32.2.68 Hazardous Substances

Hazardous substances and polluting materials shall mean hazardous chemicals, flammable and combustible liquids, critical materials, polluting materials, and hazardous materials and waste, as defined by various agencies and departments of the State of Michigan and various agencies and departments of the United States government.

32.2.69 Height, Tower

The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

32.2.70 Home Occupation

An occupation or profession traditionally or customarily carried on in the home as a use incidental, subordinate and secondary to the use of the home as a dwelling, where the occupation or profession is carried on only by the occupants of the dwelling and not more than one other person.

32.2.71 Hotel

A commercial building of 2 or more stories designed for and occupied by transient persons who pay a daily fee for the accommodation. A hotel may also include a swimming pool, spa pool, recreation room, sauna, banquet room, and/or a food service establishment.

32.2.72 Household Pets

Any animal that is not likely to bite without provocation and that is not likely to cause death, maiming, or illness to a human, provided they are not kept, bred, or maintained for commercial purposes. Such animals shall include but are not limited to birds (caged), fish, rodents (domestic), cats (domestic), lizards (non-poisonous), snakes (non-poisonous), chinchillas, monkeys (domestic), spiders (non-poisonous), dogs (domestic), and prairie dogs (domestic) and other common, domesticated animals housed as pets.

DEFINITIONS – I

32.2.73 Inoperable Motor Vehicle

Any motor vehicle which is unregistered and/or unlicensed, and/or uninsured, and/or incapable of being operated under its own power legally on a public street.

Intensive Livestock Operation [Same as Definition 32.2.36]

DEFINITIONS – J

32.2.74 Joint Planning Area [JPA]

An area of the Township in which the Township and Village of Middleville jointly administer land development and use as defined in the adopted 2007-2020 Township Master Plan.

32.2.75 Junk

For the purpose of this Ordinance, this term shall mean any inoperable motor vehicles, machinery, appliances, products or merchandise with parts missing; scrap metals and used materials; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

32.2.76 Junk Yard

The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than 100 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within an enclosed building.

DEFINITIONS – K

32.2.77 Kennel

Any land, building or structure where 4 or more cats and/or dogs are bred, boarded or housed as a business.

DEFINITIONS – L

32.2.78 Land Division

A further division or dividing of a lot or parcel of land in existence and under common ownership at the effective date of this Ordinance. Any such division or

dividing of land shall be fully in compliance with requirements of this Ordinance and the Land Division Act, of 591 PA 1996 [MCL 560.101 et seq], as amended.

32.2.79 Landscape Buffer

A portion of any lot or parcel providing a combination of earthen berm or mound, screen fencing and plant materials offering a visual screen between uses of land.

32.2.80 Landscape Buffer Zone A

A landscape buffer not less than 30 feet in width, as illustrated in *Section 25.3(a)*.

32.2.81 Landscape Buffer Zone B

A landscape buffer not less than 20 feet in width, as illustrated in *Section 25.3(b)*.

32.2.82 Landscape Buffer Zone C

A landscape buffer not less than 10 feet in width, as illustrated in *Section 25.3(c)*.

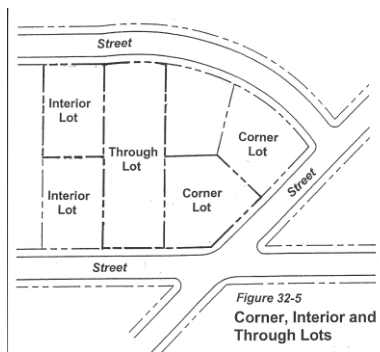
32.2.83 Loading Space

An off-street space on the same parcel with a building(s) for temporary parking of commercial vehicles while loading or unloading merchandise or materials.

32.2.84 Lot

A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses. Lot area shall not include any part of a public right-of-way or private road easement.

In the case of site condominium subdivisions, “lot” shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed. In the case of a plat or subdivision, a separately owned parcel for exclusive use of the title holder. Lot types are illustrated in *Figure 32.5*.



Lot, Corner – A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, Flag – An interior lot possessing less than the required road frontage. Flag lots are not permitted under terms of this Ordinance.

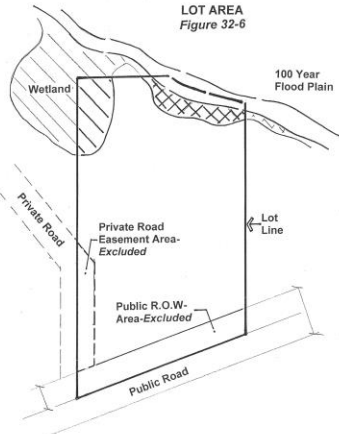
Lot, Interior – A lot other than a corner lot with only one lot line fronting on a street.

Lot, Through – Any lot, excluding a corner lot, which fronts on two streets which do not intersect.

Lot, Waterfront – A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.

32.2.85 Lot Area

The total area within the lot lines of a lot, excluding, (1) public road right-of-way, (2) private road easement, and (3) area within any easement providing access to land. This definition is illustrated in *Figure 32-6*.



Lot area for all lots or parcels created after the effective date of this Ordinance shall meet terms of this definition and the minimum lot area required in the zoning district in which it is located.

32.2.86 Lot Coverage

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

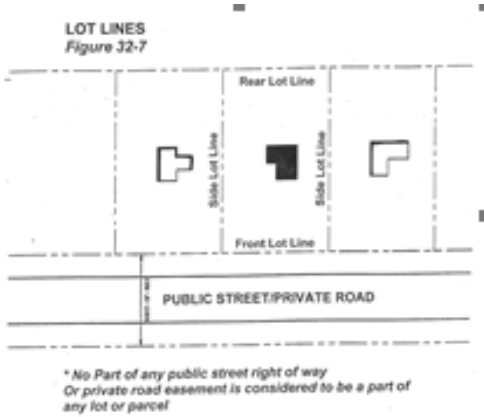
32.2.87 Lot Depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line.

32.2.88 Lot Line

Means the boundaries of a lot defined as:

- 1) **Lot Line, Front** – The lot line separating a lot from a street right-of-way, private road easement, or other thoroughfare. Corner lots or through lots are considered to have two front lot lines and shall provide the minimum required front yard setback at both front lot lines in accordance with the provisions of the zoning district in which it is located.
- 2) **Lot Line, Rear** – The lot line opposite



and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, an imaginary line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

- 3) Lot Line, Side** – Any lot line other than the front or rear lot line. Lot lines are illustrated in *Figure 32.7*.

32.2.89 Lot Width

The horizontal distance between the side lot lines measured parallel to the front lot line at the minimum required front yard setback. The width of a corner lot shall be determined as being the entire length of the front lot line, which is opposite the rear lot line. For a curvilinear lot, the width is measured at the required front setback parallel with the curve of the street.

32.2.90 Lot of Record

A legally established lot or parcel of land recorded with the Barry County Register of Deeds. Lots or parcels created by an unrecorded title instrument are not considered a lot of record.

DEFINITIONS – M

32.2.91 Manufactured Home

A structure, transportable in one or more sections, which is built on an undercarriage [including frame and axles], and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities. A manufactured home has a title and is typically constructed in accordance with requirements of the U.S. Department of Housing and Urban Development. This definition does not include recreational vehicles.

32.2.92 Manufactured Home Community

A residential development located within the R-4 Manufactured Home Community Zoning District with improvements as required by applicable Michigan law.

32.2.93 Master Plan

The Master Plan adopted and in effect within Thornapple Township, Barry County, Michigan including graphic and written information therein and any amendments thereto.

32.2.94 Migrant Housing

Seasonal dwellings for housing of migrant farm workers and migrant employees of a farm.

32.2.95 Mineral Extraction and Processing

The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract or parcel of land, for commercial purposes in excess of 1,000 cubic yards per year. Mineral extraction and processing shall also include any maintenance performed on any machinery or equipment used in such removal, processing and/or transporting.

32.2.97 Mini-Storage Facility *[See Self-Storage]*

32.2.98 Modular Manufactured Home

A structure made and assembled in a factory and transported from the factory on a flat bed or similar conveyance in two or more sections and designed to be placed on a permanent, frost-free foundation. Such structures are designed and built in accordance with the Michigan Residential Construction Code or building code then in effect.

32.2.99 Mobile Home *[See Manufactured Home]*

32.2.100 Mobile Home Park *[See Manufactured Home Community]*

32.2.101 Motel

A commercial building of 1 or 2 stories designed for and occupied by transient persons who pay a daily fee for the accommodation. A motel may also include a swimming pool, spa pool, recreation room, sauna, banquet room, and/or a food service establishment.

DEFINITIONS – N

32.2.102 Natural Features

Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodplains, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

32.2.103 Natural Vegetative Cover

Significant natural vegetation, including bushes, shrubs, groundcover and trees on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

32.2.104 Non-Conforming Building or Structure

A building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

32.2.105 Non-Conforming Lot

A lot or parcel of land that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width. A non-conforming lot shall not be subdivided or reduced in size but may be used as a building site.

32.2.106 Non-Conforming Structure

A structure that conformed with all Township zoning requirements at the time of its erection which does not meet the setback or bulk requirements of the district in which it is located.

32.2.107 Non-Conforming Use

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

32.2.108 Nuisance

An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance to a person or property. Any violation of this Ordinance is a nuisance per se.

32.2.109 Nursing Home

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

32.2.110 Nursery, Plant

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cutting of Christmas trees.

DEFINITIONS – O

32.2.111 Open Space Residential Development [OSRD]
[See Definition 32.2.31]

32.2.112 Open Space

Undeveloped land not part of any required yard which is set aside in a natural state or for an agricultural use.

32.2.113 Open Space, Common

Open space which is held for the collective use and enjoyment of the owners, tenants or occupants of a single development.

32.2.114 Open Space, Dedicated

Common open space permanently dedicated by way of a recorded easement or deed.

32.2.115 Open Space, Useable

That portion of the common open space which, due to its slope, drainage characteristics and soil conditions, can be used for active recreation or agriculture.

32.2.116 Ordinary High Water Mark [Shoreline]

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation.

32.2.117 Ornamental Grasses

A grass, other than turf grass, planted primarily for its ornamental value or for screening purposes.

32.2.118 Outdoor Recreation

Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, air gun or survival games, batting cages, ski slope, skate board parks and similar commercial recreation activities.

DEFINITIONS – P

32.2.119 Parking Lot

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

32.2.120 Parking Space

An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct, unobstructed access to a street or alley.

32.2.121 Park – Public

Any recreational area or recreation land owned and operated by a governmental entity.

32.2.122 Personal Services

Personal services shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to people, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, and mailing or copy shops.

32.2.123 Planned Unit Development District [PUD]

A tract of land zoned for PUD and developed under single ownership or management as a separate neighborhood or community unit. All development in a PUD district shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. An approved PUD district plan may contain a mixture of housing types, common open space and other land uses as provided by this ordinance. Overall, dwelling unit density in a PUD district shall not exceed the planned density in the adopted Thornapple Township Master Plan.

32.2.124 Planned Unit Development – Non-Contiguous Tracts

A Planned Unit Development proposed involving two or more tracts of land that are not contiguous as permitted by Section 503(3) in the Michigan Zoning Enabling Act, being 110 PA 2006, as amended.

This type of Planned Unit Development is intended to implement transfer of development rights from a tract of land zoned "A" Agriculture to a tract of land intended for development located within the Joint Planning Area.

32.2.125 Planning Commission

The body appointed by the Board of Trustees having responsibilities under terms of 33 PA 2008 [MCL125.3801 et seq], as amended and 110 PA 2006 [MCL125.3101 et seq], as amended, by which duties of a Zoning Commission are assigned to the Planning Commission.

32.2.126 Pond

A body of standing water, accumulated in a natural or artificially constructed 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 feet when filled to capacity.

32.2.127 Principal Use

The primary or predominant use of a lot, parcel and/or building.

32.2.128 Primary Road

A public road designated as a primary road by the Barry County Road Commission. All other public roads are considered County local roads or residential streets.

32.2.129 Private Road

A road providing access to one or more lots and such road to be constructed in accordance with this Ordinance. Access to a single lot via private access which does not meet requirements of this Ordinance is not a private road and such access easement is prohibited.

32.2.130 Public Utility

Any person, firm, corporation, or governmental department, board or commission duly authorized under Township, State or Federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility unless said signals are distributed directly to subscribers or customers through a closed circuit system of coaxial cables or similar network of signal conductors.

DEFINITIONS – R

32.2.131 Recreational Facility

Any public or private facility used, or intended to be used for recreational activities, including indoor and outdoor facilities. Such facilities may include but are not limited to recreational fields, courts, common use open space and similar uses or facilities.

32.2.132 Recreational Vehicle

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

32.2.133 Recycling Facility

An industrial facility for sorting, separating and/or processing of used materials intended for re-use or remanufacture. A recycling facility may also include a facility owned and operated by a government entity where materials intended for recycling are brought by the general public. This type of facility is also called a transfer station.

32.2.134 Restaurant

A building in which food is prepared and sold for consumption within the building or contiguous outdoor eating area, excluding a drive-in restaurant where food is dispensed to persons through a drive-up window.

32.2.135 Retail Establishment

Any business that offers merchandise and products for sale to the general public.

32.2.136 Riding Stable

A building, fenced-in area or land used for the commercial boarding, riding, sale, show of horses or rental of horses for riding.

32.2.137 Roadside Market Stand

A temporary building or structure, table, wagon, or display of products for sale, solely produced on the premises upon which the structure is located.

Temporary means a seasonal stand that is not open to the public more than six months a year. On-premise parking shall be provided.

DEFINITIONS – S

32.2.138 Satellite Dish

A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub-reflector feed, amplifier and support structure. When not attached to a building, a satellite dish shall be treated as an accessory structure and subject to requirements of this Ordinance.

32.2.139 Salvage Yard

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 materials, and equipment and other manufactured goods that are worn, deteriorated or obsolete.

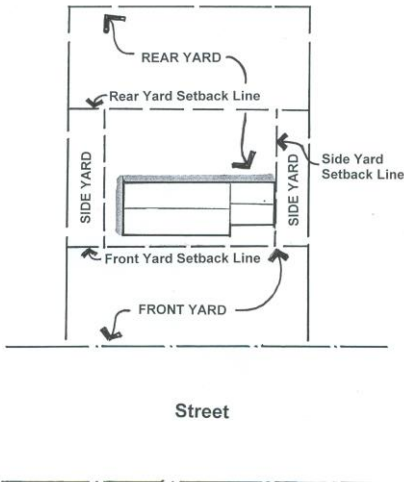
32.2.140 Self-Storage Facility [a/k/a Mini-Storage]

A commercial establishment offering for rent, individual spaces for the purpose of storing goods, materials, motor vehicles, etc. within an enclosed building. An outdoor area for parking vehicles may be included so long as it is surrounded by buildings on the same lot.

32.2.141 Setback

The required minimum perpendicular distance between a property line and the nearest front, side or rear foundation line of a building including porches, lean-to's, carports and

Figure 32-9
Required Setback Lines and Front, Side & Rear Yards



breezeways if completely or partially enclosed, but excluding steps and cantilevered projections of not more than 24 inches measured perpendicular to the foundation. Some unenclosed or partially enclosed porches or attached decks may also be considered as part of the building which must meet setback requirements as provided elsewhere in this Zoning Ordinance.

Front setback line: The line marking the required distance from the front lot line that establishes the minimum front yard area.

Rear Setback Line: The line marking the required distance from the rear lot line which establishes the minimum rear yard area.

Side setback line: The line marking the required distance from the side lot lines which establishes the minimum side yard area. (See *Figure 32.9 opposite*)

32.2.142 Site Area-Gross

The entire area of a parcel to be developed, including 100-year flood plain, regulated wetlands and future public or private road right-of-way, but excluding existing public road right-of-way.

32.2.143 Site Area-Net

The area of a parcel of land to be developed, excluding 100-year flood plain, regulated wetlands and future public or private road right-of-way, but excluding existing public road right-of-way.

32.2.144 Sign [*Refer to Section 24.2*]

32.2.145 Screening

A planting or structure that conceals or limits views from public roadways, including landscape buffers required by Article 25 in this Ordinance.

32.2.146 Site Condominium Subdivisions

The creation of land ownership whereby a master deed is required in accordance with the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

32.2.146b Solar Energy Collector

A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purposes of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **BUILDING MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building
2. **GROUND MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
3. **COMMERCIAL SOLAR ENERGY SYSTEM:** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.
4. **SOLAR ENERGY COLLECTOR COVERAGE:** Measurement of total solar collector coverage is measured as the total square footage of solar panels.

32.2.147 State Licensed Residential Facility

A facility occupied for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended [Repealed-See now MCL400.701 et seq] or Act No. 116 of the Public Acts of 1973 [MCL 722.111 et seq], as amended, which provides resident services for 7 or more persons under 24 hour supervision or care for persons in need of that supervision or care.

32.2.148 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 also include a private road as approved pursuant to Section 21.26.

32.2.149 Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to: buildings, signs, billboards, antennas, swimming pools, parking areas and sheds.

32.2.150 Subdivision (Plat)

Subdivision shall have that meaning set forth in Michigan Land Division Act of 1996 [MCL 559.101 et seq], as amended, which refers generally to a legal dividing of a land parcel into smaller ones for the purpose of selling or leasing the properties for residential, commercial or industrial purposes, requiring submission to, and approval from, county and state authorities in addition to township authorities.

DEFINITIONS – T

32.2.151 Temporary Sign [See Section 24.5]

32.2.152 Transportation Terminal

A building or area in which freight or other goods brought or delivered by truck are assembled, handled or stored for routing or re-shipment or a building or area in which semi-trailers, including tractor or trailer units and other trucks are parked or stored on a temporary basis, as a part of a transportation business, function or activity.

32.2.153 Travel Trailer

A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational or vacation use.

DEFINITIONS – U

32.2.154 Useable Floor Area

The floor area of a dwelling exclusive of garages, porches, basement or utility area.

32.2.155 Utility and Public Service Building

A building designed, constructed and used by and for a public utility or municipal utility for the purpose of providing utility service to the public such as electric.

DEFINITIONS – V

32.2.156 Vehicle

Every device by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks. Every vehicle operated on a public roadway shall be duly licensed as required by law.

32.2.157 Vehicle Repair Facility

Any building or premises which are used in whole or in part for servicing, repair, maintenance or painting of motor vehicles.

32.2.158 Veterinary Facility

A facility operated by a Doctor of Veterinary medicine providing wellness and surgical services to domestic pets and large animals, excluding kennel unless approved as a Special Use by the Planning Commission.

DEFINITIONS – W

32.2.159 Watercourse

Any river, stream, creek, brook, lake or other natural body of water that contains water that arises naturally, either continuously or intermittently, and that has reasonably definite boundaries, such as banks, a shoreline or the like.

32.2.160 Wetland

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

32.2.161 Wholesale Warehousing

A use consisting of the storage, wholesale and distribution of goods, supplies, products and equipment, but excluding the bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

DEFINITIONS – Y

32.2.162 Yard

A required open space unoccupied and unobstructed by any building or structure, provided 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. *[See Figure 32-9, located at 32.2.141]*

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 and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

Yard – Rear. A yard unoccupied except for accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall 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.

DEFINITIONS – Z

32.2.163 Zoning Act

The Michigan Zoning Enabling Act, being 110 PA 2006, as amended [MCL 125.3101 et seq].

32.2.164 Zoning Administrator

The person appointed by the Township Board of Trustees to administer provisions of this Ordinance.

32.2.165 Zoning Board of Appeals

The body appointed by the Board of Trustees to hear and decide all matters required by law and this Ordinance.