

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

501. - INTRODUCTION:

For the purpose of this Ordinance certain terms and words are herein defined. Words used in the present tense include the future, words in the singular number include the plural number and words in the plural include the singular number. The word "**shall**" is always mandatory and not merely directory. The word "**person**" shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meaning customarily assigned to them.

502. - STANDARD INDUSTRIAL CLASSIFICATION MANUAL:

- A. For purposes of this Ordinance, where "**uses**" are listed for each land use district, those terms are defined in the section 501 et. seq. of this Ordinance.
- B. Terms denoting "**uses**" which are not defined in this section 501 et. seq. of this Ordinance, but which are followed by a capital letter and or number or series of numbers enclosed in brackets ([]) shall be defined as found under the respective Standard Classification Code, as found in the Standard Industrial Classification Manual. 1987 published by the Executive Office of the United States President, Office of Management and Budget, and adopted by reference herein, Terms defined by use of the Standard Industrial Classification Code (SIC Code) shall be exclusive and shall include only those uses or activities found included in the respective SIC Code(s). Standard Industrial Classification Manual. 1987 not withstanding.

503. - DEFINITIONS OF WORDS:

- **Access Property: Is a property, parcel, or lot abutting a lake,**

and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee ownership, single tee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

- **Accessory Buildings: A supplementary building or structure on the same lot or parcel**

of land as the main building or buildings or part of the main building, the use of which is incidental or secondary to that of the main building or structure, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

- **Accessory Use: A use naturally or normally incidental or subordinate to, and devoted**

exclusively to a permitted use of the land or buildings.

An accessory use includes, but is not limited to, the following:

- A. Domestic or agricultural storage in a barn, shed, stable, tool room, garage or similar accessory building or other structure.
- B. Decks, whether attached or detached from a principal structure, porches, gazebos and playground equipment.

- **Adult Book and/or Video Store:** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", hereinafter defined;
- **Adult Live Entertainment Establishments: (Regardless of whether alcoholic beverages may or may not be served):** Establishments, which include a nightclub, bar, restaurant, or similar commercial establishment, which features:
 - A. Persons who appear nude or in a "state of nudity", or "semi-nude", and/or
 - B. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- **Adult Motion Picture Theater:** An enclosure which a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.
- **Adult Mini Motion Picture Theater:** An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.
- **Adult Panoramas:** An establishment, which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas".
- **Adult Paraphernalia/Novelty Store:** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
- **Agricultural Tourism:** Refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment; education, or active involvement in the activities of the farm or operation.
- **Agriculture:** A use of land or structures, which entails the art and science of cultivating the ground for production of food and forage crops, including forestry, and livestock.
- **Alter:** To change, add or modify the location, use or structure or the structural members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or in the size or location of the roof or exterior walls.
- **Animal, domesticated (pet):** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil,

rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

- **Animal, non-domesticated, vicious or exotic: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.**
- **Animal Shelter: A facility operated by a licensed individual, humane society, a society for** the prevention of cruelty to animals or any other similar institutions. A facility where animals are housed for an extended period of time and are available for adoption/placement.
- **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 telecommunications signals, or other communications signal.
- **Antenna: Attached: An antenna that is affixed to an existing structure; for example, an** existing building, tower, water tank, flag pole, utility pole etc... which does not include an additional tower.
- **Apartments: A suite of rooms or a room in a multiple-family building arranged and** intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.
- **Apartments, Accessory: (i.e. "mother-in-law apartment) A single apartment unit contained** within a single family home, intended as a temporary unit for a family member.
- **Basement or Cellar: A basement or cellar is that portion of a building partly below the** average grade of the parcel. A basement is so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is 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. "A basement shall not be counted as a story".
- **Bed and Breakfast Establishment: A use within a single family dwelling unit in which**

transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

- **Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.
- **Buffer Zone:** A strip of land with landscaping, berm or walls, or fencing singularly or in combination required between certain zoning districts based on the landscaping standards of the zoning ordinance. The intent of the required buffer zones is to lessen visual and noise impacts.
- **Buildings:** Any structure (excluding fences) either temporary or permanent, having a roof and used or capable of being used for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, tents, storage, sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.
- **A. Adult Foster Care Facility:** means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- **B. Family Day Care Center:** A facility, structure or residence used for the care and housing of children. Each facility, structure or residence so used shall be licensed according to the laws and statutes of the State of Michigan and shall be operated according to the rules and regulations of the Michigan Department of Social Services, which shall be applicable to such establishments.
- **C. Group Day Care Home:** A facility, structure or residence used for the care and housing of adults. Each facility, structure or residence so used shall be licensed according to the laws and statutes of the State of Michigan and shall be operated according to the rules and regulation of the Michigan Department of Social Services that shall be applicable to such establishments.
- **Building envelope:** The ground area of a lot, which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.
- **Cemetery:** Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.
- **Child care center:** Means a facility, other than a private residence, receiving more than six pre

school or school age children for group are for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

- **Church or temple: Any structure wherein persons regularly assemble for religious activity.**

- **Clear Vision Area: An area of each lot near any street intersection or commercial driveway** which shall remain clear of obstructions between a height of two (2) feet and six (6) feet to ensure safe sight distance for motorists.

- **Clinic Medical: An establishment where human patients who are not lodged overnight are** admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

- **Condominium Act: Michigan act 59 of 1978, as amended.**

- **Conference Center: Is a multi-purpose facility whose primary purpose is to accommodate** meetings, seminars, social and civic events, and conferences. Such a facility offers a total meeting environment, which typically consists of meeting rooms, conference rooms, and catering uses that comprise hotel/motel with at least 10,000 sq. ft. of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities, and specialty shops, which cater to conference center guests.

- **Contiguous: Contiguous means any of the following:**

- A. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream, including surface or ground water connections.
- B. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.
- C. Being in actual contact: touching: adjoining: next or near in time or sequence

- **Cul-de-sac: A dead end public or private street, generally short in distance,** which terminates in a circular or semi-circular section of street, which allows for vehicle turnaround.

- **Deck: Above grade level structure of any material.**

- **Density: The number of dwelling units situated on or to be developed per net or gross acre of land.**

- **Driveway: Means by which a vehicle can have access to a dwelling and/or other buildings** on a single parcel of land from an adjacent road.

- **Dwelling: A use which is a structure, mobile home, premanufactured or precut dwelling**

structure designed and used for the complete living accommodations of a single family, which complies with the standards given in this Ordinance.

- A. Duplex: A two-family dwelling designed to provide for separate living, sleeping and kitchen facilities for two (2) families living independently of each other, which complies with the standards given in this Ordinance.
- B. Apartment Building: A multifamily dwelling designed to provide for separate living, sleeping and kitchen facilities for more than two (2) families living independently of each other.
- C. Temporary Dwelling: Cabins, tents, trailers, garages and basements, if used for human occupancy, which complies with the standards given in this Ordinance.

- **Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.**

- **Erect: To build, construct, reconstruct, move upon or conduct any physical operations on the land required for the building, including excavations, fill, and drainage.**

- **Essential Public Service: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, traffic signals, and other similar equipment and accessories in connection with, but not including, buildings. Non-governmental towers, radio and television towers, and cellular phone antennas are not considered to be essential public services.**

- **Essential Public Service Building: A building or structure principal to an essential public service, such as drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, and cellular phone antennas.**

- **Excavation: Any breaking of ground, except farming or common household gardening and ground care.**

- **Existing Building: A building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.**

- **Fall Zone: A distance from the base of a tower, measured in all directions, where an unoccupied area shall be maintained, except for accessory structures related to the facility, in case of structural damage to the facility, falling debris, or catastrophic failure.**

- **Family: An individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority,**

association, lodge, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

- **Farm: All of the contiguous neighboring or associated land, buildings, and machinery operated** as a single unit on which the production of farm products is carried on directly by the owner - operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture for farming activities which include:

1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production; but unless otherwise permitted, the following shall not be considered a

farm: establishments involved in industrial like processing of agricultural products, keeping fur-bearing animals or game or operating as fish hatcheries, dog kennels, stockyards, slaughter houses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, bone yards or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish junk or offal.

- **Fence: An accessory structure intended for use as a barrier to property ingress or egress,** a screen from objectionable vista, noise, and/or for decorative use. A structure of definite height and location constructed of wood, masonry, stone, wire or metal serving as a physical barrier, marker, or enclosure, but excluding solid masonry walls and low rise (less than four-foot high) decorative fences or railings.

- **Filing Date: The date upon which any application pursuant to this Ordinance is submitted** and the required filing fee is paid.

- **Filling: The permanent depositing or dumping of any matter onto or into the ground,** except for agricultural purposes, ground care or landscaping.

- **Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings,** measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

- **Forestry: The use of land for the management and harvesting of trees from their natural setting** for purposes of producing lumber, pulp or firewood.

- **Frontage Road: A public or private drive, which generally parallels a public street between the** right-of-way and the front building setback line. Frontage roads can be on-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road, which parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

- **Garage:**

- A. Private: Any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing or storage for a fee is conducted.
- B. Commercial: Any building, other than a private garage, or garage operated by a municipality, used for storage, repair, greasing, washing, rental, sales, servicing, adjusting or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration hire, or sale or where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed, and including undercoating, or overall painting when conducted in an enclosed booth.

- **Grade, Average: The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.**

- **Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.**

- **Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.**

- **Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.**

- **Greenbelt: Special land areas bordering particularly bodies of water.**

These land areas are subject to special restrictions that apply to use, removal of trees and/or shrubs, location of buildings and structures. Land areas that have been so designated are identified on the Official Zoning Map.

A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement.

- **Gross Site Area: The total area of a planned unit development site including flood plains and water bodies.**

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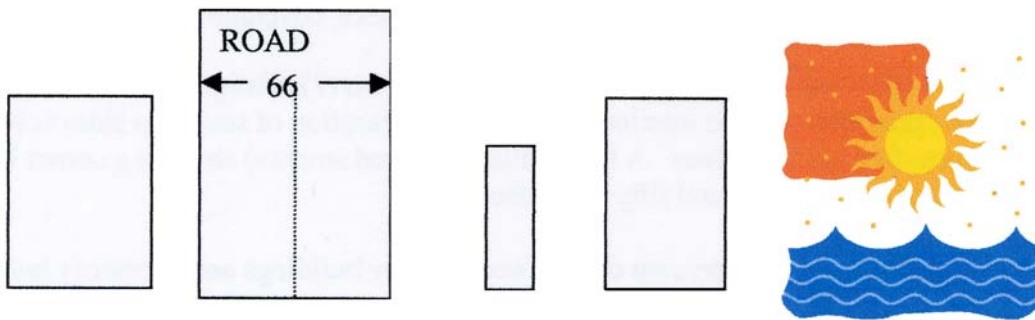
- **Hazardous Substances: Hazardous substances means one or more of the following:**

- A. A chemical or other material, which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous Substance" as defined in the comprehensive environmental response, compensation and liability act of 1980, and public law 96-501,94 Stat. 2767.
- C. "Hazardous Waste" as defined in P.A 64 OF 1979 (being MCL 299.501 to 299.551 the Hazardous Waste Management Act).

D. "Petroleum" as defined in P.A. 478 of 1988 (being MCL 299.831 to 299.831 to 299.850, the Leaking Underground Storage Tank Act).

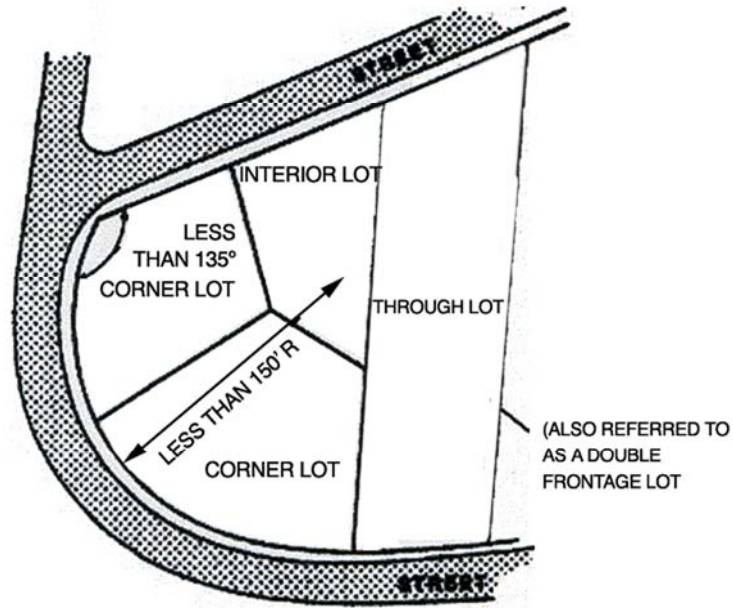
- **Hedge: A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.**
- **Host or Hostess Establishments: Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.**
- **Home Occupation: A gainful occupation or service conducted by members of a family within its place of residence; provided, that the space used is incidental or secondary to residential use, and provided, that there be no external evidence of such occupation or service except a name plate not more than four (4) square feet in area, without illumination, and in character with the neighborhood; and providing further, that said occupation or service does not require nor effect any change in the external dimensions of the building. No service shall be rendered or articles displayed outside the dwelling.**
- **Kennel: Any lot or premises on which four (4) or more dogs, six months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.**
- **Keyhole/Funnel Development: Keyhole development (also called Funnel Development) is the development of a large parcel of property that has a relatively small, narrow frontage on an adjacent body of water. The access is intended for use by many more persons than a similar frontage from a typical lot would allow.**
- **Land Use Permit: A standard form issued by the Pleasanton Township Zoning Administrator or his/her agent upon application by an owner or his agent, for the proposed construction of a building or structure and/or the use of land in compliance with the provisions of this Ordinance.**
- **Livestock: Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.**
- **Lot: (See Figure 2-4): A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage and open space.**
- **Lot, Corner: (See Figure 2-4) Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.**
- **Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.**

- **Lot, Depth:** (See Figure 2-5): The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.
- **Lot, Interior:** (See Figure 2-4): A lot other than a corner lot which, with the exception of a "trough lot," has only one lot line fronting on a street.
- **Lot, Nonconforming:** A lot of record, which does not meet the dimensional requirements of this ordinance.
- **Lot, Through (also called double frontage):** (See Figure 2-4) An interior lot having frontage on two (2) more or less parallel streets.
- **Lot Area, Gross:** (See Figure 2-6) The area contained within the lot lines or property boundary including street right-of-way if so included.
- **Lot Area, Net Buildable: For Planned Unit Developments:** The net lot area less area devoted to water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.
- **For Non-Planned Unit Developments:** The net lot area less areas devoted to floodplains or water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.
- **Lot Frontage:** The length of the front lot line.
- **Lot Lines:** (See Figure 2-7) The lines bounding a lot or parcel.
- **Lot Line, Front:** (See Figure 2-7) The line(s) separating the lot from any street right-of-way, private road or other access easement.
- **Lot Lake Front:** If a lot to the rear of a lake front lot is to be used for a primary residence the 50-foot setback applies.



- Figure 2-4.

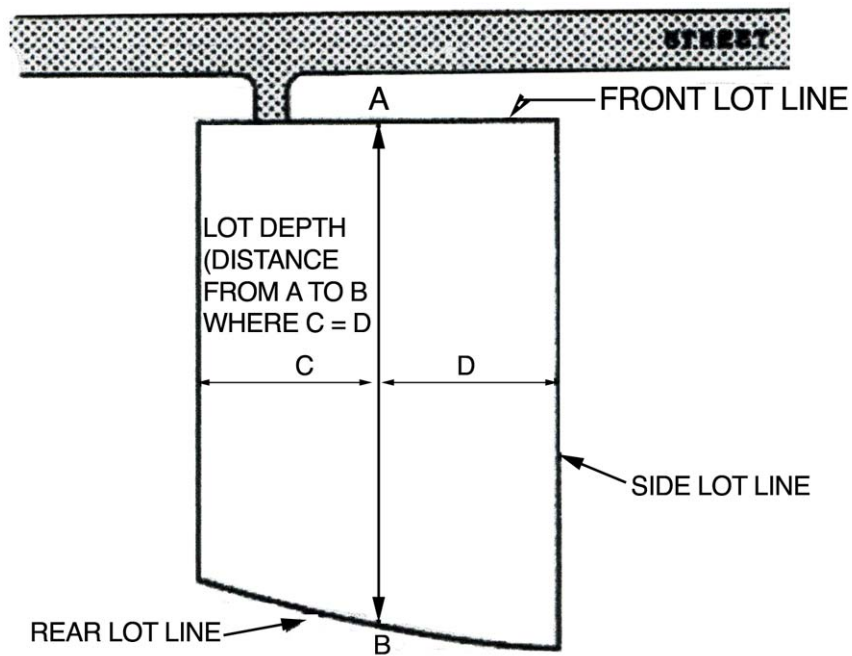
FIGURE 2-4 LOT TYPES



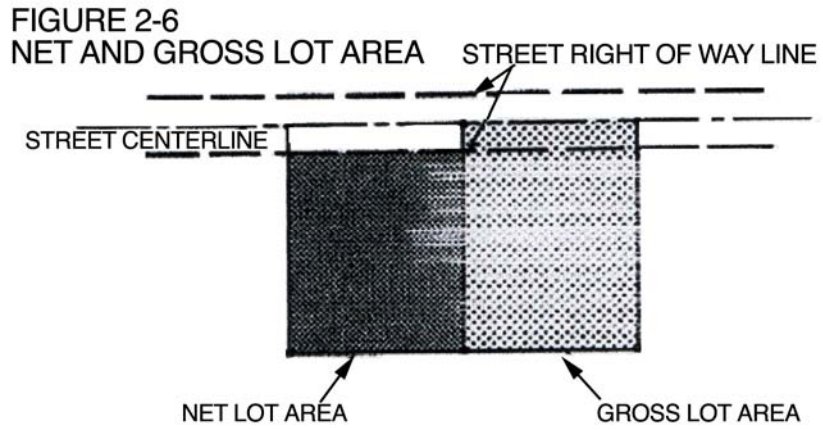
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- Figure 2-5

FIGURE 2-5 LOT DEPTH



- Figure 2-6

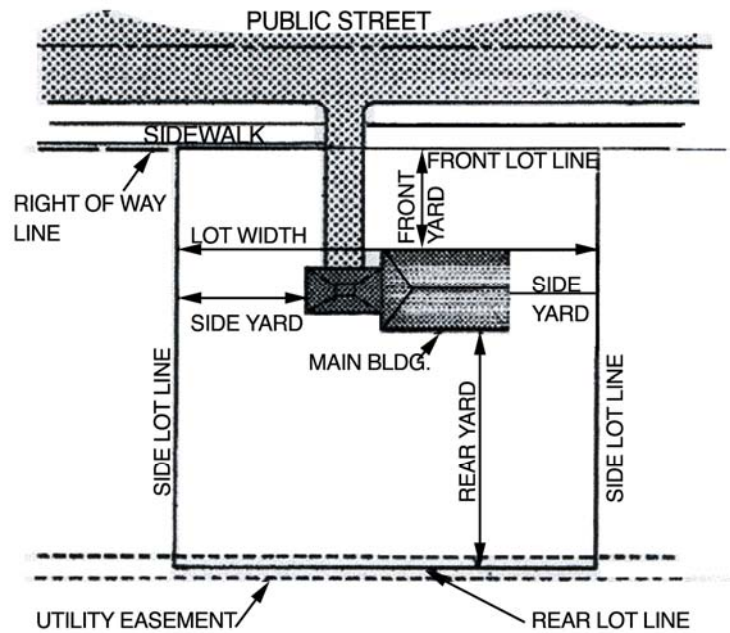


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- Figure 2-7

FIGURE 2-7 LOT LINES AND YARDS



- **Lot Line, Rear:** (See Figure 2-7) **The lot line opposite and most distant from the front lot line.** In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. <http://www.township.delta.mi.us/zoning/chapters/chapter%202/chapter2.htm> 9/1/2001
- **Lot Line, Side:** (See Figure 2-7) **Any lot line other than a front or rear lot line.**
- **Lot of Record:** **A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Manistee County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.**
- **Lot Width:** (See Figure 2-7) **The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.**
- **Manufactured Home:** **A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.**
- **Massage Parlor:** **any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, and medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shop or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulders.**
- **Mineral:** **A naturally occurring element or combination of elements that occur in the earth in solid state, but shall not include soil.**
- **Mining:** **All or part of the processes involved in the extraction and processing of mineral materials.**
- **Mobile Home:** **A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.**
- **Mobile Home Park: (i.e. Manufactured Housing Park):** **A parcel or tract of land under the control of a person, group or firm upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.**

- **Modular Home:** A dwelling, which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.
- **Motel:** A series of attached, semidetached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
- **Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.
- **Neighborhood:** A number of persons forming a loosely cohesive community within a large community (as a town or village) and living close or fairly close together in more or less familiar association with each other.
- **Non-conforming Building or Structure:** A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
- **Non-conforming Lot:** A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.
- **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 district in which it is located.
- **Nudity:** For purposes of this Ordinance, nudity means exposure in a public place of male or female genitalia, female breasts. (Mothers breast-feeding in public are excluded from this definition and this Ordinance).
- **Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruit, vegetables.
- **Nursing or Convalescent Home:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
- **Oil and Gas Processing or Sweetening Facilities:** Any building, facility, machinery, equipment and/or structure used for or in connection with the production, processing or transmitting of natural gas, oil or allied products or substances and the injection of the same into the ground for storage or disposal not under the exclusive jurisdiction of the Supervisor of Wells, Department of Environment Quality and includes, but is not limited to, pipelines, storage and disposal wells sweetening

plants, central processing facilities, compression facilities, CO2 removal facilities, bulk storage plants and well site access roads.

- **Open Dance Hall: An establishment where open public dancing by patrons is available during at least 4 days per week with patrons furnished by the establishment.**
- **Outdoor Recreation - Parks: Land uses which are public or private playgrounds,** vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but not including facilities designed for overnight or camping use.
- **Parcel: A description of land, as identified by a property tax parcel number in the Manistee County tax roll and on which one (1) principal building and its accessory buildings may be placed, together with the open spaces required by this Ordinance.**
- **Park: See Outdoors Recreation - Parks Patio: Grade level structure, stone, concrete, brick, block.**
- **Planned Unit Development: means a land area which contains both individual building sites or** multiple land use types together with common property, such as a park, and which is designed and developed under one owner or organized group as a separate cohesive neighborhood or community unit. Planned Unit Development includes such terms as site condominium project, cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- **Porch: Covered structure above grade at building entrance.**
- **Private Road: A road which is part of a recorded subdivision and shown as a private road** on the plat, or a road which is not public which services more than one dwelling and business. Private Road shall not include driveways to dwelling or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a United States Forest service road; a county road as shown on maps certifying the same to the Michigan Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.
- **Retail Establishments: A store, market or shop in which commodities are sold, or offered** for sale, in small or large quantities at retail.
- **Road: A roadway, street or thoroughfare, public or private, contained within the limits of a** right-of-way dedicated or maintained for the operation of vehicular traffic and which affords a principal means of access to abutting property.

- **Roadside Stand:** a structure used or intended to be used solely by the owner or resident tenant of the land on which it is located for the sale of seasonal products of the immediate locality.

- **Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra-terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

- **Screen or screening:** A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

- **Service Establishments:** A store, market or shop in which services are sold or offered for sale to the public, including, but not limited to, gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors.

- **Setback Lines:** The minimum horizontal distance between one's buildings, including steps and unenclosed porches, and the boundary of one's parcel of land or in those cases where the parcel adjoins an established highway, then the minimum horizontal distance between the building and the closet highway right-of-way.

- **Sign:** An inscribed board of space serving for advertisement and information.

- **Site Plan:** A drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

- **Special Land Use:** A use of land, which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained.

- **Specified Anatomical Areas:** Means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the aureole; or human male genitals in discernible state of tumescence, even if opaquely covered.

- **Specified Sexual Activities:** Means and includes any of the following:
 - A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

- C. Masturbation, actual or simulated;
- D. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this section.

• **State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act 287 of the Public Acts of 1972, as amended, being Sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act 116 of the Public Acts 9 of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of such supervision or care.

• **Story:** (See Figure 2-1) That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

• **Structure:** A structure is any production or pieces of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwelling, garages, buildings, decks, signs, sign boards and towers. Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

• **Substantial or Significant Portion:** Means a business or establishment, which has:

- A. Thirty five percent (35%) or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and or "specified anatomical areas"; and/or
- B. Thirty five percent (35%) or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
- C. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

• **Telecommunication, Co-location:** Locating telecommunications equipment from more than one provider at a single facility.

• **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereof. Not included within this definition are, citizen band radio antennas, short wave antennas, ham and amateur radio antennas, satellite dishes and personal television receiving antennas.

- **Tower, Monopole:** a freestanding structure composed of a single spire used to support communications equipment.
- **Trailer:** A vehicle, which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms Motor Home, Pole-trailer, Trailer Coach, Trailer, Mobile Home, as defined in the Michigan Motor Vehicle Code (Public Act 300 of 1949, M.S.A.9.1801-9.1882) and including camping units, tents, or any other temporary dwellings.
- **Trailer Court or Park:** Any site, lot, field, tract or parcel of land on which are situated two (2) or more inhabited trailer coaches, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure located therein, and used or intended for use as a part of the equipment of such park.
- **Transfer of Ownership or Control of a Sexually Oriented Business:** Means and includes any of the following:
 - A. The sale, lease or sublease of the business or establishment;
 - B. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
 - C. The establishment of trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possession the ownership or control.
- **Use:** The purpose for which land or a building thereon is designed, arranged or intended to be occupied and used, or for which it is maintained. The use of land permitted in the several land use districts established by this Ordinance shall be further defined by the Standard Industrial Classification Manual of 1972, which is incorporated herein by reference.
- **Variance:** An authorization by the Board of Appeals permitting modification to the regulations and standards of this Ordinance in situations where the literal enforcement would result in undue and unnecessary hardship not present on the other properties typical of the zoning district.
- **Waste Receptacle (i.e. dumpster):** Any accessory exterior container used for the temporary storage of rubbish, pending collection, has capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.
- **Water's Edge:** The surveyed property line along the shore of a body of water or the term "water's edge", in its usual and ordinary sense and usage being that area of the shoreline where land and water meet in the event there is no surveyed property line along the shore at the water's edge.
- **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, and which is any of the following:
 - A. Contiguous to an inland lake or pond, or a river or stream;

- B. Not contiguous to an inland lake or pond, or a river or stream; and more than five (5) acres in size;
- C. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner. (Definition taken directly from the Goemaere-Anderson Wetland Protection Act. P.A. 203 1979).

• **Wireless Communication Facilities: Includes transmitters, antenna structures, towers** and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, and paging. Also included are services that are not licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wire line local exchange providers.

• **Yard: A space open to the sky, and unoccupied or unobstructed except by permitted building or structure.** Yard measurements shall be the minimum horizontal distances.

- A. Front Yard; A yard extending across the full width of parcel between the front parcel lines and the nearest line of the main building.
- B. Rear Yard: A yard extending across the full width of the parcel between the rear parcel line and the nearest line of the main building.
- C. Side Yard: A yard extending from the front yard to the rear yard between the side parcel line and the nearest line of the main building or of accessory building attached thereto.