

CHAPTER III

DEFINITIONS

SECTION 3.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "BUILDING" or "STRUCTURE" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words used or "occupied", as applied to any land or BUILDING, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
- (i) Any dispute over any language contained in the Zoning Ordinance may be resolved under Chapter XX pertaining to zoning authority and procedure before the Township Zoning Board of Appeals.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 3.02 ACCESSORY USE OR STRUCTURE. A use, BUILDING or STRUCTURE on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, BUILDING or STRUCTURE. A lot under this definition may consist of more than one parcel of land provided all parcels are contiguous and the required area for such ACCESSORY BUILDING complies at all times with the minimum area requirements of Section 14.09 of this Zoning Ordinance.

SECTION 3.03 ACCRETION. The gradual build-up of new sand by wind or water action.

SECTION 3.04 ALTERATIONS, STRUCTURAL. Any change in the supporting members of a BUILDING or STRUCTURE such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a STRUCTURE or BUILDING.

SECTION 3.04A ANIMALS, DOMESTIC. For purposes of this Ordinance, DOMESTIC ANIMALS shall include the following categories:

- 1) LARGE HOOFED ANIMALS, including, but not limited to, horses, donkeys, burros, mules, cattle, llamas, elk, deer, and swine;
- 2) SMALL HOOFED ANIMALS, including, but not limited to, goats and sheep;
- 3) SMALL ANIMALS, including, but not limited to, dogs, cats and house pets;
- 4) POULTRY AND SMALL FUR BEARING ANIMALS, including, but not limited to, chickens, ducks, geese, turkeys, quail, pigeons, pheasant and small fur bearing mammals.

In the event that a person disagrees with the Zoning Inspector determination that an animal is a DOMESTIC ANIMAL or in the event that a person disagrees with the Zoning Inspector's determination of what kind of DOMESTIC ANIMAL an animal is (e.g. LARGE HOOFED ANIMAL, SMALL HOOFED ANIMAL, etc.), that person may appeal to the Laketown Township Zoning Board of Appeals for a

determination pursuant to Section 20 of the Zoning Act.
(Amended Ordinance No. 59, 11-11-92)

SECTION 3.04B ANIMALS, EXOTIC. Animals that are not normally considered to be DOMESTIC ANIMALS, including, but not limited to, lions, tigers, panthers, cougars, bobcats, bears, ostriches, emus, wolves, reptiles and apes. In the event that a person disagrees with the Zoning Inspector determination that an animal is an EXOTIC ANIMAL that person may appeal to the Laketown Township Zoning Board of Appeals for a determination pursuant to Section 20 of the Zoning Act. (Amended Ordinance No. 59, 11-11-92)

SECTION 3.05 AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

SECTION 3.06 AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair-Major".

SECTION 3.07 BASEMENT. A portion of a BUILDING partly or entirely below grade. If it is partly below grade, the vertical distance from the established grade at the center of the front of the BUILDING to the floor shall be greater than the vertical distance from that established grade to the ceiling. If that is not true, or if the vertical distance from that established grade to the ceiling is five (5) feet or more, that portion of the BUILDING shall not be counted as a basement. (Amended Ordinance No.89, 03-12-97)

SECTION 3.07A BED AND BREAKFAST OPERATION. An operation in which transient guests are provided a sleeping room and board in return for payment, which operation is located in a single family DWELLING which is used to house a family as its principal place of residence.

SECTION 3.08 BILLBOARDS AND SIGNS.

- (a) BILLBOARD - Any STRUCTURE, including the wall of any BUILDING, on which lettered, figured, or pictorial matter is displayed for advertising either: (1) a

business, service, entertainment, activity or event which is not conducted on the land upon which the STRUCTURE is located; (2) a product which is not primarily sold, manufactured, processed or fabricated on the land upon which the STRUCTURE is located; (3) a second STRUCTURE which is not located on the land upon which the first STRUCTURE is located; (4) a geographical location or place which is not located on the land upon which the STRUCTURE is located; or (5) a person. However, any STRUCTURE which meets the definition of a informational SIGN shall not be considered to be a BILLBOARD. (Amendment Ordinance No. 62, 7-14-93)

- (b) Business SIGN - Any STRUCTURE, including the wall of any BUILDING, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the STRUCTURE is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- (c) Real Estate SIGN - Any temporary STRUCTURE used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (d) Identifying SIGN - Any STRUCTURE on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public BUILDING or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public as to the use of a PARKING lot.
- (e) Name Plate - A STRUCTURE affixed flat against the wall of a BUILDING which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the BUILDING.
- (f) Informational SIGN - Any STRUCTURE erected adjacent to a street which identifies, points toward and gives the distance to any public or open-to-the-public BUILDING, off-street Parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event. (Amendment Ordinance No. 62, 7-14-93)

SECTION 3.09 BUILDING. Anything which is constructed or erected, having a roof and used for the shelter or

enclosure of persons, animals or property of any kind.
(Amendment Ordinance No.105 5-12-99)

SECTION 3.10 BUILDING HEIGHT. The vertical distance from the established grade at the center of the front of the BUILDING to the highest point of the roof surface of flat roofs, to the deck line of mansard roofs, and to the mean height level between the eaves and the ridge of gable, hip and gambrel roofs. (Amended Ordinance No.89 03-12-97)

SECTION 3.11 BUILDING SETBACK. The minimal horizontal distance a BUILDING or STRUCTURE, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

SECTION 3.12 CREST. The highest natural plane which crowns a dune.

SECTION 3.13 DWELLING. Any BUILDING or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins- or Mobile Homes.

- (a) DWELLING, Single Family - A BUILDING designed for use and occupancy by one (1) family only.
- (b) DWELLING, Two Family - A BUILDING designed for use and occupancy by two (2) families only.
- (c) DWELLING, Multi Family - A BUILDING designed for use and occupancy by three (3) or more families.

SECTION 3.14 DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

SECTION 3.15 FAMILY. One (1) or more persons occupying a single DWELLING unit and using common cooking facilities; provided, however, that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than five (5) persons.

SECTION 3.16 FARM GENERAL. Any tract of land, regardless of size or area, devoted to general agricultural activities not involving animals for general commercial purposes, such

as field crops, truck farming, orchards and nurseries. Such farms may include related DWELLING units, customary barns, and similar BUILDINGS. Infrequent casual sales shall not be construed as "general commercial purposes" under this definition.

SECTION 3.17 FARM SPECIALIZED. Any tract of land used for specialized animal operations, such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or establishments keeping fur-bearing animals or game, or operating fish hatcheries. Such farms may include related DWELLING units, customary barns, and similar BUILDINGS.

SECTION 3.18 FLOOR AREA. The gross FLOOR AREA of all floors of a BUILDING or an addition to an existing BUILDING. For all BUILDINGS not used for DWELLING purposes, the basement FLOOR AREA shall be included except that part which contains heating and cooling equipment and other basic utilities. For all BUILDINGS used for DWELLING purposes, the basement FLOOR AREA shall not be included. The FLOOR AREA measurement is made from the exterior faces of the exterior walls and is exclusive of areas of unfinished attics, private attached garages, breezeways and enclosed and unenclosed porches. (Amendment Ordinance No.105, 5-12-99)

SECTION 3.19 FOREDUNE RIDGE. The first landward sand dune formation along the shoreline of Lake Michigan.

SECTION 3.19A HIGH WATER MARK. As determined by the Michigan Department of Environmental Quality or some successor state agency having jurisdiction. If no determination has been made, then "HIGH WATER MARK" shall be the line between upland and bottomland that 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 the vegetation. (Amendment Ordinance No. 105 5-12-99)

SECTION 3.20 HOME OCCUPATION. An occupation customarily conducted within a DWELLING by its occupants as a subordinate use.

SECTION 3.21 HIGH DUNE. Higher in elevation and older in age than the foredune, located landward to the foredune.

SECTION 3.22 IMPROVEMENTS. Those features and actions-associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, PARKING areas and landscaping.

SECTION 3.23 JUNKYARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used BUILDING materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

SECTION 3.24 KENNEL. Any land, BUILDING or STRUCTURE where SMALL ANIMALS are kept in numbers that exceed those automatically permitted by right (i.e. without a SPECIAL LAND USE PERMIT) according to the terms of this Ordinance. (Amended Ordinance No. 59, 11-11-92)

SECTION 3.25 LOT AND LOT WIDTH. A piece or 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, together with such OPEN SPACES as are required by this Ordinance.

- (a) Area, LOT - The total area encompassed within the lines of a parcel or piece of property, excluding street or road right-of-ways.
- (b) Corner LOT - A LOT located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a LOT abutting upon a curved street or streets if tangents to the curve at the two (2) points where the LOT lines meet the centerline curve from an interior angle of one hundred thirty-five (135) degrees or less.

- (c) Depth, LOT - The distance between the front and rear LOT lines. In case of irregularly shaped parcels, the depth shall be measured to the most remote part of the parcel which contains the minimum LOT width required by this Ordinance. (Amendment Ordinance No.105 5-12-99)
- (d) Double Frontage LOT - Any LOT, excluding a corner LOT, which fronts on two (2) streets which do not intersect.
- (e) Width, LOT - The continuous distance between the side LOT lines, measured at the minimum BUILDING setback line and at right angles to the LOT depth.

SECTION 3.26 MOBILE HOME OR HOUSE TRAILER. A detached residential DWELLING unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a DWELLING without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation. In the event of any controversy concerning whether or not a particular unit is included within the foregoing definition, the Zoning Board of Appeals shall have the right and authority to determine whether the same is so included, based upon the similarity of the unit involved to the customary DWELLING unit known as a mobile home or to a standard constructed home.

- (a) Single Wide - a mobile home with a longitudinal width of no greater than fourteen (14) feet for its full length.
- (b) Double Wide - a combination of two (2) MOBILE HOMES designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

SECTION 3.27 MOBILE HOME LOT. A measured parcel of land within a mobile home park which is delineated by LOT lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

SECTION 3.28 MOBILE HOME PAD. That portion of a mobile home lot reserved for the placement of a MOBILE HOME, appurtenant STRUCTURES, or additions.

SECTION 3.29 MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of MOBILE HOMES on a rental basis for non-transient use.

SECTION 3.30 MOBILE HOME SUBDIVISION. A MOBILE HOME park except that the MOBILE HOME lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

SECTION 3.30A MODULAR HOME. A DWELLING which consists of prefabricated units transported to the BUILDING site upon a separate vehicle or flatbed trailer and having no wheels, metal undercarriage or chassis, as distinguished from a mobile home. Such modular home shall be considered a single-family DWELLING under the Zoning Ordinance of the Township and subject to all requirements thereof.

SECTION 3.31 MOTEL. A BUILDING or group of BUILDINGS on the same lot, whether detached or in connected rows, containing sleeping or DWELLING units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any BUILDING or BUILDING groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 3.32 MOTOR VEHICLE. Every vehicle which is self-propelled.

SECTION 3.33 PARKING AREA, SPACE OR LOT. An off street open area, the principal use of which is for the PARKING of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. PARKING area shall include access drives within the actual PARKING area.

SECTION 3.34 PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for PARKING motor vehicles.

SECTION 3.35 PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

SECTION 3.36 PLANNING COMMISSION. The Laketown Township Planning Commission.

SECTION 3.36A POND. Any outdoor 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 (2) feet when filled to capacity. (Amended Ordinance No.74, 04-12-95)

SECTION 3.37 PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 3.38 ROADSIDE MARKET STAND. A temporary BUILDING or STRUCTURE designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 3.38A STABLES. Any land, BUILDING or STRUCTURE where LARGE HOOFED ANIMALS or SMALL HOOFED ANIMALS are kept in numbers that exceed those automatically permitted by right (i.e. without a SPECIAL LAND USE PERMIT) according to the terms of this Ordinance, or where LARGE OR SMALL HOOFED ANIMALS are available for hire by the general public. (Amended Ordinance No. 59, 11-11-92)

SECTION 3.39 STREET. A publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

SECTION 3.40 STRUCTURE. Anything except a BUILDING which is constructed or erected on the ground or attached to something having location on the ground or underground. (Amendment Ordinance No.105, 5-12-99)

SECTION 3.41 TOURIST HOME. A BUILDING, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

SECTION 3.42 TOWNSHIP BOARD. The Laketown Township Board.

SECTION 3.43 TOWNSHIP. Laketown Township, Allegan County, Michigan.

SECTION 3.44 TRAVEL TRAILER. A transportable unit intended for occasional or short-term occupancy as a DWELLING unit during travel, recreational, or vacation use.

SECTION 3.45 USABLE FLOOR AREA. The FLOOR AREA of a DWELLING exclusive of garages, porches, basement or utility area.

SECTION 3.46 VEHICLE. Every device in, upon, or 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.

SECTION 3.47 YARD. A required open space unoccupied and unobstructed by any BUILDING or STRUCTURE. Fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture unattached to any BUILDING may be permitted in any YARD subject to height limitations and requirements limiting obstruction of visibility. (Amendment Ordinance No. 105, 5-12-99)

SECTION 3.48 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 nearest portion (excluding any roof overhang) of the BUILDING or STRUCTURE. In the case of waterfront lots, the YARD fronting on the street shall be considered the front YARD. (Amendment Ordinance No. 68, 5-11-94)

SECTION 3.49 YARD - REAR. A YARD, unoccupied except for ACCESSORY BUILDINGS and except for STRUCTURES sixteen (16) inches or less above the general ground level of the lot, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest portion (excluding any roof overhang) of the main BUILDING. (Amendment Ordinance No.105, 5-12-99)

SECTION 3.50 YARD - SIDE. A YARD between a 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 portion (excluding any roof overhang) of the BUILDING. (Amendment Ordinance No. 68, 5-11-94)

SECTION 3.51 ZONING ACT. Michigan Act 110 of 2006, as amended. (Amendment Ordinance No. 145. 2-14-07)

SECTION 3.52 ZONING INSPECTOR. The Laketown Township Zoning Inspector.

SECTION 3.53 SATELLITE DISH ANTENNA. An antenna or dish antenna or other apparatus intended to receive communication signals from a satellite or transmitter relay located in planetary orbit. (As amended - 5/8/85)