

## CHAPTER 2 DEFINITIONS AND INTERPRETATION RULES

AMD 2/2022 Sect. 2.17

### SECTION 2.01 RULES APPLYING TO TEXT

- A. If the meaning of a provision of this Ordinance is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of this Ordinance or law.
- B. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- D. The particular shall control the general. For terms used in this Ordinance, the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a “drug store,” as used in this Ordinance, shall not be interpreted to be the same as a “retail store,” since each is listed as a separate and distinct use.
- E. 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.
- F. A “building” or “structure” also includes any part thereof.
- G. The word “person” includes an individual, a corporation, a partnership, a limited liability company or corporation, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - a. “And” indicates that all connected items, conditions, provisions, or events shall apply.
  - b. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

## **SECTION 2.02      DEFINITIONS – A**

### **ACCESSORY BUILDING**

Except as otherwise specified by this Ordinance, a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by, used, or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

### **ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the principal use of the land or building.

### **ADULT USES**

The term shall include adult bookstore, adult motion picture theater, adult motel, adult nightclub, and massage parlor. These terms and terms related to these definitions, as noted, shall have the following indicated meanings:

A.      **Adult Bookstore**

An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing “Sexual Conduct” or “Specified Anatomical Areas.”

B.      **Adult Motion Picture Theater**

An enclosed building used for presenting material distinguished or characterized by an emphasis on depicting or describing “Sexual Conduct” or “Specified Anatomical Areas.”

C.      **Adult Motel**

A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing “Sexual Conduct” or “Specified Anatomical Areas.”

D.      **Adult Nightclub**

A theater or other establishment, which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers or similar entertainers, where these performances are distinguished or characterized by an emphasis on “Sexual Conduct” or “Specified Anatomical Areas.”

E.      **Massage Parlor**

An establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms of physiotherapy, unless operated by a medical practitioner, professional physical therapist or chiropractor licensed by the State of Michigan. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar

establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

F. Sexual Conduct

Considered to be characterized by, but not limited to, the following acts:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

G. Specified Anatomical Areas

Considered to be defined by, but not limited to, the following areas:

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

## AGRICULTURE

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

## ALLEY

A public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

## ALTERATIONS

Any change, addition or modification to and in the construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

## ANIMAL UNITS

Animal units are defined as listed in the U.S. Code of Federal Regulations (CFR) 40 Section 122, Appendix A, as provided below.

<b>Animal Units</b>	50	250	500	750	1,000
<b>Animal Type<sup>1</sup></b>	<b>Number of Animals</b>				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine <sup>2</sup>	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

<sup>1</sup> All other animal classes or types or sizes (e.g. nursery pigs) not in this table, but defined in the Michigan Right to Farm Act, Act 93 of 1981 of the Public Acts of Michigan, as amended, or described in Michigan Commission of Agriculture Policy, are to be calculated as one thousand (1,000) pounds live weight equals one (1) animal unit.

<sup>2</sup> Weighing over fifty-five (55) pounds.

## ARCHITECTURAL FEATURES

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

## AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. 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 or structure being measured.

### **SECTION 2.03      DEFINITIONS – B**

#### **BANK**

The rising ground bordering a watercourse, river, lake or reservoir.

#### **BASEMENT OR CELLAR**

A portion of a building having more than one-half ( $\frac{1}{2}$ ) of its height below grade.

## BED AND BREAKFAST ESTABLISHMENT

A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

## BOARD OF APPEALS, or BOARD

The Big Prairie Township Zoning Board of Appeals. See also ZONING BOARD OF APPEALS, or BOARD.

## BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

## BUILDING

An independent structure, either temporary or permanent, having a roof or canopy supported by columns, poles, walls, or any other support used for the enclosure, protection, or storage of persons, animals, objects, vehicles, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

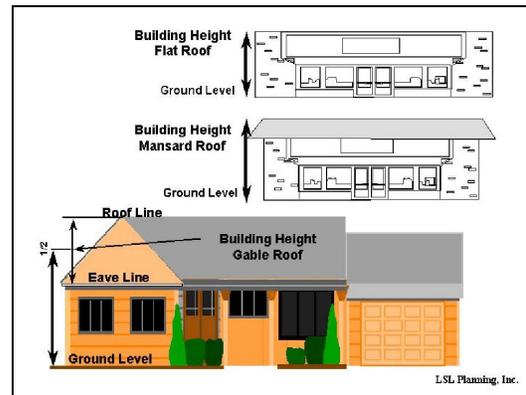
## BUILDING HEIGHT

### Accessory:

The building height is the vertical distance measured from the established grade to the eaves.

### All Others:

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the height shall be measured at the average grade.



## BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

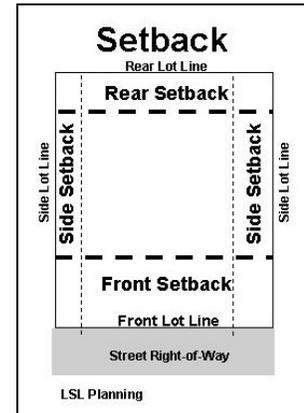
## BUILDING PERMITS

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township's Building Code.

## BUILDING SETBACK LINES

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as required by this Ordinance.

- A. Front Building Setback Line. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area. (NOTE: For lots with frontage on a body of water, the front building setback line may be measured in a different fashion as provided elsewhere in this Ordinance.)
- B. Rear Building Setback Line. The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area. (NOTE: For lots with frontage on a body of water, the rear building setback line may be measured in a different fashion as provided elsewhere in this Ordinance.)
- C. Side Building Setback Lines. Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



## SECTION 2.04 DEFINITIONS – C

### CABIN

any building or similar structure, less than five hundred (500) square feet on the ground will be exclusive for licensed commercial hotels or motels, County or Township Parks, which is maintained and used as sleeping quarters for paying transients.

### CAMPGROUND TYPES

#### A. Modern

A tract of land with designated lots to be used for recreational overnight stays and some utility hookups are provided at the lot site (i.e., electric, water, septic).

#### B. Primitive

A tract of land with designated lots to be used for recreational overnight stays whereby no utility hookups are provided at the lot site.

#### C. Temporary

A tract of land where recreational units are accommodated on a temporary or short time as is (two weeks maximum.) See Section 3.31 A - 6 TEMPORARY EVENTS

### CARPORT

A covered motor vehicle parking structure accessory to a principal building. It may be free standing or attached to another structure. A carport cannot exceed 1,000 square feet in area or

one story in height. It must be entirely open on two or more sides except for structural supports. There can be no enclosed use above a carport. Any structure that does not meet the above definition must comply with all regulations relating to a garage.

#### CLINIC

A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

#### COMMERCIAL

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period.

#### CONVALESCENT OR NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. The convalescent or nursing home shall conform to, and qualify for, license under applicable State law.

### **SECTION 2.05        DEFINITIONS – D**

#### DAY CARE

A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Day Care Center.

##### A.     Day Care Home, Family

A single-family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

##### B.     Day Care Home, Group

A single-family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

##### C.     Day Care Facility, Commercial

A non-residential facility where care is provided for any number of children or adults for periods of less than twenty-four (24) hours per day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Commercial Day Care.

#### DISTRICT

A zoning district pursuant to this Ordinance.

#### DRIVE-IN OR DRIVE-THROUGH FACILITIES

A commercial or other establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

#### DWELLING, OR DWELLING UNIT

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

A. Dwelling, Multiple Family

A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in the building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

B. Dwelling, Two-Family

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in the building. It may also be termed a duplex.

C. Dwelling, Single Family (Detached)

A detached building used or designed for use exclusively by one (1) family.

### **SECTION 2.06      DEFINITIONS – E**

#### 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 erection.

#### ESSENTIAL PUBLIC SERVICES

The phrase “essential public services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessory structures reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general welfare, but not including cellular telephone or communications towers or buildings, nor including those buildings that are primarily enclosures or shelters of the above essential service equipment.

## EXCAVATING

Excavating shall be the removal, digging, or moving of soil or earth below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.

## **SECTION 2.07        DEFINITIONS – F**

### FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

### FARM

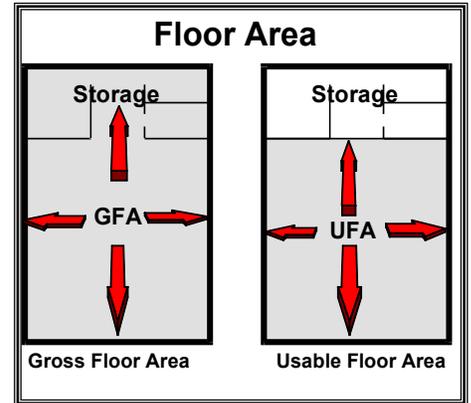
The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

### FENCE

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

FLOOR AREA, GROSS (GFA) (as associated with commercial or industrial uses)

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half ( $\frac{1}{2}$ ) of the basement height is above finish lot grade. (See Basement.)
- B. Gross floor area shall not include attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area.



#### FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. For a dwelling unit, the following areas shall not be considered part of the usable floor area: attics, garages, outdoor decks or porches, or basements (whether finished or not).

#### FORESTRY OPERATION

Any activity conducted on or directly pertaining to forestland and relating to growing, harvesting, or processing timber, including, but not limited to:

- Road and trail construction
- Harvesting, final and intermediate
- Pre-commercial thinning
- Reforestation
- Fertilization
- Prevention and suppression of diseases and insects
- Salvage of trees
- Control of vegetation
- Planting

“Forest Practice” shall not include preparatory work such as tree marking, surveying, and road flagging; clearing for construction purposes; or removal or harvest of incidental vegetation from forestlands, such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

#### FRONTAGE

Depending upon the context in this Ordinance, the portion of a lot abutting, adjoining, or having frontage on a body of water, road, or street. Please also see “Lot Width.”

**SECTION 2.08      DEFINITIONS – G**

**GARAGE**

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located.

**SECTION 2.09      DEFINITIONS – H**

**HOME OCCUPATION**

An occupation customarily conducted within a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family detached residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**HOSPITAL**

An institution providing health services, primarily for in-patients and medical or surgical care, including as an integral part of the institution, related facilities *such* as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

**HOTEL OR MOTEL**

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

**SECTION 2.10      DEFINITIONS – I**

**INOPERATIVE VEHICLES**

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

**INTENSIVE LIVESTOCK OPERATIONS**

- A. A total of seven hundred and fifty (750) dairy cattle (all classes); seven hundred and fifty (750) slaughter or feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes); five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or
- B. A population per acre of at least four (4) dairy cattle, four (4) slaughter or feeder cattle, twenty (20) swine, seven hundred (700) poultry, ten (10) sheep or goats, or four (4) horses.

**SECTION 2.11      DEFINITIONS – J**

**JUNK**

Any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; trash; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

## JUNK YARD

The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) 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 lawful uses established entirely within enclosed buildings.

### **SECTION 2.12      DEFINITIONS – K**

## KENNEL

Any lot or premises on which four (4) or more dogs or cats, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

### **SECTION 2.13      DEFINITIONS – L**

## LAWN

Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

## LIVING SPACE (with respect to residential uses)

That part of a dwelling that is normally occupied including bedroom, kitchen, bathroom and gathering areas it excludes storage areas such as closets, attics, basements and garages. In order for a basement to qualify as living space, it must be finished for living purposes and each qualifying room shall have a second form of egress under the building code.

## LOADING SPACE

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

## LOT

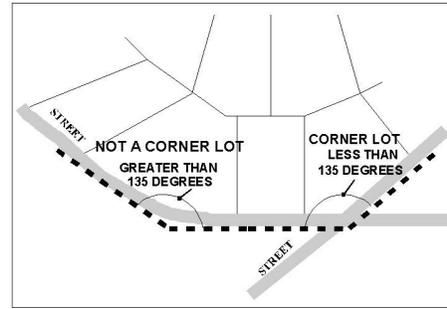
A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word “lot” shall include platted lot, plot or parcel. A lot need not be a “lot of record.” A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use (often called a “unit” or “site condominium unit”).

## LOT AREA

The total horizontal area within the lot lines of a lot excluding a public road right-of-way and any private street easement or right-of-way.

**LOT, CORNER**

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.



**LOT COVERAGE**

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

**LOT DEPTH**

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

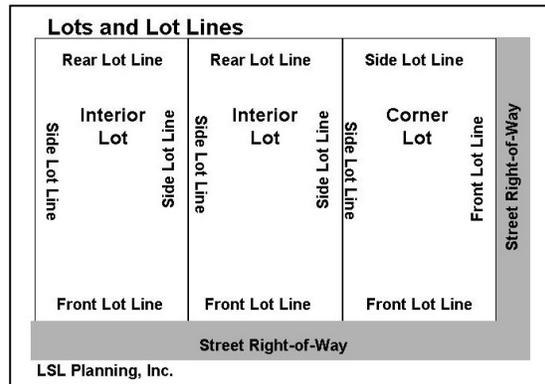
**LOT, INTERIOR**

A lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT LINES**

The property lines bounding the lot.

- A. **Front Lot Line.** The line separating the lot from the abutting public or private street right-of-way. A corner or through lot shall have a front lot line abutting each adjacent public or private street right-of-way. (NOTE: For lots with frontage on a body of water, special rules may apply as provided elsewhere in this Ordinance.)



- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of a rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot). (NOTE: For lots with frontage on a body of water, special rules may apply as provided elsewhere in this Ordinance.)

- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD**

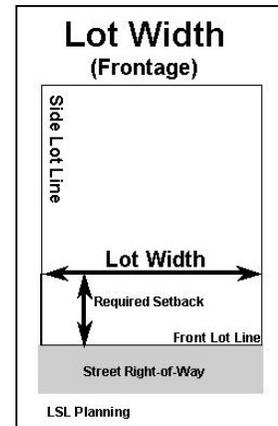
A lot which lawfully exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lawful lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

#### LOT, THROUGH

A lot other than a corner lot having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where the structures presently front.

#### LOT WIDTH

The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines.



### **SECTION 2.14      DEFINITIONS – M**

#### MAIN BUILDING

The building or structure in which the principal use of the lot or parcel is located. Storage buildings, garages, and other accessory uses and structures shall not be considered main buildings.

#### MANUFACTURED HOME

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. A manufactured home is also commonly referred to as a mobile home or house trailer.

#### MANUFACTURED HOME PARK

A parcel or tract of land under the control of an individual, corporation, limited liability company, the state or any political subdivision thereof, agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

#### MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

#### MASTER PLAN

The Master Plan or Land Use Plan as adopted by Big Prairie Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and

all physical development of the township, and includes any unit or part of the plan and any amendment to the plan.

#### MICRO-BREWER

Means a brewer that is licensed by the state liquor control commission to manufacture and sell to licensed wholesalers beer that is produced by it, and that produces in total less than 30,000 barrels of beer per year, inclusive of all brands and labels of the brewer, whether brewed in the State of Michigan or not.

#### MICRO-BREWERY LICENSE

Means a micro-brewer licensed to sell only beer that it produces, at retail for consumption on or off of the licensed brewery premises.

#### MOTOR HOME

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational use. This term does not include manufactured homes.

### **SECTION 2.15      DEFINITIONS – N**

#### NON-CONFORMING BUILDING

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

#### NON-CONFORMING LOT OF RECORD

A platted lot that conformed with all Township zoning requirements at the time of recording of the plat, which no longer conforms to the zoning regulations and requirements for lot area or dimension, lot width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area or dimension, lot width, or both.

#### NON-CONFORMING USE

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

#### NON-RESIDENTIAL DISTRICT

The NC Neighborhood Commercial, HC Highway Commercial and LI Light Industrial zoning districts.

## **SECTION 2.16      DEFINITIONS – O**

### **OPEN AIR BUSINESS**

Uses operated for profit substantially in the open air, including, but not limited to:

- A.     Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B.     Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, swimming pools, and similar activities but not including farm implements or commercial construction equipment.
- C.     Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.
- D.     Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children’s amusement park or similar recreation uses (transient or permanent).

### **ORDINARY HIGH-WATER MARK**

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 the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

### **ORDINANCE**

Where the word “Ordinance” (capitalized) or “this Ordinance” (capitalized) appears, it generally means the Big Prairie Township Zoning Ordinance, as amended.

### **OUTDOOR FURNACE**

Any device, appliance, and equipment apparatus or structure designed for heating a structure that:

- A.     Is designed, intended and/or used to provide heat and/or hot water to any associated structure.
- B.     Operates by burning wood or any other solid fuel including but not limited to: coal, paper pellets, and agricultural products.
- C.     Is not located within the structure to be heated.
- D.     Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

## OUTDOOR RECREATIONAL FACILITY

Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle or gun ranges, gun club, miniature golf, golf driving ranges, amusement park or similar recreation uses (transient or permanent).

### **SECTION 2.17      DEFINITIONS – P**

#### PARKING LOT

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

#### PARKING SPACE

An off-street space of at least one hundred sixty-two (162) square feet 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.

#### PERSONAL SERVICE ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

#### PLANNED UNIT DEVELOPMENT

The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one (1) owner or organized group.

#### PLANNING COMMISSION

The Big Prairie Township Planning Commission.

#### PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

#### PORCH, OPEN

A covered entrance to a building or structure which is unenclosed except for columns, posts or poles supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

#### POULTRY

Any of the various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys. Not included game fowl.

## PRINCIPAL USE

The primary use of land or structures, as distinguished from accessory uses.

## PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

### **SECTION 2.18      DEFINITIONS – Q**

(RESERVED)

### **SECTION 2.19      DEFINITIONS – R**

## RECREATION VEHICLE OR EQUIPMENT

A vehicle or equipment used for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, motorcycles, ATVs, UTVs, 4-wheelers, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

## RESIDENTIAL DISTRICT

The AR Agriculture, RP Rural Preservation, RR Rural Residential, R-2 Residential, WR Waterfront Residential, and MHC Manufactured Housing Community districts.

## ROAD COMMISSION

The Newaygo County Road Commission.

## ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

### **SECTION 2.20      DEFINITIONS – S**

## SALVAGE YARD

See “Junk Yard”.

## SETBACK

The minimum required horizontal distance from a structure or a building measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area or yard on a lot or parcel.

## SHORELINE

See “Ordinary High-Water Mark”.

#### SIGNIFICANT NATURAL FEATURE

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality, or other appropriate governmental agency, which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

#### SOLAR ARRAY

Group of panels attached to each other.

#### SOLAR ENERGY SYSTEMS

##### A. Off-Grid

“Off-Grid” shall mean a single residential or small business scale solar energy conversion system or solar water or swimming pool heating system consisting of roof panels, ground mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronic, occupying no more than one half (1/2) acre of land that will be used to produce utility power or hot water primarily for on-site users.

##### B. Small

“Small” shall mean a private on-site or utility scale solar energy conversion system or solar water or swimming pool heating system consisting of many ground mounted solar arrays in rows or roof panels, and associated control or conversion electronics, occupying more than one half (1/2) acre and no more than two (2) acres of land that will be used to produce utility power or heated water to on-site users and also utility power to off-site customers.

##### C. Farm

“Farm” shall mean a utility scale solar energy conversion system consisting of many ground mounted solar arrays in rows and associated control or conversion electronics, occupying more than two (2) acres of land that will be used to produce utility power to off-site customers.

#### SOLAR PANEL

Group of photovoltaic cells typically no larger than eighteen (18) square feet.

#### SPECIFIED ANATOMICAL AREAS

Specified anatomical areas are defined as less than completely and opaquely covered:

- A. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

## SPECIFIED SEXUAL ACTIVITIES

Specified sexual activities are defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; and/or
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

## STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. A Residential Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A Group Home Care Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

## STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

## STORY, HALF

That part of a building between a pitched roof and the uppermost full story having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of the full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven (7) feet, at its highest point.

## STREET

- A. Private Street: A private street shall mean any undedicated path, trail, or road which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two (2) or more existing parcels and/or two (2) or more principal buildings, dwelling units, or other structures whether created by a private right-of-way, agreement, license, joint ownership, easement or prescription. Any and all extensions, additions, or branches of or to a private street shall be considered part of the primary private street which abuts the public street. The term "street" also includes "road," "drive," "court" or similar term. A private street shall also include:

1. An access serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by Big Prairie Township Zoning Ordinance, or;
  2. Where two (2) or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road. A private street shall also include a path, street, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement. This definition shall not apply to driveways.
- B. **Public Street:** A public thoroughfare located within a public road right-of way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, drive, court, highway, road, street, and other thoroughfares; except an alley.

## STRUCTURE

Anything constructed, installed or erected, the use of which requires location on the ground or attachment to something on the ground. If the structure exceeds two hundred (200) square feet on the ground it shall be considered permanent and a building permit is required.

## SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

## **SECTION 2.21      DEFINITIONS – T**

### TEMPORARY BUILDING OR USE

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events.

### TEMPORARY EVENT

A use, activity, or event which is normally not allowed within a District, but may be permitted under certain circumstances pursuant to a temporary event permit issued under this Ordinance.

### TOWNSHIP

Big Prairie Township, Newaygo County, Michigan.

### TOWNSHIP ATTORNEY

The person or firm appointed by the Township Board as the attorney for Big Prairie Township.

#### TOWNSHIP BOARD

The Big Prairie Township Board.

#### TOWNSHIP BUILDING INSPECTOR

The person or agency appointed by the Township Board as the Building Inspector for Big Prairie Township.

#### TOWNSHIP ENGINEER

The person or firm appointed by the Township Board as the Engineer for Big Prairie Township.

#### TOWNSHIP PLANNER

The person or firm appointed by the Township Board as the Planner for Big Prairie Township.

#### TRAVEL TRAILER

A trailer mounted on wheels that is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway moving permit based on its size or weight when towed by a motor vehicle, and is less than forty (40) feet in length (including hitches) and less than 102 inches in width.

#### TOWNSHIP ZONING ADMINISTRATOR

The person or firm appointed by the Township Board as the Zoning Administrator for Big Prairie Township. Please also see "Zoning Administrator."

### **SECTION 2.22      DEFINITIONS – U**

(RESERVED)

### **SECTION 2.23      DEFINITIONS – V**

#### VEHICLE REPAIR

Any major or commercial activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

#### VEHICLE SERVICE STATION

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of the commodities on or in the vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

## VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

## VETERINARY HOSPITAL, CLINIC, AND INDOOR KENNEL

Any activity involving the permanent or temporary keeping or treatment of animals operated as a business.

### SECTION 2.24 DEFINITIONS – W

## WATERFRONT LOT

A lot having frontage directly upon a lake, river, or other naturally formed impoundment or stream of water.

## WIRELESS TELECOMMUNICATION SERVICES

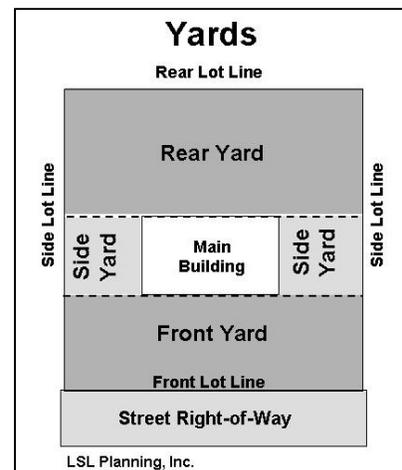
Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

### SECTION 2.25 DEFINITIONS – Y

## YARD

A yard is an open space on the same land with a structure, building, or group of buildings, which open space lies between the structure, foundation of the building, or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



### SECTION 2.26 DEFINITIONS – Z

## ZONING ACT

The Michigan Zoning Enabling Act, Act 110 of 2006 of the Public Acts of Michigan, as amended.

#### ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

#### ZONING BOARD OF APPEALS, OR BOARD.

The Zoning Board of Appeals of Big Prairie Township, sometimes also abbreviated in this Ordinance as the “Zoning Board of Appeals.”

#### ZONING COMPLIANCE PERMIT

Also referred to as a “zoning permit.” Such a permit must be obtained before a use is commenced or a building or structure is constructed or expanded as provided in this Ordinance.