

ARTICLE 2 DEFINITIONS

Section 2.10 Construction of Language

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

- a) **Headings** - Except with respect to the headings contained in Section 2.20, Definitions, the headings which title a section or sub-section of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.
- b) **Illustrations** - The illustrations contained within this Ordinance are intended to describe hypothetical applications of the provisions which refer to them and shall not have the effect of enlarging or restricting the terms and provisions which refer to them, nor shall they be applicable to other provisions of this Ordinance which do not refer to them. In the event of a conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.
- c) **Tense** - When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- d) **Shall and May** - The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.
- e) **Person** - The word "person" shall include a firm, association, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.
- f) **Used or Occupied** - The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".
- g) **Building** - The word "building" includes the word "structure". A building or structure includes any part thereof.
- h) **Dwelling** - The word "dwelling" includes the word "residence".
- i) **Lot** - The word "lot" includes the words "plot"; "parcel"; and "condominium unit site".
- j) **Erected** - The words "erected" or "erection" as applied to any building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- k) **Connection of Words** - Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all the connected items, conditions, provisions or events shall

apply.

- 2) "Or" and "either...or" indicate that the connected items, conditions, provisions, or events may apply singularly or in any combination.
- l) **Control** - The particular shall control the general.
- m) **Terms Not Defined** - Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.20	Definitions
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For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

A - Definitions

ABUTTING (lot or parcel) is a lot or parcel which shares a common border with the subject lot or parcel. Unless otherwise provided for by this Ordinance, parcels separated by a road or alley right-of-way, utility easement, or similar feature shall be considered abutting parcels.

ACCELERATION LANE is an added roadway lane (segment) that permits vehicles to pass on the right, or to merge with the main vehicle stream after achieving a vehicular speed approaching that of the main stream.

ACCESS MANAGEMENT (ACCESS CONTROL) is a technique to improve traffic operations along a roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESS TO PROPERTY, REASONABLE, is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or incorporate certain turning movements normally prohibited if determined necessary for improved public safety and traffic operations.

ACCESSORY BUILDING is a structure subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use. An accessory building shall not include any building used for a dwelling, lodging, or sleeping quarters for human beings. [Refer to General Provisions - Section 3.130.] .

ACCESSORY USE is a use subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use.

ADJACENT (LOT OR PARCEL) is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

ADULT is a person having attained the legal age of adulthood as defined by the laws of the State of Michigan.

ADULT FOSTER CARE:

- a) **ADULT FOSTER CARE FACILITY** is a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1) of the Adult Foster Care Facility Licensing Act (PA 218 of 1979), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, home for the aged, a or hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health, a county infirmary operated by a county department of social services or family independence agency or a child caring institution, each as defined by State statute,
- b) **ADULT FOSTER CARE FAMILY HOME** is a single-family dwelling occupied as such in which one (1) but not more than six (6) or adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a relative or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- c) **ADULT FOSTER CARE SMALL GROUP HOME** is a single-family dwelling occupied as such in which more than six (6) but not more than twelve (12) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a relative or legal guardian.

[Ordinance No. 265, 10/4/2010]

ADULT ENTERTAINMENT USE is any use of land, whether vacant or combined with structures or vehicles thereon, by which the property is devoted to selling, displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting “Specified Sexual Activities” or “Specified Anatomical Areas.” For purposes of this definition, the term significant, as used above and as following, shall be defined as greater than twenty percent (20%) of the total material displayed or exhibited for sale or entertainment purposes. Adult entertainment uses shall include, but not limited to the following: .”

- a) **ADULT MOTION PICTURE THEATER** is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or presenting “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.
- b) **ADULT MINI-MOTION PICTURE THEATER** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing, or presenting “Specified Sexual Activities” or “Specified Anatomical Areas” for

observation by patrons therein.

- c) **ADULT MOTION PICTURE ARCADE** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or present “Specified Sexual Activities” or “Specified Anatomical Areas.”
- d) **ADULT BOOK STORE** is a use which has a display containing books, magazines, periodicals, slides, pictures, video or audio cassettes, or other printed or recorded material which has a significant portion of its content or exhibit matter or actions depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” or an establishment with a significant segment or section devoted to the sale or display of such material.
- e) **ADULT CABARET** is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers, where performances show, depict, or describe “Specified Sexual Activities” or “Specified Anatomical Areas.”
- f) **ADULT MOTEL** is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or presenting “Specified Sexual Activities” or “Specified Anatomical Areas.”
- g) **ADULT MODEL STUDIO** is any place where, for any form of consideration or gratuity, figure models who display “Specified Anatomical Areas” are provided to be observed or sketched. This definition shall not include an accredited State licensed public or private educational institution or bonafide non-profit art’s organization offering art instruction which may involve the exposure of the human body for purposes of sketching or photography as part of a bonafide course.
- h) **ADULT PHYSICAL CULTURE ESTABLISHMENT.** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person, and exposes “Specified Anatomical Areas” of the customer or of the person providing this treatment, manipulation or service or which involves real or simulated “Specified Sexual Activities.” An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:
 - 1) Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a

licensed practical nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional.

- 2) Fitness centers.
 - 3) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - 4) Continuing instruction in martial or performing arts, or in organized athletic activities.
 - 5) Hospitals, nursing homes, medical clinics, or medical offices.
 - 6) Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only.
- i) **ADULT SEXUAL ENCOUNTER CENTER** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas

[Ordinance No. 265, 10/4/2010]

AGRICULTURE shall mean general farming, including horticulture, floriculture, dairying, livestock, poultry raising, farm forestry, and other similar enterprises or uses, provided, however, agriculture shall not include uses which are industrial in orientation. These include, but shall not be limited to, sawmills, wood chipping, and commercial composting. (Refer to **FARM**).

ALLEY is an improved public right-of-way not more than twenty (20) feet in width, nor thirty (30) feet in right-of-way, and which affords only a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

ALTERATION is any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, or roof, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANIMAL, FARM is any animal or fowl customarily raised on a bonafide farm for the production of income such as goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or for consumption by the residents of the premises on which the farm is located.

[Ordinance No. 285, 5/4/2015]

ANIMAL, HOUSEHOLD OR DOMESTIC is an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals. [Ordinance No. 285, 5/4/2015]

ANIMAL, WILD is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family); deer (family); opossum (family); badger, wild dog, coyote, wolf

(family); primate excluding humans (family); bear, raccoon, ferret, skunk, cat (wild family); lemur, spider (poisonous); lizard (poisonous); and, weasel and marten (family).

APIARY is the assembly of one or more colonies of bees at a single location. [Ordinance No. 284, 1/19/2015]

APPEAL is a request or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance as provided for by Act 110 of the Michigan Public Acts of 2006, as amended. [Ordinance No. 265, 10/4/2010]

ANTENNA shall mean any structure or device used for collecting, receiving, or transmitting electromagnetic waves, including, but not limited to: directional antennas, such as panels, microwave dishes, satellite dishes; omni-directional antennas, such as whip antennas; and, other similar devices.

ARCHITECTURAL FEATURE is that feature of a building generally described as a cornice, eave, gutter, sill, lintel, bay window, chimney, and/or decorative ornament.

AUTOMOBILE SERVICE STATION is a building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where minor vehicle repair services may be rendered; however, major vehicle repair is not permitted. An automobile service station may include the retail sale of convenience food items typically consumed on a daily basis, newspapers, and sundry goods. See **VEHICLE REPAIR**. [Ordinance No. 265, 10/4/2010]

B - Definitions

BAR (LOUNGE and PUB) is a commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. [Refer to **RESTAURANT**.]

BASEMENT (CELLAR) as defined by the City's Building Code is that portion of a building in which more than fifty (50) percent of the total perimeter of the floor level is more than four (4) feet below grade, or a floor that at any point is more than eight (8) feet below grade.

BED AND BREAKFAST ESTABLISHMENT is a single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

BEDROOM is a room in a dwelling unit used, or intended to be used, for sleeping purposes by human beings.

BERM is 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.

BILLBOARD - Refer to Article 7, Section 7.20, for definition of billboard.

BOARD OF APPEALS - Refer to **ZONING BOARD OF APPEALS (ZBA)**.

BOAT LOT is a small, water oriented parcel traditionally related by legal description and/or ownership to an adjoining (parent) parcel, but physically separated from the parent parcel by a public or private street or street right-of-way. Notwithstanding the above, boat lots may be sold or otherwise transferred such that they are no longer connected to a parent parcel. Boat lots are used by the residents of the parent parcel or other owner for access to the adjoining body of water. [Ordinance No. 202, 8/18/03]

BREEZEWAY is a covered structure attached to and connecting an accessory building (typically a garage) with the principal building. A breezeway may be unenclosed or enclosed. For purposes of determining yard requirements, the connected structure shall be considered an integral unit of the principal building.

BUFFER ZONE is a strip of land required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a transition area or barrier between zoning districts or land uses. Buffer zones are employed to:

- a) Mitigate negative impacts between zoning districts or land uses involving, but not limited to, such impacts as noise, excessive glare, surface water drainage, snow storage, fugitive dust emissions, visual concerns, trespass, pedestrian and vehicular safety, and property values.
- b) Enhance the visual and aesthetic quality of specific developments and the City as a whole through placement of landscape, maintenance of view corridors, preservation of light and air, and similar factors which result in an improved quality of life.

BUILDING is any structure which is used or erected for the supporting, shelter, or enclosure of persons, animals, or personal property, or for carrying on business activities or other similar uses. This shall include tents, sheds, garages, greenhouses, accessory buildings, or vehicles situated on private property and used for purposes of a building. When a building is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum requirements for side yards as hereinafter provided. Pursuant to this definition, all buildings shall meet the requirements of this Ordinance and appropriate building and health codes based on the use of the building.

BUILDING, EXISTING - Refer to **EXISTING BUILDING**

BUILDING HEIGHT (Including MAXIMUM BUILDING HEIGHT FOR SINGLE AND TWO FAMILY DWELLINGS) is the vertical distance from the finished grade at the perimeter of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard

roof, and to the midpoint between the eaves and ridge of a gable, hip, or gambrel roof subject to the following standards (see Figure 2-1):

- a) Finished grade for height purposes shall be based on the average of the finished grade of each building wall. Minor filling is permitted when establishing a finished grade when accomplished in compliance with Section 3.30, h).
- b) When calculating roof height, the highest point of the roof shall be used.
- c) When eaves are not of the same height throughout the building, the average eave height of the building as a whole shall be determined and used for purposes of measuring permitted building height. The average eave height of the building as a whole shall be calculated based on the height of the longest eave per each wall. In the event the eaves along a wall are of similar length, the lowest eave height shall be used for purposes of averaging.

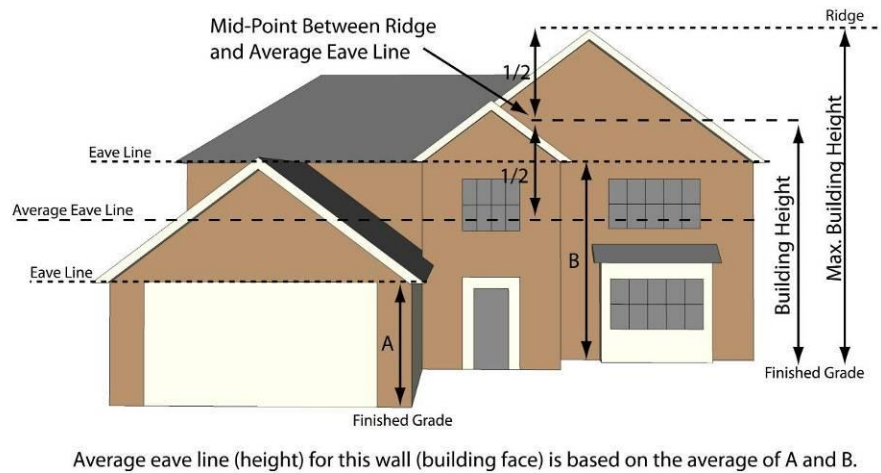


Figure 0-1: Building Height

- d) Gable ends, dormers, or eyebrow window eaves shall not be used in calculating average eave height.
- e) No single-family or two-family dwelling shall contain more than 2.5 stories.
- f) No portion of a single-family or two-family dwelling possessing a mansard, gable, hip, gambrel or other roof with a peak ridge shall exceed a maximum, constructed, height (from the finished grade to the highest point of the roof) of forty-two feet and six inches (42'6"). Chimneys, vents, and other minor items, as approved by the Zoning Administrator, may extend above the height of the built roof by two feet and six inches (2'6").

BUILDING INSPECTOR shall mean the Building Inspector of the City of Ferrysburg, or his/her authorized representative.

BUILDING LINE is a horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

BUILDING, MAIN (also referred to as BUILDING, PRINCIPAL) is a building in which the principal or main use of the lot on which it is situated occurs.

BUILDING PERMIT FOR ZONING COMPLIANCE (also referred to as a **CERTIFICATE of ZONING COMPLIANCE**) is a document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction and/or reconstruction of a structure or building which acknowledges that the use, structure, or building complies with the provisions of this Ordinance. In lieu of a separate instrument, and at the discretion of the City, a Building Permit for Zoning Compliance may be combined as part of a bonafide building permit.

BUILDING SETBACK LINE - Refer to **SETBACK LINE**.

BUSINESS CENTER – A development with two or more attached or detached businesses, on one or more lots, designed as a unit with identifiable boundaries, and served by common features such as shared access and/or parking facilities and signs. Configuration and design shall include such features as: identification by a single name or consistent architectural style, and the appearance or public impression that the center acts as a single facility. This definition includes the term “shopping center.”[Ordinance No. 232, 8/21/06; Ordinance No. 265, 10/4/2010]

C Definitions

CANOPY TREE is a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

CERTIFICATE OF ZONING COMPLIANCE -See **BUILDING PERMIT FOR ZONING COMPLIANCE**.

CHILD CARE CENTER - See **DAY CARE CENTER**.

CHURCH (TEMPLE, SYNAGOGUE) is a building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building or a school providing pre-school or K through 12th grade instruction.

CLINIC-See **MEDICAL CLINIC**

CLUB is a nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMERCIAL DISTRICTS – The S, Service, CC Core Commercial and GC General Commercial zoning districts. [Ordinance No. 273, 12/19/11]

COMMERCIAL USE is a use which 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 offices or recreational or amusement enterprises, or garage, basement, moving, or estate sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period. Commercial use shall not include a public recreational use even though a fee may be charged for the use.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES shall mean licensed commercial 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.

COMMISSION shall mean the City of Ferrysburg Planning Commission, also referred to as "the Commission".

COMMON LAND is a parcel or parcels of land with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision, condominium, planned unit development, or similar land development arrangement.

COMMON OPEN SPACE is an unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the development residents, owners, and occupants, and generally owned and maintained in common by them, often through a homeowners, or similar, association.

COMMUNICATION TOWER (Also referred to as BROADCAST TOWER and TOWER) is a public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, broadcast device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A **Single-User Tower** is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas and/or devices of multiple users as required by this Ordinance. A **Multi-User Tower** is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

COMMUNICATION TOWER BUILDING is a building accessory to a communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other device.

CONDOMINIUM DEFINITIONS [Ordinance No. 265, 10/4/2010]

- a) **CONDOMINIUM ACT** refers to Michigan Public Act 59 of 1978, as amended.
- b) **CONDOMINIUM, GENERAL COMMON ELEMENT** means the common elements other than the limited common elements. General common elements are for the use of all condominium owners.

- c) **CONDOMINIUM, LIMITED COMMON ELEMENT** means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the condominium owners.
- d) **CONDOMINIUM, MASTER DEED** is the condominium document recording the condominium project as approved by the City Council to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project (See also Condominium, Consolidating Master Deed).
- e) **CONDOMINIUM SUBDIVISION PLAN** is the site, survey, and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act and this Ordinance.
- f) **CONDOMINIUM UNIT** is that portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- g) **CONDOMINIUM UNIT SITE** is the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONSTRUCTION is the building, erection, alteration, repair, renovation, demolition, or removal of any building, structure, or structural foundation; or the physical excavation, filling, and grading of any lot other than normal maintenance.

CONVALESCENT HOME (NURSING HOME) is a home for the care of the aged, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty four (24) hour care, wherein three (3) or more persons are cared for. The home shall also conform to, and qualify for license under, applicable State law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).

COUNCIL shall mean the City Council of the City of Ferrysburg.

CUL-DE-SAC is a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

CURB LEVEL is the grade elevation of the curb in front of the center of a building, or proposed building, or the elevation of the traveled street in the event no curb exists.

D Definitions

DAY CARE CENTER (CHILD CARE CENTER) is a facility, other than a private residence, licensed by the State of Michigan, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. [Refer also to **ADULT FOSTER CARE** and **FOSTER CARE**.]

Day care center does not include:

- a) A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.
- b) A commercial enterprise, such as a grocery store, wherein temporary child care is provided on-site for the children of the parents or guardians who are conducting business within the confines of the commercial enterprise coincident with the period of child care.
- c) A place of employment wherein temporary child care is provided for the children of the parents or guardians who are working for the place of employment coincident with the hours of employment for those parents or guardians.

The above definitions do not preclude compliance of child care operations with other applicable local, state, and federal regulations.

DAY CARE HOME, FAMILY is a single-family dwelling occupied as such in which one (1) but less than seven (7) children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

DAY CARE HOME, GROUP is a single-family dwelling occupied as such in which seven (7) but less than twelve (12) children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children and/or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

DECELERATION LANE is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DENSITY, unless otherwise stated, is the number of dwelling units situated on or to be developed per gross acre of land.

DETENTION FACILITY is a facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

DEVELOPMENT is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DISTRICT is a portion of the City within which a certain use or uses of land and/or buildings are permitted and within which certain regulations, standards, and requirements apply under the provisions of this Ordinance. District may also be referred to as a Zone District. The location of zone districts shall be as depicted on the Official Zone District Map of the City of Ferrysburg.

DRAINAGEWAYS AND STREAMS are existing permanent or intermittent water courses.

DRIVE-THROUGH BUSINESS is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

DRIVEWAY is an improved public or private passageway providing vehicular ingress to, and vehicular egress from, a public or private road to or from a lot, parcel, or building on abutting grounds.

DWELLING, MULTIPLE FAMILY is a building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE FAMILY is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

DWELLING, TOWNHOUSE is a series of three (3) or more attached dwelling units sharing a common wall and designed in row (linear) fashion with all units having a ground floor location and no units above or below. Each unit is designed with an individual entry for exclusive use and occupancy by a household or family living independently of each other. The dwelling units within townhouses may function as apartments and/or as owner-occupied units. Townhouses may also be referred to as **ROW HOUSING** or **GARDEN APARTMENTS**. [Ordinance No. 265, 10/4/2010]

DWELLING, TWO FAMILY (DUPLEX) is a building containing two (2) dwelling units designed for exclusive use and occupancy by two (2) families living independently of each other.

DWELLING UNIT is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one (1) family, with

no ingress or egress through any other dwelling unit. In no case shall a recreational vehicle, trailer coach, automobile chassis, tent or portable building be considered a dwelling unit. In cases of mixed occupancy where a building is used in part as a dwelling unit, the part so used shall be deemed a dwelling unit for purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING UNIT, ATTACHED is a dwelling unit attached to one or more dwelling units by common major structural elements or features such as a wall, garage, carport, breezeway, deck, or like feature.

DWELLING UNIT, DETACHED is a free-standing dwelling unit which has no attachment to any other dwelling unit.

E Definitions

EASEMENT is a grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

EFFICIENCY UNIT is an attached residential living unit consisting of one (1) room, exclusive of bathroom (but having access to a shared bathroom), kitchen, hallway, or dining area, and providing not less than the minimum floor area required by this Ordinance (Section 9.150 b)).

ELDER CARE ASSISTED HOUSING (HOUSING FOR THE ELDERLY) is a residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. The facility shall be licensed as a "Home for the Aged" by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948. [Refer to **CONVALESCENT HOME (NURSING HOME)**.]

ERECTED shall mean built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction purposes. Excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL PUBLIC SERVICE is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or private entities under public regulation, of underground or overhead gas, electrical, steam or water transmission or distribution systems, or communication systems, including poles, wires, fiber optic systems, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, (but not including buildings and storage yards) reasonably necessary for the furnishing of adequate service by each public utility, municipal department or commission, or private entity under public regulation for

the public health, safety, or general welfare. Essential services shall not include communication towers or antennas or wind energy conversion systems (WECS). [Ordinance No. 265, 10/4/2010]

ESSENTIAL PUBLIC SERVICE BUILDING is a building or structure accessory to an essential public service, such as a drop-off station for residential recyclables, vehicle garage, telephone exchange building, electricity transformer station or substation, gas regulator station, and facilities of a similar nature.

ESSENTIAL PUBLIC SERVICE STORAGE YARD is an outdoor storage area accessory to an essential public service.

EXCAVATION is any breaking of ground, except common household gardening and ground care.

EXISTING BUILDING is a building existing, or a building for which a legal building permit has been issued and the foundations are in place prior to the adoption of this Ordinance.

EXISTING USE is the use of land, the use of waters adjacent to land, and the use of buildings and structures existing prior to the adoption of this Ordinance, or for which use approval has been granted according to the provisions of this Ordinance.

F Definitions

FAMILY

- a) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit; or,
- b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include a penal institution, halfway house, correctional facility, society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, jail or prison term, or terms of other similar determinable period.

FARM means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. [Ordinance No. 285, 5/4/2015]

FARM OPERATION means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- a) Marketing produce at roadside stands or farm markets.
- b) The generation of noise, odors, dust, fumes, and other associated conditions.
- c) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- d) Field preparation and ground and aerial seeding and spraying.
- e) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- f) Use of alternative pest management techniques.
- g) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- h) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- i) The conversion from a farm operation activity to other farm operation activities.
- j) The employment and use of labor.

[Ordinance No. 285, 5/4/2015]

FARM PRODUCT means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. [Ordinance No. 285, 5/4/2015]

FENCE is an accessory structure intended for use as a barrier to property ingress or egress; a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; and/or, a screen for decorative use. In addition to man made material, a fence may include hedges, shrubs, or other similar plant material if so arranged, designed, and of a character suitable to accomplish the intended purpose of a fence. Fence shall also include any associated gate.

FILLING is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care. Filling shall not constitute a hazard to the receiving soils or groundwater.

FINANCIAL SERVICES shall mean banks, savings and loan institutions, credit unions, brokerage houses, and similar financial establishments.

FLOOD OR FLOODING is a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland waters.
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA is land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (FIRM) is an official map of the City of Ferrysburg on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the flood risk premium zones applicable to the City.

FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Administration (FEMA) containing local flood profiles, the base flood water surface elevation, and may include a Flood Hazard Boundary - Floodway Map.

FLOODPLAIN is any land area susceptible to being inundated by water from any source (see also Flood).

FLOODWAY is the channel of a river, creek, or other watercourse and the adjacent land areas which must be reserved in order to discharge a flood.

FLOOR AREA, GROSS shall be the sum of the horizontal areas of each story of a building, measured from the exterior faces of the exterior walls, exclusive of uninhabitable attics or basements having headroom of seven (7) feet or less. (See Figure 2-2)

FLOOR AREA, RESIDENTIAL shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls,

exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways, and enclosed or unenclosed porches. (See Section 9.150 b)).

FLOOR AREA, USABLE shall be that area used for the sale of merchandise and services, or for use to serve patrons, clients, or customers. The floor area which is used or intended to be

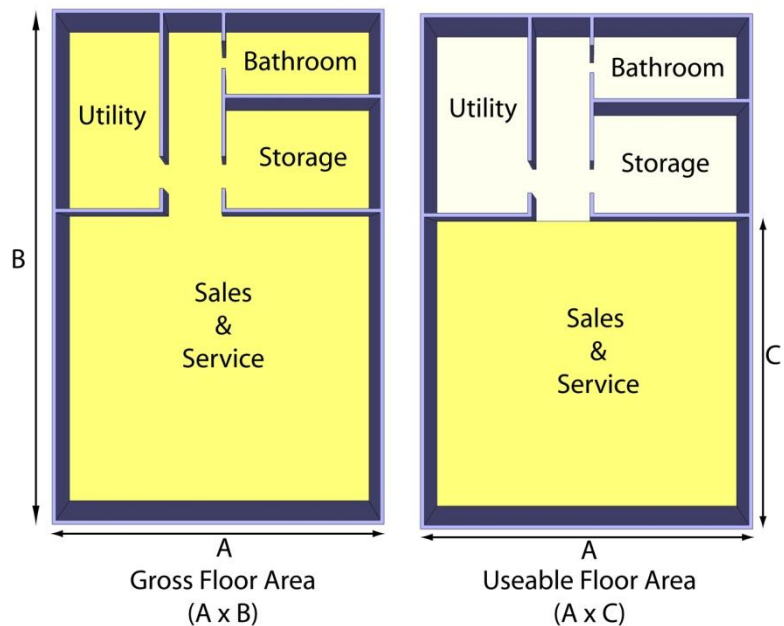


Figure 0-2: Floor Area

used principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, mechanical areas, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and shall include total usable floor area for all floors. (See Figure 2-2)

FOOD shall include any substance taken into and assimilated by an animal to keep it alive and enable it to grow and repair tissue.

FOSTER FAMILY HOME is a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (chapter X of the probate code of 1939, 1939 PA 288), are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FOSTER FAMILY GROUP HOME means a private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (chapter X of the probate code of 1939, 1939 PA 288), are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FRONTAGE is the continuous linear distance along which a parcel of land fronts on a public or private street, measured along the line where the property abuts the public street right-of-way or private road easement.

FRONTAGE (SERVICE) DRIVE (ROAD) is 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 one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which is directly connected to parking or is used as a maneuvering aisle within a parking area is not considered a frontage road. (See Figure 2-3)



Figure 0-3: Frontage Drive

G Definitions

GARAGE is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, and customarily associated therewith. A garage, as defined herein, shall not involve vehicle servicing for compensation. [Refer to **VEHICLE REPAIR**.]

GARAGE, PUBLIC - Refer to **VEHICLE REPAIR**

GARAGE SALE - The sale of miscellaneous used items commonly associated with residential use, conducted on a residential property. Garage sales shall not include the sale of a single item or commodity. The term “garage sale” includes “yard sale,” “rummage sale” and similar terms commonly used to describe sales of used items conducted on a residential property. [Ordinance No. 265, 10/4/2010]

GARBAGE - Any decomposed, rotting, rotten, putrid, or similar organic matter including, but not limited to, animal or vegetable waste, animal or vegetable by-products in a decomposed or rotting state, or other similar organic matter and materials.

GARDEN CENTER (NURSERY) is a non-farm commercial establishment primarily associated with the retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

GASOLINE STATION is a business that primarily sells vehicle fuels to the motoring public and which does not provide other vehicle-related services except as may be permitted by this Ordinance. A Gasoline Station may include the sale of convenience food items and sundry commodities. [Ordinance No. 265, 10/4/2010]

GATE - Refer to **FENCE**.

GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES means those practices as defined by the Michigan Commission of Agriculture. The commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University College of Agriculture and Natural Resources Extension and the Agricultural Experiment Station in cooperation with the United States Department of Agriculture Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations. [Ordinance No. 285, 5/4/2015]

GLARE is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE (GRADIENT) is the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one-hundred (100) feet would be expressed as a grade of twenty-five (25) percent.

GRADE, (FINISHED GRADE) is 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 lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure. [Refer to **BUILDING HEIGHT**].

GRADE, NATURAL is the elevation of the ground surface in its natural state, before construction begins.

GREENBELT is a vegetated strip of land no less than five (5') feet in width (or greater if required by other provisions of this Ordinance) which, except for plantings and fencing, shall not be used for placement of structures. In certain instances, greenbelts shall contain landscaping of such type and density to screen adjacent properties from either complete or partial view. A greenbelt is often referred to as a *Landscape Screen* (see Figure 2-4). [Refer to **LANDSCAPE SCREEN**].



Figure 0-4: Greenbelt

H Definitions

HIVE is a honeybee hive, being a nucleus colony or a standard size colony. [Ordinance No. 284, 1/19/15]

HOME OCCUPATION is a gainful occupation conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit and meeting the required *Home Occupation Requirements* of this Ordinance.

HOSPITAL is a state licensed medical establishment whose facilities provide in-patient and out-patient accommodation and care, a wide range of medical and surgical care, and other in-patient, out-patient, and emergency health services for sick, ailing or injured persons; and including those related facilities as examination rooms, rehabilitation facilities, laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

HOTEL is a building in which transient lodging or boarding are offered to the public for compensation. The design of a hotel is typically such that all patrons enter the building via a central or main lobby area and move to respective sleeping rooms without having to exit the building. Unlike a motel, patron parking is often concentrated to a confined location rather than dispersed throughout the site. A hotel may contain restaurants, gift and specialty shops, and lounges provided these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a bed and breakfast establishment, multiple family dwelling, motel, or similar facility.

I Definitions

INDOOR RECREATION ESTABLISHMENT is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, billiard establishments, and

racquetball and tennis clubs. Indoor recreation establishments do not include video establishments or video arcades. [Refer to **VIDEO ESTABLISHMENTS.**]

INDUSTRIAL DISTRICTS – The LI Light Industrial zoning districts (LI-1, LI-2, and LI-3) and the PI, Port Industrial District. [Ordinance No. 273, 12/19/11]

INOPERABLE VEHICLE is a motor vehicle which is no longer able to propel itself, fails to comply with the laws of the State of Michigan regulating safety equipment for motor vehicles, is significantly dismantled, or is unlicensed.

INSTITUTIONAL USES are churches, synagogues, temples, schools, hospitals, libraries, museums, governmental uses (e.g. City Hall, Police Department, Fire Department, etc.) and other similar public or semi-public uses. Institutional uses do not include nursing homes, convalescent homes, elder care facilities, adult foster care facilities, and half-way houses. [Refer to **PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES, AND USES.**]

J Definitions

JUNK (SALVAGE MATERIAL) shall mean any worn out or discarded materials including, but not necessarily limited to, yard debris, scrap metal, scrap paper, scrap lumber, other scrap and discarded materials, and any inoperable motor vehicles, machinery, appliances, or products. Junk includes the above materials whether they are to be landfilled, recycled, sold, or used in some other way. Junk shall not include garbage. [Refer to **GARBAGE.**]

JUNK YARD (RECYCLING/SALVAGE YARD) is any land or building used for the storage, sorting, dismantling, baling, salvaging, recycling, and/or sale of junk. Junk yard shall not include residential or municipal garden or leaf composting, a municipal dump or municipal landfill, or drop-off stations for residential recyclables.

K Definitions

KENNEL is any land, building, or structure where four (4) or more cats and/or dogs, including any combination of the two animals, over six (6) months of age are either permanently or temporarily boarded, housed, bred, or sold.

KEYHOLE is the condition in which one shoreline lot or parcel serves as a water body access point for several backlots (lots which do not abut the shoreline) or for the funneling of pedestrians and water craft originating from locations other than the shoreline lot over which access to a water body will occur. [Ordinance No. 202, 8/18/03]