

## 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**

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

**A - Definitions**

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**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 ENTERTAINMENT USE** is any use of land, whether vacant or combined with structures or vehicles thereon, by which said 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 MASSAGE PARLOR** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment exposes “Specified Anatomical Areas” of the customer or of the person providing such treatment, manipulation or service or which involves real or simulated “Specified Sexual Activities.” This definition shall not include services provided by a medical doctor, osteopathic physician, or chiropractor licensed by the State of Michigan as a medical professional, or similarly licensed professional providing massage therapy as part of a bonafide health procedure.
- h) **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.
- 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.”

**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 horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or for consumption by the residents of the premises on which the farm is located.

**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).

**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 207 of the Michigan Public Acts of 1921, as amended.

**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 services may be rendered, not to include the following:

- a) Major mechanical and body work, such as realignment of frames and other straightening of body parts, painting, rust-proofing, steam cleaning, overhaul or replacement of engines, high speed washing, and refinishing.
- b) Storage of damaged automobiles not in operating condition, except those awaiting immediate service.
- c) Other work creating excessive noise, glare, fumes, or smoke.
- d) Vehicular sales or rental.

An automobile service station may include the retail sale of convenience food items typically consumed on a daily basis, newspapers, and sundry goods.

## **B - Definitions**

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**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.

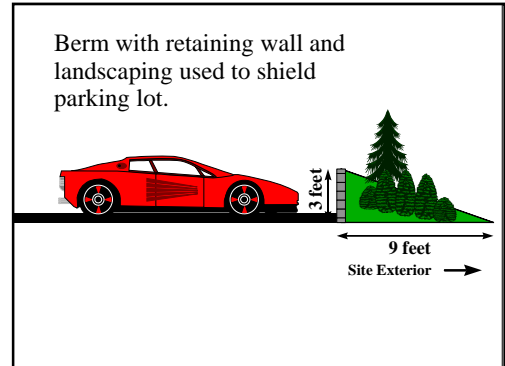
**BED AND BREAKFAST ESTABLISHMENT** is a single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

**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 such 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, such connected structure shall be considered an integral unit of the principal building.

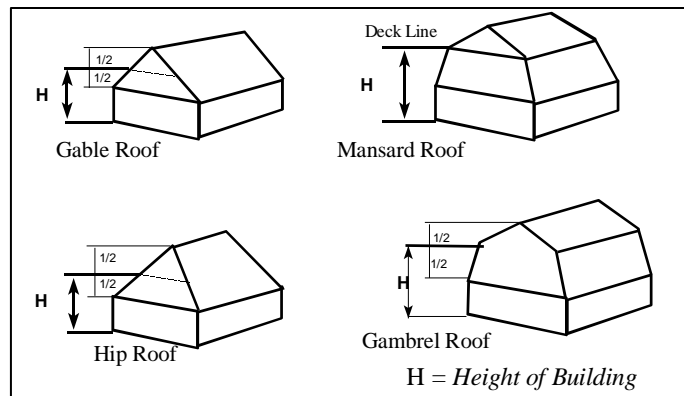
**BUFFER ZONE** is a strip of land required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a transition area or barrier between said zoning districts or land uses. Buffer zones are employed to:

- 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**

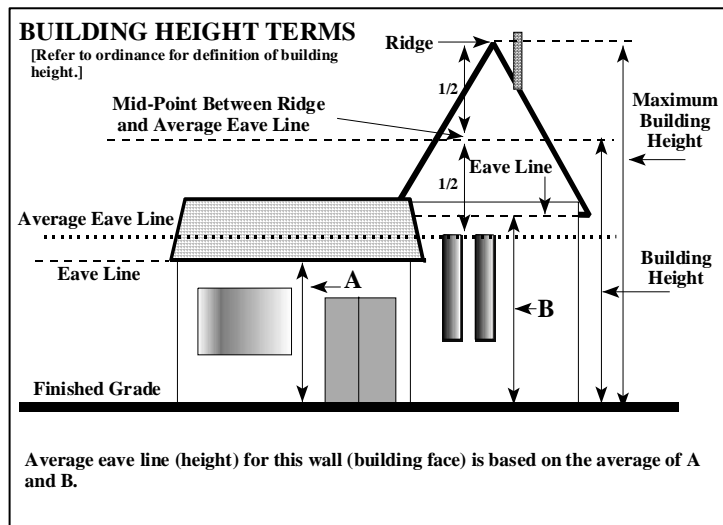
**BUILDING HEIGHT (Including MAXIMUM BUILDING HEIGHT FOR SINGLE AND TWO FAMILY DWELLINGS)** is the vertical distance from the finished grade at the perimeter of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the midpoint between the eaves and ridge of a gable, hip, or gambrel roof subject to the following standards:



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.



- 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 such 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 such 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. [Ordinance No. 232, 8/21/06]

## **C Definitions**

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**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 12<sup>th</sup> 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 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 said 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 such device.

**CONDOMINIUM ACT** refers to Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM, CONSOLIDATING MASTER DEED** is the final amended Master Deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended Master Deed fully describes the condominium project as completed (See also **Condominium, Master Deed**).

**CONDOMINIUM, CONTRACTIBLE** is a condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONDOMINIUM, CONVERSION** is a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

**CONDOMINIUM, EXPANDABLE** is a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**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.

**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.

**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**).

**CONDOMINIUM PROJECT** is equivalent to "Subdivision" as used in this Ordinance and Subdivision Regulations.

**CONDOMINIUM PROJECT, MOBILE HOME** is a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**CONDOMINIUM SETBACKS** shall be measured as follows:

- a) **Front Yard Setback:** The distance between the street right-of-way and a condominium building.
- b) **Side Yard Setback:** The distance between the limit of the development and the side of a condominium building, or the distance between the sides of any adjacent buildings.
- c) **Rear Yard Setback:** The distance between the limit of the development and the rear of a condominium building or the distance between the rear of any two adjacent buildings.

**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.

**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.

**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. Said 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).

**CONVENIENCE STORE with GASOLINE SALES** is an establishment that retails convenience food items which occupy fifty (50) square feet or greater of the in-door sales area in conjunction with gasoline sales. Unlike Filling/Gasoline Stations, a Convenience Store with Gasoline Sales does not house space and equipment for the installation of minor vehicular operating commodities such as oil, coolants, lubricants, batteries, tires, and the like. Equipment to furnish air for the inflation of vehicular tires may be provided.

**CONVERTIBLE AREA** is a unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Condominium Act.

**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

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**DAY CARE CENTER (CHILD CARE CENTER)** is a facility, other than a private residence, licensed by the Michigan Family Independence Agency, 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 **FOSTER CARE HOME**.]

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 said 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 said place of employment coincident with the hours of employment for said 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 attached dwelling units designed in row (linear) fashion with all units having a ground floor location. Each unit is designed 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**.

**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

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**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 9.140 (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. Such 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**.]

**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. Said towers and antennas being defined and regulated under Section 3.140 of this Ordinance.

**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**

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### **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** is all of the contiguous neighboring or associated land operated as a single unit on which bonafide farming with acceptable farming practices is carried on directly by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area; provided further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, and orchards; but, establishments keeping or operating fur-bearing animals, chicken hatcheries, poultry farms and apiaries, pigeon lofts, public or private stables, commercial kennels, stone quarries or gravel or sand pits, shall not be considered farms hereunder. No farm shall be operated as a piggery, or for the disposal of garbage, public sewage, or rubbish, or as rendering plants, or for the slaughtering of animals. [Refer to **AGRICULTURE**.]

**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 such 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.

**FILLING STATION (GASOLINE STATION)** is a building designed and used for the retail sale of fuel (stored in underground tanks), lubricants, air, coolants, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles. A Filling Station may include the sale of convenience food items and sundry commodities.

**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.

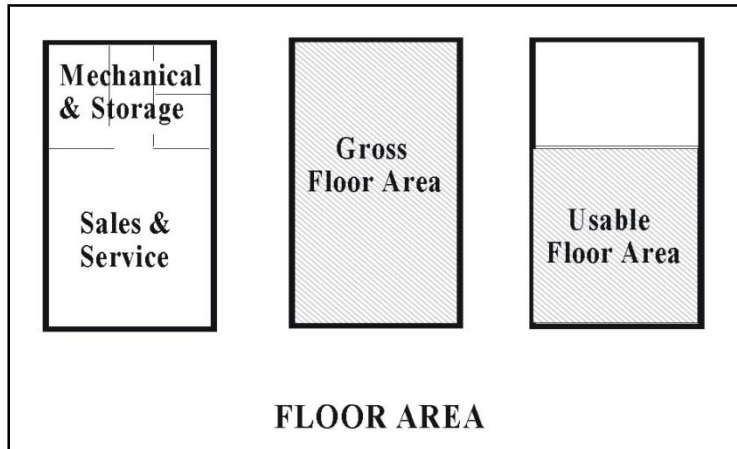
**FLOOD INSURANCE RATE MAP (FIRM)** is an official map of the City of Ferrysburg on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the flood risk premium zones applicable to the City.

**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.



**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 9.140 (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. Such floor area which is used or intended to be 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.

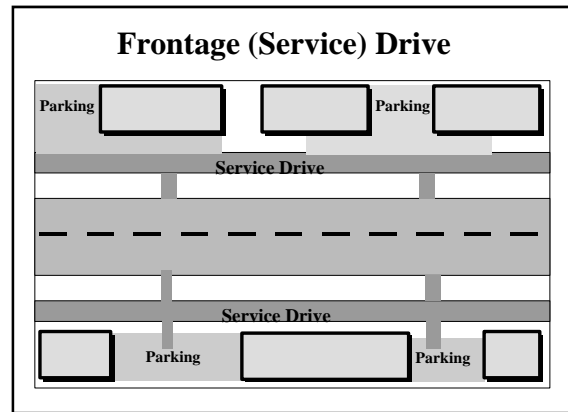
**FOOD** shall include any substance taken into and assimilated by an animal to keep it alive and enable it to grow and repair tissue.

**FOSTER CARE HOME, FAMILY** is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children and/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 parent or legal guardian. A Family Foster Care Home shall be licensed by the Michigan Family Independence Agency. [Refer also to **DAY CARE CENTER.**]

**FOSTER CARE HOME, GROUP** is a single-family dwelling occupied as such in which more than six (6) but less than twelve (12) minor children and/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 parent or legal guardian. A Group Foster Care Home shall be licensed by the Michigan Family Independence Agency. [Refer also to **DAY CARE CENTER.**]

**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.



## 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 **GARAGE, PUBLIC** and to **VEHICLE REPAIR.**]

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

**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 such 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.

**GATE** - Refer to **FENCE**.

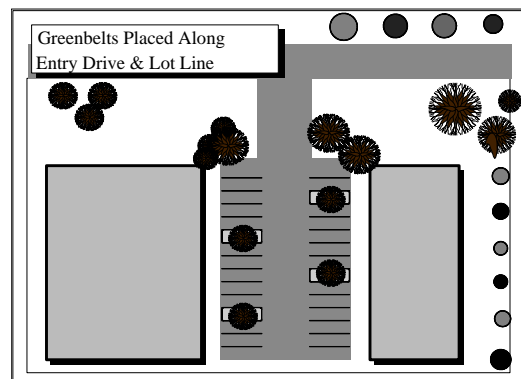
**GLARE** is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**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. Such greenbelts are often referred to as *Landscape Screens*. [Refer to **LANDSCAPE SCREEN**].



## **H** Definitions

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**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 Standards* 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 such 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**

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**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**.]

**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**

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**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]

## L Definitions

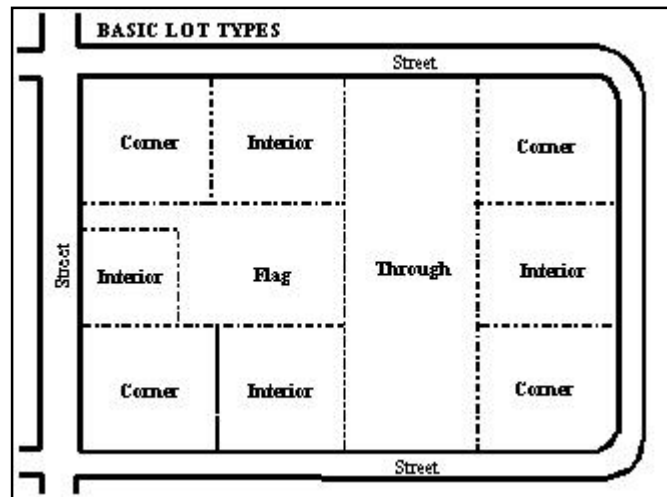
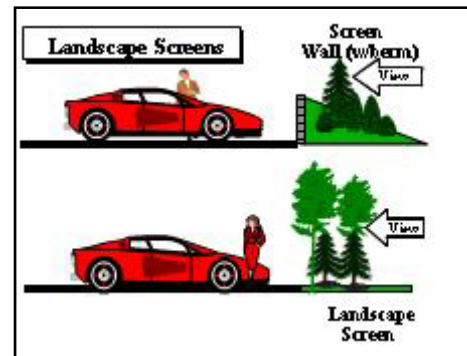
**LANDSCAPE SCREEN** is a greenbelt used to filter or block the internal views of a site, or site feature, from the public right-of-way or adjoining properties. A landscape screen may also function as a transitional buffer between land uses and/or adjoining parcels. [Refer to **GREENBELT**].

**LOADING SPACE** is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading people, merchandise, or material.

**LOT** is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for minimum area, setbacks, coverage, and open space. A lot shall be specifically designated as part of the public record.

**LOT AREA** is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public or private street, the lot area shall not include that part which is in the public right-of-way or governed by easement.

**LOT, CORNER** is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty



(150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees.

**LOT COVERAGE** is the percent of a lot occupied by buildings or structures.

**LOT DEPTH** is the arithmetic average of the shortest and longest distances from the front lot line to the rear lot line.

**LOT, DOUBLE FRONTAGE (THROUGH LOT)** is a lot, other than a corner lot, having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. [Refer to **LOT, WATERFRONT**].

**LOT, FLAG** is a lot so called due to its resemblance to that of a flag (flag shape). The street frontage of a flag lot, and immediate connecting interior width, is typically undersized (this being referred to as the “pole” portion of the flag lot). Eventually, the width of the interior portion of the lot expands to a size which normally equals or exceeds lot width requirements (this is the “flag” portion of the lot.)

**LOT FRONTAGE** is the length of the front lot line.

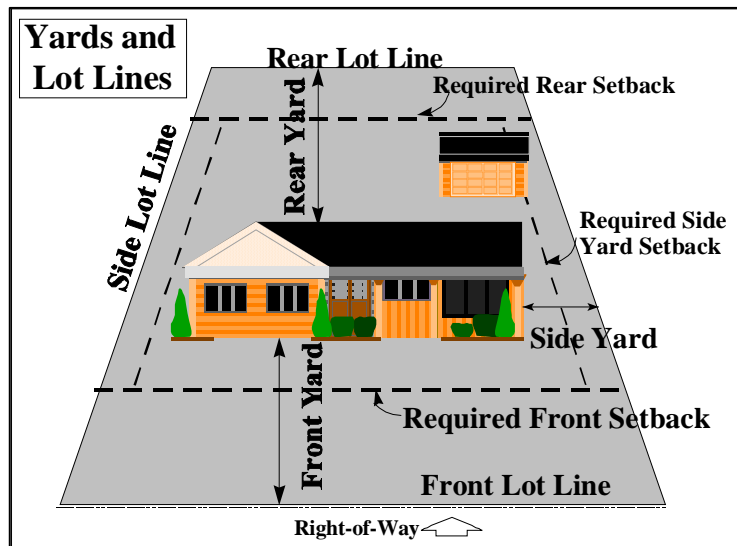
**LOT, INTERIOR** is a lot other than a corner lot or double frontage lot having only one lot line fronting on a street.

**LOT LINE** is the line bounding a lot or parcel.

**LOT LINES** [Refer also to definitions of **REQUIRED SETBACKS** and **YARDS**]

a) **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from the street right-of-way. [Refer also to Paragraph d), following.]

b) **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.



- c) **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a public or private street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See definition of **Required Setback**.)
- d) **Building Orientation for Lots with Multiple Street Frontage** - [Refer also to **SETBACK, REQUIRED**] - In the case of a lot fronting on public or private right-of-way on two or more sides, or other cases in which the above definitions do not apply, the Zoning Administrator shall designate front, rear, and side lot lines for building orientation purposes, based on the following considerations:
  - 1) Location and orientation of existing or proposed buildings on the lot in question in relation to existing buildings on properties in the same general neighborhood.
  - 2) Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.

**LOT, NONCONFORMING** is a lot of record which does not meet the dimensional requirements of this Ordinance.

**LOT OF RECORD** is any parcel of land, the dimensions of which are shown on a document or map on file with the Ottawa County Register of Deeds records as of the date of adoption of this Ordinance or any relevant amendment thereto which would affect such lot, which lot actually exists as shown or any part of a parcel held in record ownership separate from that of the remainder.

**LOT, THROUGH** (also called a double frontage lot) is an interior lot having frontage on two (2) more or less parallel streets.

**LOT, WATERFRONT** is a lot with frontage on a stream, river, or lake. [Ordinance No. 243, 03/03/08.]

**LOT WIDTH** is the horizontal distance between side lot lines measured parallel to the front lot line at the front lot line and at the required front setback line. For lots fronting on a cul-de-sac, lot width shall mean the horizontal distance between side lot lines measured parallel to the front lot line at the at the required front setback line. See **SETBACK LINE**.

## **M** Definitions

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**MANUFACTURED HOME** is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected. [Refer also to Section 3.200, **Standards Applicable to Single-Family Dwellings**.]

**MANUFACTURED HOME PARK (MOBILE HOME PARK)** is a parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of

whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. [Refer to Section 3.200, **Standards Applicable to Single-Family Dwellings.**]

**MANUFACTURED (MOBILE) HOME SUBDIVISION** is a platted or site condominium residential development consisting of manufactured or mobile homes located on individual, separately-owned lots or condominium units. [Refer to Section 3.200, **Standards Applicable to Single-Family Dwellings.**]

**MAP** - Refer to **ZONING MAP**.

**MASSAGE** is the rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Michigan.

**MASSAGE CLINIC** (Not to include Adult Massage Parlor) is an establishment where for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

**MASTER DEED, AND CONSOLIDATING MASTER DEED** - (See **CONDOMINIUM, MASTER DEED**).

**MASTER PLAN** shall refer to the **City of Ferrysburg Land Use Plan** adopted December 5, 1991 and shall include any amendments or updates thereto.

**MEDICAL CLINIC** is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, chiropractors, or similar professionals on an out-patient basis. A medical clinic may incorporate customary laboratories and pharmacies necessary or incidental to its operation.

**MINI-WAREHOUSE (SELF STORAGE WAREHOUSE)** is a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the in-door storage of a customer's non-hazardous goods or wares.

**MOBILE HOME** is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home. For purposes of this Ordinance, those structures which are called variously

"modular" or "prefabricated", and are preconstructed in some other location and transported to the housing site, but are built under the standards of a national building code, referred to in the Michigan State Construction Code, under Act 230 of the P.A. of 1972, are not included in this definition of mobile home. Such "modular" and "prefabricated" housing, however, shall meet the general housing standards of this Ordinance and other applicable City codes and ordinances. [Refer to Section 3.200, **Standards Applicable to Single-Family Dwellings.**]

**MOBILE HOME PARK**- Refer to **MANUFACTURED HOME PARK**.

**MOBILE HOME SITE OR SPACE** is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

**MODULAR HOUSING UNIT (PREFABRICATED)** is a dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction. [Refer to **Section 3.200, Standards Applicable to Single-Family Dwellings.**]

**MOTEL (MOTOR COURT)** is a series of attached, semi-detached, or detached rental units each containing a bedroom, bathroom, and closet space in which transient, overnight, lodging or boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms exiting directly to the outside with patron parking located at or near each room exit. A motel may contain restaurants, gift and specialty shops, and lounges provided these uses are clearly accessory to the motel.

**MOTOR HOME** is a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**MUNICIPAL PARK** [Refer to **PUBLIC PARK**] is a park owned and/or operated by the City of Ferrysburg, Ottawa County, or other governmental entity.

## **N** Definitions

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**NON-CONFORMING USE** is the use of a building or of land lawfully existing at the time this Ordinance, or amendments thereto, became effective but which does not conform with the use regulations of the district in which it is located.

**NON-CONFORMING LOT OF RECORD (SUBSTANDARD LOT)** is a lot lawfully existing at the time this Ordinance, or amendments thereto, became effective and which fails to meet the minimum area requirements of the zoning district in which it is located.

**NON-CONFORMING STRUCTURE** is a structure, or portion thereof, lawfully existing at the time this Ordinance, or amendments thereto, became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

## **NURSERY, PLANT MATERIAL** (See **GARDEN CENTER**)

### **O** Definitions

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**OBSCURING SCREEN** is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material. [Refer to **LANDSCAPE SCREEN** and **GREENBELT**].

**OCCUPANCY LOAD** is the number of individuals who may safely occupy a building or structure based on the Building Code Standards of the City of Ferrysburg.

**OCCUPIED** includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

**OFFSET** is the distance between the centerline of driveways or streets across the street from one another.

**OFF-STREET PARKING LOT** is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide safe and efficient access for entrance and exit for the parking of more than two (2) vehicles, provided, however, a driveway serving a single-family detached dwelling or duplex which is capable of holding more than two (2) vehicles shall not be considered an off-street parking lot.

**OPEN AIR BUSINESS** is a retail sales establishment operated substantially in the open air (out of doors).

**ORDINARY HIGH WATER MARK** is the line between upland and bottom land 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 markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

**OUTDOOR FURNACES:** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. [Ordinance No. 223, 6/6/05]

**OUTDOOR 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 outdoors (outside of an enclosed building) and operated as a business and open for use by the public and/or through membership, including guests thereof. Outdoor recreational activities include, but are not necessarily limited to, tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, marinas, and children's amusement parks. A user fee may or may not be charged.

## **P** Definitions

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**PAD** is the disturbed or leveled area on the slope of a dune upon which a portion of a structure exists. The term includes the areas adjacent to the structure itself used for walkways, driveways, and other such features.

**PARAPET WALL** is an extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

**PARCEL** is a lot described by metes and bounds or described in a recorded plat.

**PARKING SPACE (AREA)** is a designated stall, open or enclosed, for parking of motor vehicles.

**PLANNED UNIT DEVELOPMENT (PUD)** is a form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. A planned unit development may contain a single type of use or mix of uses if provided for by the underlying zone district.

**PLANNING COMMISSION** is the City of Ferrysburg Planning Commission as duly created under Act 285 of the Public Acts of 1931, as amended. By official action of the City Council of the City of Ferrysburg, the powers and duties of the Zoning Board/Commission, as delineated under Act 207 of the Michigan Public Acts of 1921, as amended, have been transferred to the Planning Commission.

**PLAT** is a map of a subdivision of land.

**PONDS AND LAKES** are natural or artificial impoundments that retain water year round.

**PRINCIPAL BUILDING OR STRUCTURE** is a building or structure in which is conducted the principal use of the lot upon which it is situated.

**PRINCIPAL USE** is the main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRINCIPAL USE PERMITTED** is a use permitted in each zoning district by right.

**PRIVATE CLUB** is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

**PRIVATE ROAD** is any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties. A private road shall meet the design and construction standards of the City of Ferrysburg.

**PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES AND USES** are buildings, structures, and uses of governmental agencies and non-profit organizations

including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers. [Refer to **INSTITUTIONAL USES**.]

**PUBLIC OPEN SPACE** is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

**PUBLIC PARK** [Refer also to **MUNICIPAL PARK**] is any undeveloped park, natural area, or parcel used for passive recreational purposes [e.g. hiking, nature photography, etc.] and any developed park; playground; beach; outdoor swimming pool; and, other such facilities intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

**PUBLIC PARKING AREA** is an open area, other than a street or other public way used for the parking of automobiles and available for public use whether for a fee, free, or as an accommodation for clients or customers.

**PUBLIC STREET** is a public thoroughfare which affords the principal means of access to abutting property.

**PUBLIC UTILITY** is any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas; steam; electricity; sewage disposal; land line telephone service, telegraph, and cable; transportation; or, water. Commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

## **Q** Definitions

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*Reserved for future use.*

## **R** Definitions

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**RADIOACTIVE MATERIALS** are materials defined as radioactive under Michigan Department of Natural Resources, Michigan Department of Environmental Quality, or the United States Environmental Protection Agency regulations for transportation of radioactive materials or under Ottawa County Health Department regulations, whichever is determined to be applicable.

**RECREATIONAL VEHICLE** is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, travel trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

**RESTAURANT** is an establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or take-out. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for the sale of

alcoholic beverages, including the brewing thereof, for on-site consumption, provided, however, the sale of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

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**.]

**RETAIL STORE** is any building or structure in which the indoor (inside) sales of goods, wares, or merchandise are sold to the consumer for direct consumption and/or use and not for resale.

**RIGHT-OF-WAY** is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

## **S** Definitions

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**SALVAGE** - Refer to **JUNK**.

**SALVAGE YARD** - Refer to **JUNK YARD**.

**SATELLITE DISH ANTENNA** is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extraterrestrially-based sources. This definition includes, but is not limited to, devices commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

**SCREEN** is a structure such as a fence, wall, landscape screen, or combination of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

**SERVICE DRIVE** is a drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design. Service drives as defined above are often used for the delivery and pick-up of goods and merchandise, but may also be used for other vehicular movement. [Refer to **FRONTAGE DRIVE**].

**SETBACK** is the horizontal distance between a front, rear, or side lot line and a building line. [Refer to **SETBACK, REQUIRED** and **YARD**.]

**SETBACK LINE** is a line, generally parallel to a front, rear, or side lot line, which reflects the minimum **REQUIRED SETBACK** for a lot or parcel as specified by underlying zone district standards. The setback line for a yard abutting a street shall be measured from the street right-of-way line.

**SETBACK, REQUIRED** is the required minimum horizontal distance between a front, rear, or side lot line and a building line, provided, however, said horizontal distance shall be measured from the street right-of-way line whenever a yard abuts a public or private street. On lots with multiple street frontage, such as corner lots, all sides of said lots abutting a street shall be considered front yards pursuant to required setback. [Separate definitions for condominium projects are listed under "**CONDOMINIUM, SETBACKS.**" Refer also to **LOT LINE**. Refer also to **ARTICLE III, GENERAL PROVISIONS, for information regarding setback from certain easements.**]

**SETBACK, PARKING LOT** is the required horizontal distance between the improved portion of a parking lot (e.g. area on which vehicles circulate and park) and the adjacent property line, excluding necessary and approved driveways.

**SHOPPING CENTER** is a group of commercial establishments (3 or more), planned and developed as a unit, with a minimum gross leasable area of 20,000 square feet, and with off-street parking provided on the property.

**SHORELINE** is the edge of a body of water measured at the ordinary high water mark.

**SIGHT DISTANCE** is the length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

**SIGN** - Refer to Article VII, **SIGNS**, Section 7.20.

**SIMILAR** shall mean a use or service that is comparable, consistent, corresponding, or equivalent to the range of uses and services provided for within a zone district in which said use or service may be placed.

**SITE PLAN** is a scaled drawing(s) illustrating existing and proposed conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

**SPECIAL LAND USE** is a use of land not permitted by right, but, which is permitted within a particular zoning district after demonstration of compliance with specific special land use standards. A special land use requires that a special use permit be obtained.

**SPECIFIED ANATOMICAL AREAS** for purposes of this Ordinance shall be defined as follows:

- a) Less than completely and opaquely covered: (1) human genitals or pubic region; (2) buttock; and, (3) female breast below a point immediately above the top of the areola.
- b) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** for the purposes of this Ordinance shall be defined as follows:

- a) Human genitals in a state of sexual stimulation or arousal.
- b) Acts of human masturbation, sexual intercourse, or sodomy.
- c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**STACKING (VEHICULAR)** refers to occupied vehicles positioned in a line, either idling or moving at very slow speeds, while awaiting service at a drive-up window, entry into a wash bay, entry into a bay for vehicular service, movement as part of a procession, entry to or from a driveway or roadway, or other such function resulting in a line of vehicles awaiting movement. Vehicular stacking is also referred to as **QUEUING**.

**STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS)** is a structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

**STORY** is that portion of a building, other than a basement or mezzanine, included between the upper surface of any floor and the upper surface of the floor next above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused space is more than six (6) feet above grade, such usable or unused under-floor space shall be considered a story.

**STREET** is a public or private thoroughfare which affords the principal means of access to abutting property.

**STRUCTURE** is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall include, but is not necessarily limited to, buildings, pads, parking lots, fences, tanks, towers, dish antennae, advertising devices, tents, trailers, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames, electrical or telephone utilities (poles and wires), or to service utilities below the ground.

**STRUCTURAL ALTERATIONS** are any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.

**SUBDIVISION** is the partitioning or splitting of a parcel or tract of land in accordance with the requirements of Public Act 288 of 1967, as amended, the State of Michigan Subdivision Control Act and this Ordinance.

**SUBSTANTIAL IMPROVEMENT** is 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; (1) before the improvement or repair is started, or, (2) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "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; (1) 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, (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places. For purpose of this definition, market value shall be based on the assessment records of the City of Ferrysburg or, if such records are not available, the City Assessor's determination of estimated market value.

**SWIMMING POOL** is any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty four (24") inches, intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

## **T** Definitions

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**TEMPORARY BUILDING, STRUCTURE OR USE** is a building, structure, or use authorized for a specific period of time according to the provisions of this Ordinance.

**TEMPORARY USES** - Parades, carnivals, outdoor concerts, rodeos, block parties utilizing public streets, seasonal or holiday-themed events or productions, or designer showcases or any similar use of event occurring on a temporary or sporadic basis in any zoning district where fifty (50) or more persons will attend or may be expected to attend. A temporary use shall not include residential social events such as family gatherings, reunions, wedding and other such events not generally open to the public. Temporary uses shall not include uses of a permanent nature for which zoning approval has been obtained, or uses which are necessary to and normally associated with a lawful permanent use or structure. [Ordinance No. 220, 12/20/04]

**TENT** shall mean a shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

## U Definitions

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**USE** is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

## V Definitions

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**VARIANCE** is a relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 207 of the Public Acts of 1921, including any amendments thereto.

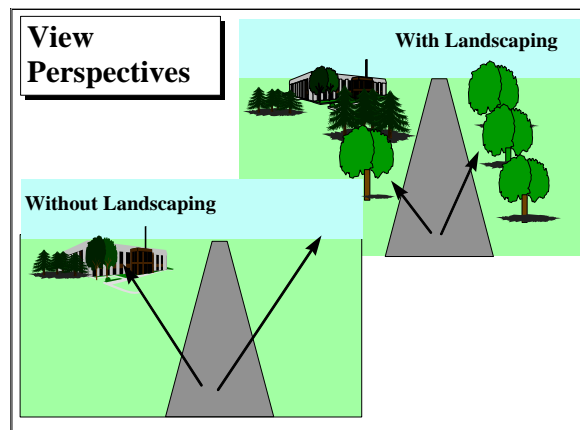
**VEHICLE** is any device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**VEHICLE REPAIR** (Shall also mean **VEHICLE STORAGE ESTABLISHMENT**) is a building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation, including, but not limited to, major mechanical and body work, storage of damaged or inoperable vehicles awaiting repair, and other vehicle repair work creating noise, glare, fumes, or smoke, or used for the storage and impounding of vehicles, not including wrecking, junking, or salvaging of vehicle parts.

**VETERINARY CLINIC** is a building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons.

**VIDEO ARCADE (VIDEO ESTABLISHMENT)** is a gallery, mall, or space used for the installation and commercial operation of electronic recreational game equipment (machines), including computerized game equipment. Said equipment incorporates images, or images and sound combined, which may or may not be partially administered through hand controls. Normally, each machine in a video arcade is used by only one (1) or two (2) patrons at any one (1) time. [Refer also to **ADULT MOTION PICTURE ARCADE.**]

**VIEW PERSPECTIVE** refers to the filtering, blocking, and/or other modification of views into or through a site, from a public or private right-of-way, resulting from the preservation or establishment of landscaping or other materials.



## W Definitions

**WATERFRONT** refers to that portion of a lot or parcel abutting a body of water (e.g. lake, stream, creek, etc.). For purposes of this Ordinance, the yard on the street side of a lot with water frontage shall be considered the front yard.

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

**WETLAND, REGULATED** is certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**WHOLESALE STORE** is any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct consumption.

## X Definitions

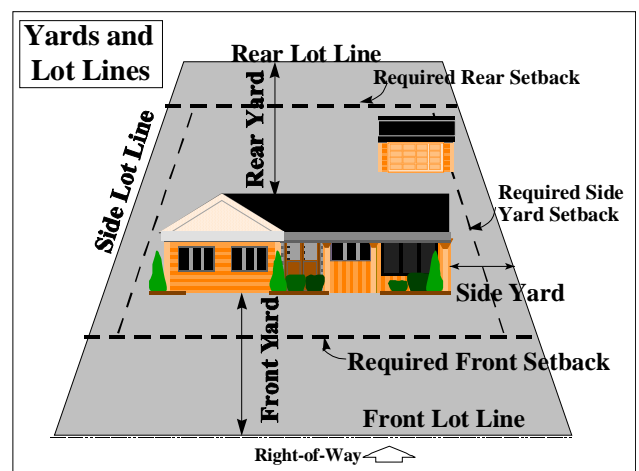
*Reserved for future use.*

## Y Definitions

### YARD

- a) A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

- b) **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. **In the case of a waterfront lot, the yard on the street side shall be the front yard.**



The **Required Front Yard** shall mean the yard to be established as a result of compliance with the **Required Front Yard Setback**.

- c) **Rear yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building.

The **Required Rear Yard** shall mean the yard to be established as a result of compliance with the **Required Rear Yard Setback**.

- d) **Side yard:** A yard between the foundation line of the main building and the side lot line extending from the required front yard to the required rear yard.

The **Required Side Yard** shall mean the yard to be established as a result of compliance with the **Required Side Yard Setback**.

- e) **Waterfront Yard:** Any yard on a waterfront lot, other than a front yard, lying between the water's edge and the principal structure and extending the full width of the lot. A yard separated from the waterfront only by a public or private beach or pedestrian access easement (but not a street right-of-way) shall be a waterfront yard. [Ordinance No. 243, 03/03/08]

## **Z** Definitions

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**ZONING ACT** is Michigan Act 207 of 1921, including any amendments thereto, provided, however, the powers and duties of the Zoning Commission have been transferred to the Planning Commission of the City of Ferrysburg under the provisions of Michigan Act 285 of the Public Acts of 1931, including any amendments thereto.

**ZONING ADMINISTRATOR** is an individual appointed by the City Manager of the City Ferrysburg delegated to administer the City Zoning Ordinance.

**ZONING BOARD OF APPEALS** is the City of Ferrysburg Zoning Board of Appeals created under Act 207 of the Public Acts of 1921, as amended.

**ZONING DISTRICT** is a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**ZONING MAP** is the Official Zoning Map of the City of Ferrysburg, approved by the Ferrysburg City Council, upon which the zone districts and zone district boundaries as specified by this Ordinance are depicted, including pertinent information associated therewith. The Official Zoning Map shall be considered a part of this Ordinance.

**ZONING PERMIT** - Refer to **BUILDING PERMIT FOR ZONING COMPLIANCE**.

