

## ARTICLE VI

### TERMINOLOGY AND DEFINITIONS

For the purposes of this Ordinance, the following rules shall apply to the terminology in the text and the following definitions shall apply to words and phrases used in the text.

#### **601 TERMINOLOGY**

1. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and the plural the singular, unless the text clearly indicates the contrary.
4. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity.
6. The word "occupied" and the word "used" shall be considered to be followed by the words "or intended, arranged or designed to be used or occupied".
7. Terms not herein defined shall have the meaning customarily assigned to them.

## **602 DEFINITIONS**

Accessory Uses and Structures – uses and structures which are customarily accessory and clearly incident and subordinate to, and on the same zoning lot as permitted principal or special uses and structures in any zoning district.

Alteration – any change in size, shape, character, occupancy or use of a building or structure.

Bed and Breakfast Establishment – an establishment where overnight lodging and breakfast is offered for compensation by the resident owner of a private single family home to unrelated transient families or individuals.

Berm – a mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

Board of Appeals – the Zoning Board of Appeals of West Traverse Township (See Section 701:3).

Building, Single Family – a detached residential dwelling unit designed for and occupied by one family only (does not include mobile homes).

Building, Two Family – a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Building, Multiple Family – a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Clinic – an institution for the medical treatment of humans and dealing chiefly with outpatients.

Club or Lodge – the room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

Common Wall Building – any building wherein individual uses or dwelling units are separated from one another by a common wall.

Convalescent or Nursing Homes – a structure with sleeping rooms where persons are housed and furnished with meals, nursing and medical care.

Drive In Facilities – any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

Dwelling Units – one or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking, eating, sanitation.

Essential Services – equipment and accessories reasonably necessary for the providing of adequate service by public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of essential service equipment.

Family – is one or two persons or parents, with their direct lineal descendants or dependent children (and including the domestic employees thereof) together with no more than two persons not so related, living together in the whole or in part of a dwelling comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Fast Food Restaurant – an establishment predominantly offering food prepared for and/or packaged as carry out items (mostly in disposable containers) whether consumed on the premises in the building, parking lot or elsewhere.

Fraternity House – see Rooming House.

Gasoline Service Station – any structure or premises arranged, designed or used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the rebuilding or the dismantling for the purpose of re-use or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

Hard Surfaced – paved with concrete or bituminous material. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be a minimum thickness of one and one half (1 ½) inches and shall be placed upon a base of processed road gravel of a minimum thickness of six (6) inches, or equivalent surface and base thickness certified by a registered engineer. The Zoning Board of Appeals may grant a variance to this requirement upon recommendation of the Planning Commission where a more imaginative paving solution is presented that is more attractive and still provides for orderly parking, proper drainage, adequate load bearing and dust control.

Height of Structure – the vertical distance measured from the established grade at the center of the front of the structure to the highest point of the structure whether it be roof, wall, parapet or similar appurtenance of the structure.

Home Occupations – an activity, other than a home office, carried on by a residential occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. A special use permit is required. (Amended 6-14-05)

Home Office – a permissible accessory use of any residential premises, conducted using primarily a computer, typewriter, facsimile machine or the like, entirely within a dwelling by a member of the family residing on the premises. The use must be clearly incidental to the use of the dwelling unit for residential purposes and cannot take on the character of a business or industrial use. No permit is required. (Added 6-14-05)

Junk Yard – an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles and also including an auto wrecking yard, but not including uses established entirely within closed buildings.

Kennel – any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.

Loading Space on Site – space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

Lot – a parcel, tract or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description.

Lot – Corner – any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. Any lot line separating the lot from any street shall be construed as a front lot line.

Lot – Double Frontage – any lot, including a corner lot, as defined herein, having two (2) or more sides abutting one (1) or more streets. Any lot line separating the lot from any street shall be construed as being a front lot line.

Lot Line – any line bounding a lot.

1. Front Lot Line – the lot line separating the lot from the street.
2. Rear Lot Line – the lot line opposite to and most distant from the front lot line as designated for each lot; in the case of irregularly shaped lots, an imaginary line parallel to the front lot line, but not less than ten (10) feet long measured within said lot.
3. Side Lot Line – any lot line other than a front or rear lot line.

Mean Grade – mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

Mobile Home – 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 systems contained in the structure. Mobile home does not include a travel trailer.

Mobile Home Park – a parcel or tract of land under the control of a person upon which three (3) or more mobile 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 therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Nonconforming Use or Structure – any use or structure which was lawfully existing immediately prior to the time this Ordinance became effective and which does not now comply with the requirements thereof.

Parking Space – On Site – any space designated and used for the parking of motor vehicles, located on the same site, lot or parcel with the use which it is to serve in accordance with this Ordinance.

Person – an individual, partnership, association, trust, corporation or any other legal entity or combination thereof.

Pool, Private Swimming – an artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use by owner, his family or guests for aquatic sports or recreation.

Principal Use – the primary or chief purpose for which a lot is used.

Public Utility – any person, firm, corporation, department or board, duly authorized to furnish and furnishing to the public under federal, state or county regulations, electricity, gas, steam, communications, transportation or water.

Public Utilities Facilities – electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings, telephone repeater buildings and other similar utility uses.

Public Road – a public right-of-way which has been dedicated and accepted by West Traverse Township and Emmet County Road Commission for the purpose of providing access to abutting lots or lands.

Private Access Ways (Private road/road easement) – a right-of-way owned, constructed and maintained by a private individual or individuals, for the purpose of providing access to abutting lots or land.

Rooming House – also referred to as a boarding house, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging or lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

Sanitary Landfill – an area planned and designed for the disposing of refuse, as defined by the Michigan Solid Waste Disposal Act 87, P.A. 1965, as amended, without creating nuisances or hazards to public health or safety.

Setback Line – the line limiting the minimum horizontal distance between the side of a structure and the nearest lot line.

Sign – any device designed or intended to inform or attract the attention of any person.

Sorority House – see Rooming House.

Structure – anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including buildings, walls, fences and signs.

Special Land Use – a use that would not be permitted without restriction throughout the zoning district, but which would be in the best interest of the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in accordance with the provisions set forth in Section 501 of this Ordinance.

Stable – Private – a privately owned facility, including shelter buildings, corrals, feed and storage buildings, for the keeping of riding horses for use by the owner, his family or guests for riding sports or recreation without pay or compensation of any kind.

Stable – Public – a facility, including shelter buildings, corrals, feed and storage buildings, for the keeping of riding horses for use by the owner, his family or guests or for customers for riding sports or recreation for which there is rental or compensation of any kind.

Timber and Tree Products Production – the cutting, splitting, hauling, extraction and similar processing of tree products not including the selling of finished lumber products.

Timesharing – the ownership of or the right to use real property or other such property such as dwelling units, hotel or motel rooms and other such accommodations, for a designated portion of each year. Timesharing may also be known as interval ownership or by other names with varying forms or procedures that accomplish the same intent.

Travel Trailer – any movable or mobile dwelling, except as defined as a mobile home. Included as travel trailers are trailer coaches, campers, house care and similar recreational type equipment used for temporary or recreational dwellings.

Travel Trailer Park or Campground – a lot, parcel or tract of land which has been planned and improved for placement, on a temporary basis, of travel trailers, campers, tents and similar temporary living facilities in accordance with this Ordinance.

Yard – an open space on the same lot with a structure, unoccupied and unobstructed on or above grade level which extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which it is located.

Yard, Required Front – the open space extending the full width between the side lot lines and also the full depth between the front lot line and the required setback line as specified for each zoning district.

Yard, Required Rear – an open space extending the full width between the side lot lines and also the full depth from the rear lot line to the line specified as the minimum distance a structure may be located from the rear lot line as specified for each zoning district.

Yard, Required Side – the open space on either side of a structure extending from the required front yard (setback line) to the required rear yard and also the full width from the side lot lines to the lines specified as the minimum distance a structure may be located from the side lot line as specified for each zoning district.

Zoning Administrator – the duly authorized official of West Traverse Township who is responsible for administering and enforcing of this Ordinance.

Zoning Districts – the areas into which West Traverse Township has been divided and for which the regulations and requirements governing use and size of lots and structure are specified in this Ordinance.