

CHAPTER III

DEFINITIONS

Section 3.01 Rules Applying to Text. The following listed rules of construction apply to the text of this Ordinance:

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

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

Section 3.02 Accessory Use or Structure. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

Section 3.02a Airport. Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired

for airport facilities, and all appurtenant right-of-way, either heretofore or hereafter established. An airport is “publicly owned” if the portion thereof used for the landing and taking off of aircraft is owned, operated, controlled, leased to or leased by the United States, any agency or department thereof, this state or any other governing body, public agency or other public corporation.

Section 3.02b Airport Hazard. Any Structure or tree or use of land or of appurtenances thereof which obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous or created hazards to such safe landing or taking off of aircraft.

Section 3.03 Alterations, Structural. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

Section 3.04 Automobile Repair – Major. General repair, rebuilding, or reconditioning of engines, or vehicles, collision services (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

Section 3.05 Automobile Repair – Minor. Minor repairs, incidental replacement of parts, or major service to passenger automobiles and trucks not exceeding two(2) tons capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair – Major”.

Section 3.06 Basement. A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

Section 3.07 Billboards and Signs.

- a) **Billboard** – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- b) **Business Sign** – Any structure, including the wall of any buildings, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- c) **Real Estate Sign** – Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- d) **Identifying Sign** – Any structure on the same premises it identifies which serves only (1) to tell the name of use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public to the use of a parking lot.

- e) Name Plate – A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

Section 3.08 Building. Anything which is constructed or erected, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property, or carrying on business activities or other similar uses and has a permanent foundation.

Section 3.09 Building Height. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flats roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Section 3.10 Building Setback. The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered a part of the building or structure and may not be located within the building setback.

Section 3.11 Corner Lot. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form a interior angle of one hundred thirty-five (135) degrees or less.

Section 3.12 Dwelling. Any building or portions thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, or tourist rooms or cabins.

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

Section 3.13 Dwelling Unit. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

Section 3.14 Family. One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood or marriage, no such family shall contain more that five (5) persons.

Section 3.15 Filtered View. The maintenance or establishment of woody vegetation of sufficient density to screen developments from the river, to provide for stream bank

stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely lack the river view. It means no clear cutting.

Section 3.16 Floor Area. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

Section 3.17 Home Occupation. An occupation customarily conducted within a dwelling by its occupants as a subordinate use.

Section 3.18 Junkyard. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

Section 3.19 Kennel. Any land, building or structure where five (5) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred.

Section 3.20 Lot and Lot Width. A piece of parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot width shall be measured at the front building line. Lot area cannot include any part of public right-of-way, or private road right-of-way.

Section 3.21 Manufactured Housing. Modular homes which are constructed off-site according to BOCA standards.

Section 3.22 Mobile Home. A structure, transportable in 1 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.

Section 3.23 Mobile Home Commission Act. A statute governing mobile homes, adapted as Act 96 of 1987.

Section 3.24 Mobile Home Lot. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

Section 3.25 Mobile Home Pad. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures, or additions.

Section 3.26 Mobile Home Park. A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Section 3.27 Mobile Home Subdivision. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

Section 3.28 Motel. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

Section 3.29 Motor Vehicle. Every vehicle which is self-propelled.

Section 3.30 Parking Area, Space or Lot. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

Section 3.31 Parking Bay. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

Section 3.32 Pier. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

Section 3.33 Planning Commission. The Overisel Township Planning Commission.

Section 3.34 Principal or Main Use. The primary or predominant use of a lot.

Section 3.35 Private Road. A roadway which is privately owned and maintained and which provides the principal means of access to one or more abutting lot(s) or dwelling unit(s).

Section 3.36 Private Road Easement. An easement which is granted exclusively for private access to one or more parcels of land or lots and which contains or is intended to contain a private road.

Section 3.37 River's Edge. The ordinary high water mark. The line between upland and bottomland which persists through successive changes in water levels, below which the

presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

Section 3.38 Roadside Market Stand. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

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

Section 3.40 Structure. Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Section 3.41 Tourist Home. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Section 3.42 Township Board. The Overisel Township Board.

Section 3.43 Township. Overisel Township, Allegan County, Michigan.

Section 3.44 Travel Trailer. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Section 3.45 Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

Section 3.46 Usable Floor Area. The floor area of a dwelling exclusive of garages, porches, basement or utility area.

Section 3.47 Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Section 3.48 Yard. A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Section 3.49 Yard — Front. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line or the approved private road right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street or private road shall be considered the front yard.

Section 3.50 Yard - Rear. A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

Section 3.51 Yard - Side. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

Section 3.52 Zoning Act. Michigan Act 184 of 1943, as amended.

Section 3.53 Zoning Inspector. The Overisel Township Zoning Inspector.