

ARTICLE 32

DEFINITIONS

Updated 5-24-11

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

Sec. 32.01 USAGE.

The word “person” includes a firm, association, organization, partnership trust, company, or corporation as well as an individual. Words used in the present tense include the future tense. The singular includes the plural; the plural includes the singular. The word “lot” includes the words “plot” or “parcel”. The word “shall” is mandatory; the word “may” is permissive, the word “used” or “occupied” includes the words “intended, designed, or arranged to be used or occupied”.

Sec. 32.02 DEFINITIONS (A).

ACCESSORY USE OR STRUCTURE.

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT FOSTER CARE SMALL

GROUP HOME. A private home which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of such care.

AFFILIATE FARM. A farm under the same ownership or control as a farm market.

AGRICULTURAL LABOR HOUSING.

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or

used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing, and licensed under the provisions of PA 289 of 1965, as amended.

AGRICULTURAL RELATED SERVICE ESTABLISHMENT.

Any premises used in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables, and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay bailing and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; kennels; veterinary services; packing plants; processing plants; slaughterhouses; cold storage facilities; and facilities used in the research and testing of farm products and techniques.

ALTERATIONS, STRUCTURAL.

Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof.

ANIMAL RAISING, INTENSIVE. The use of any premises for the raising or

keeping of animals at a density exceeding the limits established in Section 23.02.A or B.

AUTOMOBILE REPAIR-MAJOR.

General repair, rebuilding, or reconditioning of engines, motors or trailers; or collision service, including body repair and frame straightening; or painting and upholstering; vehicle steam cleaning and undercoating; and tire retreading.

AUTOMOBILE REPAIR-MINOR.

Minor repairs, incidental replacement of parts and motor service such as tune-ups, lubrication, tire repair, and electrical work, to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under "Automobile Repair-Major".

Sec. 32.03 DEFINITIONS (B).

BOARDER. A person occupying a dwelling for a period that exceeds six (6) consecutive days, or ten non-consecutive days in a three-month period where meals or lodging are provided for compensation, and who is not a member of the family or household that may also occupy the dwelling.

BOARDING HOUSE. A dwelling where meals or lodging are provided for compensation to three (3) or more persons who are not members of the family that occupies the dwelling for a period that exceeds six (6) consecutive days, or ten non-consecutive days in a three-month period.

BUILDING. Any enclosed structure, either temporary or permanent, having a roof that

is intended to be used for the purpose of housing persons, or of storing animals or chattels, or of carrying on business activities, or of other similar uses.

BUILDING, HEIGHT OF. The vertical distance measured from finished grade (as defined by this Ordinance) to a certain point on the roof of the building, determined as follows:

1. **Flat roof:** The certain point is the highest point.
2. **Mansard roof:** The certain point is the deck line.
3. **Gable, shed, warped or hip roof:** The certain point is the average distance between the plate of the building and ridge of the roof.
4. **Gambrel roof:** The certain point is the average distance between the break line and the ridge of the roof.

BUILDING, MAIN OR PRINCIPLE. A building in which is conducted the principle or main use of the lot on which it is situated.

BUILDING PERMIT. The written authority issued by the building inspector on behalf of the Township, permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this ordinance and the Township building code.

Sec. 32.04 DEFINITIONS (C).

CHILD CARE CENTER. A facility other than a home where one or more children are received for care and supervision. Two staff

persons are required. Preschools and day nurseries are included in this definition.

CHURCH. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CLINIC, DENTAL, OR MEDICAL. A building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

CONVALESCENT, NURSING OR GROUP HOME. A home in which more than six (6) resident persons are cared for. Said home is for the aged or infirm, or a place for those suffering bodily disorders, mental illness, mental retardation, or for the care of children. Said home shall conform and qualify for license under State law.

CONFINED FEEDING OPERATION. A feedlot or facility, other than a pasture, where animals have been, are, or will be confined, maintained, or stabled for a total of 45 consecutive days or more in any 12 month period.

Sec. 32.05 DEFINITIONS (D).

DEVELOPMENT. Any manmade 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.

DEVELOPMENT SITE. Any land on which development has taken place or is planned to take place.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same household group.

DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more persons.

1. **Dwelling, Single-Family:** A detached residence, designed for use or occupancy by one (1) household only, with housekeeping facilities.
2. **Dwelling, Two-Family:** A residence designed for use or occupancy by two (2) households only, with separate housekeeping facilities for each.
3. **Dwelling, Multi-Family:** A residence designed for use or occupancy by three (3) or more households, with separate housekeeping facilities for each.

DWELLING UNIT. One (1) room or a suite of two (2) or more rooms designed for use or occupancy by one (1) household for living and sleeping purposes with housekeeping facilities.

DWELLING, FARM. A dwelling unit located on a farm which is used or intended for use by the farm's owner, operator, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

DWELLING, NON-FARM. A dwelling unit located in the AG zoning district which is not a “farm dwelling” and which is designed for occupancy by a single family.

Sec. 32.06 DEFINITIONS (E).

Sec. 32.07 DEFINITIONS (F).

FABRICATION. Fabrication means the stamping, cutting, or otherwise shaping of processed materials into useful objects.

FAMILY. One (1) or more persons occupying a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoptions, or other domestic bond. This definition does not include any society, combine, club, fraternity, sorority, association, federation, lodge, coterie, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

FAMILY DAY-CARE HOME. A private home in which one to six children are received for care and supervision, including those children less than 7 years old in the resident family. This number shall not include more than two children younger than 12 months old.

FARM. Real property used for commercial agriculture, comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a person, including all necessary farm buildings, structures and machinery. In addition, a tract of land may be considered a farm if it is between 5 and 40 acres and it is

devote primarily to an agricultural use, and has produced a gross annual income from agriculture of \$200.00 or more per year per acre of cleared and tillable land.

FARM BUILDINGS. Any building or accessory structure other than a farm dwelling unit, which is used for farm operations, such as but not limited to a barn, silo, grain bin, farm implement storage building, or milk house.

FARM MARKET. A place, area, or buildings from which farm products produced on and by an affiliate farm are sold. A farm market must also meet one of the following requirements: the square footage devoted to the sale of such farm products must constitute at least 50 percent of the total square footage used to display all of the products offered for retail sale or at least 50 percent of the gross dollars of products sold must be from farm products produced on and by the affiliated farm.

FARM OPERATIONS. A condition or activity which occurs on a farm in connection with commercial agriculture, and includes but is not limited to marketing of produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

FARM PRODUCTS. Those plants and animals useful to man including but not limited to: forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, fruits and vegetables, flowers,

seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, fiber, feed, or fur.

FLOOD. A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation or runoff or surface waters from any sources.

FLOOD HAZARD AREA. The land within the township subject to a one percent (1%) chance of flooding in any given year. This land is identified as "zone A" on the official map.

FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOOD, 100-YEAR. The condition of flooding having a one percent (1%) chance of annual occurrence.

FLOOR AREA. The sum of the gross horizontal areas of the several finished floors of a building measured from the exterior faces of the exterior walls or from the centerline of wall separating two (2) buildings. Floor area shall not include elevator shafts, floor space having headroom of seven (7) feet or less, balconies or mezzanines. Any space devoted to off-street parking or loading shall not be counted as

floor area. Areas of basements, mechanical rooms, breezeways, porches or attached garages are not included, except that the floor area of the building shall include all finished stories above grade area.

FRATERNITY OR SORORITY HOUSE.

A dwelling or dwelling unit maintained exclusively as a residence for members of the fraternity or sorority, and affiliated with a college or university or chartered by a scholastic or professional organization.

FRONT SETBACK LINE. That line generally parallel to the front lot line marking the inside boundary of the required front yard.

Sec. 32.08 DEFINITIONS (G).

GRADE OR FINISHED GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREENBELT. An area of land within a lot or parcel at least ten (10) feet in width and which complies with the following requirements:

1. Contains at least one row of deciduous or evergreen trees or a mixture of both, spaced not more than twenty feet apart, and
2. Contains at least one row of dense shrubs

spaced not more than five feet apart and which grow at least five feet wide and five feet in height after one full growing season, and

- 3. Is maintained in a healthy, growing condition by the property owner.

GROUP DAY-CARE HOME. A private home where from seven to twelve children are received for care and supervision. This number shall not include more than two children younger than two years old. Two staff persons are required.

GROUP HOUSING. A dormitory, rooming house, boarding house, fraternity or sorority house, or any other dwelling that is not occupied in compliance with Section 3.15.B.

Sec. 32.09 DEFINITIONS (H).

HEIGHT. See Building, Height of.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary the use of the dwelling for residential purposes and does not involve any alteration of the structure or change the character thereof, and which complies with the requirements of Section 23.07.

HOUSEHOLD. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the occupancy restrictions of Section 3.15 of this ordinance.

HOUSEKEEPING UNIT. A dwelling unit organized as a single entity in which the members of the household share common housekeeping facilities.

HOUSEKEEPING FACILITIES.

Complete, independent living facilities, including areas for living, sleeping, eating, cooking, and sanitation, and the following permanent fixtures and appliances: stove, refrigerator, kitchen sink, tub or shower, lavatory and water closet.

Sec. 32.10 DEFINITIONS (I).

Sec. 32.11 DEFINITIONS (J).

JUNKYARD. Any place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete, whether or not it is properly licensed.

Sec. 32.12 DEFINITIONS (K).

KENNEL. The land and/or structure where five (5) or more cats or dogs are boarded, housed, or bred.

Sec. 32.13 DEFINITIONS (L).

LANDSCAPED. The addition of lawns, trees, shrubbery, bedding plants and other natural and decorative materials to a development site.

LOT. A piece or parcel of land occupied or intended to be occupied by only one principal building and its accessory

buildings or utilized for only one principal use, together with such open spaces as required by this ordinance and having frontage on a public street or officially approved private street. A lot is a parcel of land, whether platted or unplatted, which is contiguous and under the same ownership.

LOT, AREA. The total horizontal area within the lot lines of a lot including any easements which may exist within such property lines and excluding rights of way for street or alley purposes.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

LOT DEPTH. The mean horizontal distance from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE. A lot which fronts on two parallel streets, or which fronts upon two streets that do not intersect at the boundaries of the lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A boundary of a lot.

LOT LINE, FRONT. That boundary of a lot which is the line of an existing or dedicated street or streets in the case of a corner lot.

LOT LINE, REAR. The boundary of a lot most distant from the front lot line and most nearly parallel with the front lot line or, in the case of an irregular size and shape lot, a line ten (10) feet in length within the lot,

parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line which is not a front lot line or a rear lot line.

**Sec. 32.14 DEFINITIONS (M).
MOBILE HOME,
PREMANUFACTURED UNIT.**

1. **Mobile Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

2. **Premanufactured Unit.** An assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term includes a mobile home.

**MOBILE HOME PARK OR
SUBDIVISION.** A parcel or contiguous parcels of land divided into two or more lots for rent or for sale for the placement of mobile homes.

MOTEL. A building or group of buildings on the same lot which contains sleeping or dwelling units that 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 travelers. The term shall include any buildings or building groups designated as

motor lodges, motor inns, or by any other title intended to identify them as providing lodging, with or without meals, for compensation.

MOTOR VEHICLE, INOPERABLE.

Any motor vehicle which by reason of dismantling, disrepair or other cause whatsoever is incapable of being propelled under its own power.

MOTOR VEHICLE, DISMANTLED OR PARTIALLY DISMANTLED.

Any motor vehicle from which some part or parts which are ordinarily a component of such motor vehicle have been removed or are missing.

Sec. 32.15 DEFINITIONS (N).

Sec. 32.16 DEFINITIONS (O).

Sec. 32.17 DEFINITIONS (P).

PARKING AREA, SPACE, 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.

PLANNING COMMISSION. The term “Planning Commission” or “Charter Township Planning Commission”, when used in this ordinance, means the Allendale Charter Township Planning Commission.

PRINCIPAL OR MAIN USE. The primary or predominant use of the premises.

PROCESSING. Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operations described as fabrication.

PROPERTY OWNER. Any person(s) company, or entity that has deed to certain property, as last recorded with the Ottawa County Registrar of Deeds Office and is the person(s), company, or entity who receives legal notices, property taxes, property assessment, etc.

Sec. 32.18 DEFINITIONS (Q).

Sec. 32.19 DEFINITIONS (R).

RESIDENTIAL ZONE OR DISTRICT.

All land located in the R-1, R-2, R-3, R-4 or R-5 zoning districts as shown on the official zoning map.

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

ROOMING HOUSE. A building arranged or used as a residence, with or without housekeeping facilities, where sleeping accommodations are provided individually to three (3) or more persons not members of the same household group.

Sec. 32.20 DEFINITIONS (S).

SALVAGE YARD. A junk yard.

SETBACK. The minimum horizontal distance from a lot line to the nearest roofed portion of any building or structure on said lot.

SIGN. Any outdoor structure, display, figure, painting, drawing, message, placard, poster, billboard, balloon, or other thing which is designated, intended, or used to advertise, direct, or inform.

SITE PLAN. A reproducible plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this ordinance.

SOLID WASTE DISPOSAL FACILITY. An area together with a structure to be provided for in a site plan for the temporary on-site storage of solid waste and recyclable materials until removed from the site for disposal, which consists of one or more dumpsters or other appropriate containers for storage of solid waste and recyclable materials located in an enclosure with necessary access and turning lanes in accordance with the provisions of section 24.11.I.

SPECIAL USE. Certain uses that may be permitted only after a review of the effects of such uses on adjoining lands and the general welfare of the township. Such uses require special consideration to insure compatibility and proper development in accordance with the intent of this Ordinance. Special uses are designated in the various zoning districts.

SPECIAL USE PERMIT. The procedure for authorizing a special use according to the requirements established in this Ordinance as prescribed in Article 20.

STORY. The portion of a building between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, than the space between the floor and the ceiling next above.

STORY ABOVE GRADE. Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet (1829mm) above grade plane;
2. More than 6 feet (1829mm) above the finished ground level for more than 50 percent of the total building perimeter; or
3. More than 12 feet (3658mm) above finished ground level at any point.

See the examples of the applications of this definition following.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- a. before the improvement is started, or
- b. if the structure has been damaged and is

being restored before the damage occurred. For the 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 any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, as well as structures listed in National or State Registers of historic places.

SUPPORT SERVICES RESIDENCE. A residence owned and operated by a non-profit organization, in which living quarters, meals, counseling and other support and care giving services are provided in a family environment, to persons in need of such services, as a transition to independent living. This definition does not include a fraternity, sorority, a state licensed foster care home or other facility providing legal custodial care.

Sec. 32.21 DEFINITIONS (T).
TOWNSHIP. The Charter Township of Allendale, in Ottawa County, Michigan.

TOWNSHIP BOARD. The Charter Township of Allendale Board of Trustees.

TOURIST HOME. A building or part thereof, 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.

TRAFFIC SAFETY SIGHT AREA. A triangular area on a corner lot, two of the sides of such triangle being formed by extending two imaginary lines from the corner of the lot adjacent to the street intersection at least thirty (30) feet back to two points along the sides of the lot parallel to the two intersecting streets, the third side then being formed by the connection of such points.

Sec. 32.22 DEFINITIONS (U).
USES PERMITTED BY SPECIAL USE PERMIT. Listed uses which may be permitted in specified zoning districts provided that need for the use in the district can be established to the satisfaction of the Planning Commission based on the standards in Article 20.

Sec. 32.23 DEFINITIONS (V).
VARIANCE. A variance is defined as a modification of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces and off-street parking and off-street loading requirements; established or expansion of a use otherwise prohibited shall not be by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

Sec. 32.24 DEFINITIONS (W-Z).

YARD. A required open space unoccupied and unobstructed by any structure or portion thereof from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

YARD-FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building, excepting steps and unenclosed porches.

YARD-REAR. A space unoccupied, except for an accessory building, 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.

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 toward the nearest part of the main building.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals of Allendale Charter Township, created herein.

