

CHAPTER 2

DEFINITIONS

SECTION 2.1 DEFINITIONS AND APPLICATION OF LANGUAGE. The following rules of construction and interpretation shall apply to language in the text of this Zoning Ordinance.

1. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases and those which may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. The particular shall control the general.
3. The word “shall” is mandatory and not discretionary. The word “may” is discretionary and permissive, with the decision made by the Township Zoning Administrator, Planning Commission, Township Board or Zoning Board of Appeals as indicated.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. The word “structure” includes the word “building”, and reference to structure or building includes any part thereof.
6. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
7. The word “person” includes any individual, corporation, partnership, incorporated association or other similar entity, unless the context clearly indicates the contrary.
8. The word “dwelling” includes the word “residence”, and the word “lot” includes the word “parcel”.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either...or” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
10. Accessory shall have the same meaning as accessory use.

11. The word “road” refers to both public and private roads, unless the context clearly indicates the contrary.
12. The term “including” means “including but not limited to” and the term “such as” means “such as, but not limited to” unless otherwise noted.
13. Terms not herein defined shall be construed as defined in the Housing Code of Michigan, Act 167, Public Acts of 1917, and amendments thereto or shall have the meaning customarily assigned to them.

For the purpose of this ordinance, the terms and words herein are defined as follows:

Accessory Building: A subordinate building or structure on the same premises with a main building, or a portion of a main building or structure, occupied or devoted to an accessory use and occupying no more than 10% of the area of the premises on which it and main building is located. The aforesaid 10% area limitation shall be reduced as outlined in Section 5.7(8) if the premises is located within the RR Zone District, as outlined in Section 6.8(8) if the premises is located within the S-R Zone District and as outlined in Section 7.8(8) if the premises is located within the R-1 Zone District. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the premises.

Adult Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the home shall comply with all applicable federal, state and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

Adult Day-Care Center: A facility, other than a private residence, in which 1 or more adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day.

The physical facility and operation of the center shall comply with all applicable federal, state and local laws or regulations. An adult day-care center does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

Adult Foster Care Family Home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day, 5 or more days a week and for 2 or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act No 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Arcade: Any place to which the public is permitted or invited wherein coin operated 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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depictions or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore: A commercial establishment that, as a principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection 1 or 2:

1. Books magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises 40% or more of sales volume or occupies 40% or more of the aggregate total display area within the establishment. For purposes of this Ordinance, "aggregate total display area" means the internal area of the establishment, including but not limited to walls, floor space, book shelves, counters, and display cases, that is used or available for use for the display of merchandise for sale. No merchandise or advertisements shall be displayed on or from the ceiling. "Aggregate total display area" does not include the following: non-visible inventory or nonpublic areas of the establishment which is used to store inventory or the area of the ceiling.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that features films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motel: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and
2. Offers a sleeping room for rent for a period of time that is less than 12 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 12 hours

Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly or primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of specified

sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons in live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.

Agriculture: The commercial cultivation, tilling or use of land for the purpose of growing and storing crops thereon, or of animal or poultry husbandry.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

Apartment: That portion of a multiple dwelling which has a common front or rear yard with some other apartment in the multiple dwelling, but which has self-contained facilities for living, sleeping and cooking and which is designed for and occupied by one family.

Area of Lot or Property: That total number of square feet or total number of square feet converted to acres within a parcel of land to be occupied by a main building or use exclusive of any public streets or alleys.

Area of Sign: The total exterior surface devoted to advertising purposes for a sign having one exposed exterior surface; one-half the total of the exposed exterior surfaces devoted to advertising purposes for a sign having more than one such surface.

Basement: The floor of a building which is primarily located below the street elevation. A basement shall not be counted as a story for the purpose of the height regulations.

Building: Any structure having a roof supported by walls, or any other structure.

Building Height: The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof. The height exception provisions of Section 4.6 of this Ordinance shall apply where appropriate.

Building Inspector. Any reference in this Ordinance to the "Building Inspector" shall mean the township official, employee, agent or other entity appointed by resolution of the Township Board to perform the functions and tasks assigned by this Ordinance to the "Building Inspector."

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides

Child Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, for not less than 2 consecutive weeks (regardless of the number of hours of care per day), and where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative preschools, play groups and drop-in centers (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

College: An educational institution authorized by the state to award baccalaureate or higher degrees.

Commercial Establishment: A business operating independently of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and, in an office building, a business holding itself out to the public as a single entity, independent of other business or persons.

Condominium, Site condominium: See definitions contained in Chapter 25

Co-location: The use of a single support structure, building and/or site by more than one wireless communication provider.

Comprehensive Land Use Plan: The Comprehensive Land Use Plan as adopted by the Grand Rapids Charter Township Planning Commission, as currently in effect and as hereafter amended from time to time.

Cul-de-sac: The turn around at the end of a dead-end street. See additional definitions contained in Chapter 27 relative to private streets

Escort: Escort means a person who, for a fee, tip, or other form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

Escort Agency: Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or corporations authorized by the Township Board to provide community services of underground or overhead gas, electrical, steam, water, sewer, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations and substations, and other similar equipment and accessories used in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or community service corporations or for the public health or safety or general welfare.

Family:

1. A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic help living together as a single housekeeping unit in one dwelling unit.

2. A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single nonprofit housekeeping unit intended to endure for the indefinite future. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, organization, group of students or other group of persons whose domestic relationship is of a transitory, seasonal or commercial in nature, or is for an anticipated limited duration such as a school term or a period of rehabilitation or treatment.

Family Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 minor children are received for care and supervision for periods of less than 24 hours a day, for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act, Act Ho. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

Fence: An artificially constructed barrier of any non-vegetative material or combination of materials erected to serve as a physical barrier, marker, screen or enclosure.

Foster Family Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which 1 but not more than 4 minor children, who are not related to an adult member of the household by the blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

Foster Family Group Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which more than 4 but less than 7 minor children, who are not related to an adult member of the household by the blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

Frontage: Means the continuous linear distance of that portion of a lot or parcel abutting upon a public road right-of-way or an approved private-road easement.

Garage: A detached accessory building or portion of a main building used primarily for the storage of passenger vehicles.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Group Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the group day-care home) in which more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and

regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.11 et seq., as amended).

Gross Floor Area: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Home Occupation: An occupation or profession traditionally or customarily carried on in the home as a use incidental, subordinate and secondary to the use of the home as a dwelling, where the occupation or profession is carried on only by the occupants of the dwelling and not more than one other person.

Height, Tower: The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

Lot: A parcel of land which is or may be occupied, wholly or in part by one main building or use and its accessory buildings or uses. A lot is not necessarily limited to the boundaries of a platted lot where contiguous lots or land is under the same ownership and is so situated or used as in fact to constitute one parcel of land.

Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Depth: The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line.

Lot Line: Means the boundaries of a lot defined as:

1. Lot Line, Front: The lot line separating a lot from a street right-of-way, private-road easement, or other thoroughfare. Corner lots or through lots are considered to have two front lot lines and shall provide the minimum required front yard setback at both front lot lines in accordance with the provisions of the zoning district it is located within.
2. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, an imaginary line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. Lot Line, Side: Any lot line other than the front or rear lot line.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front yard setback. The width of a corner lot shall be determined as being the entire length of the front lot line, which is opposite the rear lot line.

Mobile Home Park: Any trailer coach park which meets all of the requirements of Act 243 of the Public Acts of 1959, as amended, (The Michigan "Trailer Coach Park Act of 1959"), Act 419 of the Public Acts of 1976, as amended, (The Mobile Home Commission Act) and, in addition all the requirements of Chapter 9 of this Ordinance.

Mobile Home: A mobile home is 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 a permanent foundation, when connected to required utilities.

Motel: Any building used as the temporary living quarters of persons in which as a rule the rooms are occupied singly for hire with no provisions for cooking in any sleeping room or suite of rooms and in which there are more than 20 sleeping rooms, any of which may or may not contain a public dining room.

Multiple Dwellings: A building not exceeding two and one-half (2½) stories in height containing 3 or more apartments, townhouses, dwelling units, or family units.

Nonconforming Structure: A structure lawfully existing at the time of the adoption of this Ordinance, or any amendment thereto, and which does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which was lawfully made of a structure or land at the time of the adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.

Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:

1. An educational institution funded, chartered or recognized by the State of Michigan; or
2. Any modeling session for a local, non-profit organization, that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two dimensional or three dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.

One-Family or Single-Family Dwellings: A building designed for or occupied exclusively by one family.

Parking Area: An open area, other than a street or other public way, used for the parking of motor vehicles and available for use whether for a fee or as an accommodation for clients, customers, residents or occupants.

Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person including, but not limited, to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of an infant shall not under any circumstances constitute public nudity irrespective of whether the nipple is covered during or incidental to the feeding.

2. "Material" defined in section 2 of Act No. 343 of the Public Acts of Michigan of 1984, being section 752.362 of the Michigan Compiled Laws.
3. "Sexually explicit visual material" as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
4. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

Principal Use: The primary and predominant use of the premises, including customary accessory uses.

Satellite Dish Antenna: An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following businesses: (a) adult arcade; (b) adult bookstore; (c) adult cabaret; (d) adult motel; (e) adult motion picture theater; (f) adult theater; (g) escort agency; (h) nude model studio; and (i) sexual encounter center.

Sign: See definitions contained in Chapter 30

Single Ownership: Ownership of a lot of record, in separate and distinct ownership from an adjacent lot or adjacent lots where such adjacent lot or lots are not owned by the same owner or by the same owner in joint tenancy or tenancy in common with any other person or persons. See Section 4.3.

Site condominium: See definitions contained in Chapter 25

Specified Anatomical Areas: Specified anatomical areas are defined as the following:

1. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Includes any of the following:

1. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of activities set forth in (1), (2), or (3) above.

Street: A publicly or privately 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. See additional definitions contained in Chapter 27 relative to private streets

Structure: Anything constructed or erected, which requires permanent location on the ground or attachment to something having such location.

Structural Changes or Alterations: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

Townhouse: That portion of a multiple dwelling which has a common sidewall with some other dwelling unit in the building but which extends throughout the vertical height of the structure and provides separate or individual front and rear yard areas and which has self-contained facilities for living, sleeping and cooking and which is designed for occupancy by one family.

Two and One-Half Stories: Refers to the number of stories or floor levels permitted above the average elevation of the finished lot grade at the front of the building.

Two-Family Residence: A building designed for or occupied exclusively by two families.

University: See College

Usable Floor Area: For the purposes of computing parking requirements, usable parking area shall be that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or is intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area.

Yards:

1. Front Yard: The minimum distance between the front line of the principal building, excluding steps and unenclosed porches, and the street right-of-way line, unoccupied and extending for the full width of the lot.
2. Rear Yard: The minimum distance between the rear lot line and the rear line of the principal building, unoccupied and extending for the full width of the lot except for that area occupied by an accessory building.
3. Side Yard: The minimum distance between the side lot line and the side line of the principal building, unoccupied and extending for the full length of the lot except for the area occupied by an accessory building.

Zoning Administrator: The person designated by the Township Board to administer and enforce the provisions of this Zoning Ordinance. The Zoning Administrator or in his or her absence, the Township Supervisor, is authorized to designate the Building Inspector and other assistants and agents to aid him or her in the enforcement and administration of this Zoning Ordinance.