

INTRODUCTION

A Permanent Zoning Ordinance of Maple Grove Township, Manistee County, Michigan, was adopted by the Maple Grove Township Board at a regular meeting held on the 8th day of November, 1977, and pursuant to the provisions of Public Act 181, of 1913, as amended, notice is hereby given that the Township Board of the Township of Maple Grove has adopted amendments to said Permanent Zoning Ordinance and the Zoning Map of Maple Grove Township. The text of the Maple Grove Township Permanent Zoning Ordinance, as amended, is herein set forth in its entirety, and attached to same is a copy of the Amended Zoning Map of Maple Grove Township and said Zoning Ordinance and Zoning Map by the terms of same become effective immediately.

MAPLE GROVE TOWNSHIP MANISTEE COUNTY, MICHIGAN PERMANENT ZONING ORDINANCE

An Ordinance to amend an Ordinance entitled "Maple Grove Township Permanent Zoning Ordinance", which Ordinance is enacted under Public Act 181, of 1913, as amended, to establish and define Zoning Districts and regulations governing unincorporated portions of Maple Grove Township, Manistee County, Michigan.

THE TOWNSHIP BOARD OF MAPLE GROVE TOWNSHIP, MANISTEE COUNTY, MICHIGAN,
HEREBY ORDAINS:

ARTICLE 1 - PREAMBLE

101. Title:

This Ordinance shall be known as the Maple Grove Township Permanent Zoning Ordinance.

[Annotation: This ordinance was recodified, by amendment adopted August 9, 1995, effective August 10, 1995 at 12:01am, which resulted in renumbering Articles and Sections as well as relocation of some Sections.]

102. Purpose:

The fundamental purposes of this Ordinance are:

- A. To promote the public health, safety, morals, and general welfare.
- B. To encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land.
- C. To provide regulations and restrictions that increase the safety and security of home life, that preserve and create a more favorable environment; that stabilize and enhance property and civic values; that provide for a more uniform land-use pattern; that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, recreation, schools, public buildings, housing, light, air, water supply, sewage sanitation, and other public requirements;
- D. To avoid the congestion, disorder, and danger which often is inherent in unregulated municipal development;
- E. To provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends;
- F. To prevent overcrowding of land and undue concentration of population; In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this objective, the Township is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, that protect the common rights and interests within each district, that preserve the general rights and interest of all, and by further regulations to limit the location, use and occupancy of buildings, structures, and land to be used for trade, industry, residential, or other purposes, and the location, height, bulk of buildings and other structures, including the percentage of lot occupancy and coverage, street, road or highway set-back lines, sizes of yards, and other open spaces that reserves to the substantial majority the right of approval on changes and/or amendments to a less restrictive use.

103. Legal Basis:

This Ordinance was enacted pursuant to Public Act 184 of 1943, as amended (being the Township Zoning Act, M.C.L. 125.271 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all matters concerning operation of this Ordinance shall be done pursuant to Public Act 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereafter referred to as the "Zoning Enabling Act".

[Annotation: This Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

106. Codification:

This Ordinance is codified by use of articles and sections, and organized in the following manner. Section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.

- A. Article 1-9 for introductory material for this Ordinance.
 1. Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.

2. Article 5 for definitions of words and uses which are used in this Ordinance.
- B. Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.
 1. Article 10 for general regulations which are applicable in all zoning districts. This article is further subset as follows:
 - a. Sections 1000-1099 for general provisions;
 - b. Sections 1100-1199 for water related environmental regulations;
 - c. Sections 1200-1299 for solid waste related environmental regulations;
 - d. Sections 1300-1399 for land and other environmental regulations;
 - e. Sections 1400-1499 for parcel and setback regulations;
 - f. Sections 1500-1599 for vehicle access, road and parking regulations;
 - g. Sections 1600-1699 for aesthetic (sign, viewshed, sex oriented businesses) regulations;
 - h. Sections 1700-1799 for structure (not dwelling) regulations;
 - i. Sections 1800-1899 for dwelling and residential regulations;
 - j. Sections 1900-1999 for other special purpose general regulations which are not classified above;
 - k. Article 16 for standards for specific possible conditional and special uses.
 2. Article 18 for establishment of the zoning map and definition of zoning districts.
- C. Articles 20-79 for each zoning district, further organized as follows with articles 20-69 organized from least interest to most intense.
 1. Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense;
 2. Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts with each zoning district organized from least intense to most intense;
 3. Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense;
 4. Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense;
 5. Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense;
 6. Articles 70-79 for overlay districts.
- D. Articles 80-89 for permit process and procedures.
 1. Article 80 for nonconformities;
 2. Article 82 for administration of the Ordinance;
 3. Article 83 for permit procedures;
 4. Article 85 for conditional uses procedures;
 5. Article 86 for special uses procedures;
 6. Article 88 for planned unit development procedures.
- E. Articles 90-99 for Ordinance administration.
 1. Article 94 for site plan review process;
 2. Article 96 for appeals board;
 3. Article 98 for Ordinance amendment, validity, enforcement and penalties.

[Section 2 added by amendment January 17, 2001.]

ARTICLE 5 - DEFINITIONS

501. Purpose; Rules of Interpretation: For the purpose of this Ordinance, certain terms are herewith defined. The following rules will apply when interpreting this Ordinance:

- A. When not consistent with the context, words used in the singular manner include the plural number, and words in the plural number include the singular number.
- B. The word "person" shall mean an individual, Partnership, corporation, or their agents.
- C. The word "shall" is always mandatory and not merely directory; the word "may" is permissive.
- D. Words used in the present tense includes the future tense.
- E. Any word not defined, shall be interpreted within its common and approved usage, and further reference for definition by classification in specific or general categories not defined herein, may be contained in the publication, "Standard Industrial Classification Manual" of 1972, as amended or updated, Office of Management and Budget, Washington, D.C.
- F. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Board of Appeals.

[Annotation: This Section re-organized and sub-section F. added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

502. Definitions:

Accessory Building or Structure:

A supplementary building or structure on the same lot or parcel of land as the main building, or part of the main building occupied by or devoted exclusively to an accessory use, but such use shall not include any building or structure used for dwelling, residential, or lodging purposes, or sleeping quarters for human beings.

Accessory Use:

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings on the premises.

Adult Book and/or Video Store:

An establishment having, as a substantial or significant portion of its stock in trade, computer services, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" hereinafter defined.

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Live Entertainment Establishments Regardless of Whether Alcoholic Beverages May or May Not be Served:

Establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a "state of nudity" or "semi-nude"; and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities";

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Motion Picture Theater:

An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Mini Motion Picture Theater:

An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

Maple Grove Township Zoning Ord.

[Annotation: Definition added by amendment, effective January 17, 2001]

Definitions; Art. 5

Adult Panorams:

An establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas".

[Annotation: Definition added by amendment, effective January 17, 2001]

Adult Paraphernalia/Novelty Store:

An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

[Annotation: Definition added by amendment, effective January 17, 2001]

Agricultural Use:

A use of any land or structure for the purpose of production of grain, vegetables, orchards, nurseries, livestock, or poultry, dairying, forestry, or other lawful crops and animal husbandry.

Alley:

A public or legally-established private right-of-way, not more than thirty (30) feet wide, which primarily provides secondary vehicular access to the rear or sides of properties otherwise abutting upon a street, road, or highway.

Altered:

Any change in the location or use of a building, or any change in the supporting members of a building such as load-bearing walls, columns, beams, posts, girders, and similar components, or any change in size or location of the roof or exterior walls.

Apartment Building:

A dwelling designed for three (3) or more housing units or occupied by three (3) or more families with separate housekeeping, cooking, and bathroom facilities for each housing unit.

[Annotation: Definition added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

Automobile or Trailer Sales Area:

An open area used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Basement and Cellar:

A basement is that portion of a building or structure partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is that portion of a building or structure partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Billboard or Advertising Sign:

Any structure or portion thereof upon which a sign or advertisement is posted or painted as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court, church, or public office notices.

Boat House:

Any structure used for the temporary or permanent storage of a boat or boats for private use.

Boat Livery:

Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing, sale, storage, or providing use thereof to persons other than the owners for a charge or fee.

Building:

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall include tents, awnings, vehicles, whether mounted or on wheels, and situated on private property and used for the purposes ascribed.

Building Permit/Land Use Permit:

A standard for: issued by the Maple Grove Township Building Inspector and the Zoning Administrator or their agents, upon application by an owner or his agent, for the proposed construction of a structure and/or the use of land in compliance with the provisions of this Ordinance.

Building, Principal:

A structure in which is conducted the principal use of the premises on which it is situated.

Cabin:

Any building, tent, or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, motels, lodging houses, or tourist homes.

Cabin Court or Cabin Park:

Any tract or parcel of land on which two or more cabins, as herein defined, are maintained, offered, or used for dwelling or sleeping quarters for transients.

Communication Tower Facilities:

A facility, which includes transmitters, antenna structures, towers, and other types of equipment necessary for, but not limited to, providing radio broadcasts, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching. Personal Communications Systems (PCS), cellular radiotelephone services, and paging [48-4899]. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers. Communication tower facilities does not include antennas and their towers at a person's home for his personal use for television and radio reception, and citizen band or HAM radio hobby activity.

[Annotation: Definition added by amendment January 17, 2001]

Corner Lot:

A lot on which at least two (2) adjacent sides abut for their full length upon a street or road, provided that such two (2) sides intersect at an angle of not more than one-hundred thirty-five (135) degrees.

District:

An area, section, or zone of Maple Grove Township, Manistee County, Michigan, for which zoning regulations are prescribed.

Drive-In Business:

Business establishments so developed that their retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons in the motor vehicle rather than within a building or structure.

Driveway:

Access to a parcel of land.

Duplex:

A dwelling designed for two (2) housing units or occupied by two (2) families only, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

[Annotation: Definition added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

Dwelling:

Any building or structure, or part thereof, designed or used as a residence, home, or sleeping place of one (1) or more persons containing one (1) or more rooms.

- a. One-Family Dwelling -- A dwelling occupied by but one (1) family, and so designed or arranged as to provide living, cooking, and sleeping accommodations for one (1) family only. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons.
- b. Two-Family Dwelling (Duplex) -- A dwelling occupied by two (2) families living independently of each other, and so designed or arranged as to provide separate living, cooking, and sleeping accommodations. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.
- c. Multiple-Family Dwelling (Apartment Buildings) -- a dwelling occupied by three (3) or more families, living independently of each other, and so designed or arranged as to provide separate living, cooking, and sleeping accommodations. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.
- d. Temporary Dwelling -- Cabins, tents, trailers, garages, and basements, if used for human occupancy, are designated as temporary dwellings. Occupancy of such a dwelling shall be by no more than two (2) unrelated persons in each unit.

Erected:

Signified built, constructed, reconstructed, moved upon, including any physical operations on land required for a building. Excavations, fill, drainage, and the like shall be considered part of the erection.

Existing Building:

An existing building is a building existing in whole or in part, whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

Family:

Two (2) or more persons related by bonds of consanguinity, marriage, or legal adoption. A family shall be deemed to include domestic servants and gratuitous guests.

Farm:

- a. All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming 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, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, Piggeries, or stockyards, shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land.
- b. Farm Building as used in this Ordinance, is any building or structure other than a dwelling, moved upon, maintained, used, or built on a farm which is essential to and customarily used in the pursuit of agricultural activities.

- c. Farm Operation as used in this Ordinance, means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: marketed produce at authorized road 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.
- d. Farm Product as used in this Ordinance, means those Plants and animals useful to man and includes but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, apiaries, and similar specialized agricultural products.

Floor Area:

- a. Unless otherwise designated within the provisions of this Ordinance, floor area shall be considered as the first floor area, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or enclosed or unenclosed porches.
- b. Floor area of a Mobile Home shall be considered as resulting from the exterior measurements at the floor level (Length times width exclusive of tongue) plus any original construction roll-out/tip-out extension. Commonly referred to dimensions, i.e.: 32 X 50, are over the road dimensions and will not be used in computation of Floor Space to satisfy requirements of this Ordinance.

Garage (Private and Commercial):

- a. A private garage is any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing or storage for a fee is conducted.
- b. A commercial garage is any garage, other than a private garage or garage operated by a municipality, used for the storage, repair, greasing, washing, rental, sales, servicing, adjusting, or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration, hire, or sale where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed and including undercoating, or overall painting when conducted in an enclosed booth.

Gasoline Service Station:

Any land, building, or structure where gasoline or any other motor fuel, or lubricating oil or grease for operating motor vehicles, or other internal combustion engines, is offered for retail sale to the public, or retail sale of accessories, or where greasing, changing of oil, or repairing minor parts or accessories. Permissible uses do not include the storage of automobiles, major overhaul or replacing engines, bodies, fenders, or painting motor driven vehicles, trailer coaches, or recreational vehicles; or work involving noise, glare, fumes, or smoke greater than normally found in such a facility.

Greenbelt:

As used in this Ordinance, means a strip of land contiguous to any stream, lake, wetland, or flood plain; or around or between certain land use areas as may be specified in this Ordinance; and shall consist of wherever possible natural vegetation native to the land use area, such as grass, deciduous and/or coniferous trees. The purpose of the Greenbelt is to maintain or improve air quality, stabilize soils, increase groundwater filtration, erosion control, decrease wind velocity, reduce noise, and create zones of privacy.

Hazardous Substances:

One or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

- B. "Hazardous substance" as defined in the comprehensive environmental response, compensation and liability act of 1980, Public Law 96-510,94 Stat. 2767.
- C. "Hazardous waste" as defined in P.A. 64 of 1979 (being MCL 299.501 to 299.551, the Hazardous Waste Management Act).
- D. "Petroleum" as defined in P.A. 478 of 1988 (being MCL 299.831 to 299.850, the Leaking Underground Storage Tank Act).

[Annotation: Definition added by amendment, August 9, 1995, effective August 10, 1995 at 12:01am.]

Home Occupation:

Any occupation, profession, or service conducted by a member of a family residing on the premises, and is incidental to the residential use of the dwelling unit or its accessory buildings, and is not noticeable in any form from outside the dwelling unit except that an unlighted nameplate or sign, not exceeding four (±) square feet, and in keeping with the character of the structure and neighborhood, may be placed on the front of the structure; and, providing further, that said occupation does not require any change in the external character of the structure. Clinics, hospitals, boarding house rooms, barber or beauty shops, tea rooms, animal boarding establishments, servicing or dismantling of machinery or vehicles of any kind, or the production of any kind of animals, shall not be deemed a home occupation.

Host or Hostess Establishments:

Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

[Annotation: Definition added by amendment, effective January 17, 2001]

Hotel:

Any building where lodging, with or without meals, is furnished to transients or resident guests for compensation, and containing more than four (4) sleeping rooms, wherein a restaurant may or may not be located.

Industrial Building:

A building housing a manufacturing process.

Institution Building:

A building occupied by a municipal or non-profit corporation or non-profit establishment for public use.

Junk Yard:

Any establishment or premises where worn-out or discarded material is bought, kept, sold, or stored.

Lodge:

A building for use as a meeting place for members of private clubs, service clubs, veterans organizations, and other fraternal or religious organizations.

Lot or Parcel:

Any portion, piece, or division of land.

Lot or Parcel Lines:

Lot or parcel lines are the Property lines bounding the lot or parcel.

Lot Area:

The total horizontal area within the lot or parcel lines, as defined, of a lot or parcel. For lots or parcels fronting or lying adjacent to streets or roads, lot or parcel area shall be that area within lot or parcel lines separating the lot or parcel from the street or road right-of-way, and not measuring from the centerline of said street or road.

Lot or Parcel Depth:

The mean, horizontal distance from the front street line to the rear line.

Lot, Mobile Home:

A parcel of land for the placement of a single mobile home for the exclusive use of its occupants.

Lot or Parcel of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Manistee County, Michigan, or a parcel described by metes and bounds, and the deed thereof having been recorded in the Office of the Register of Deeds, Manistee County, Michigan.

Massage Parlor:

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;
2. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
3. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
4. A current occupational license from another state.

[Annotation: Definition added by amendment, effective January 17, 2001]

Mobile Home:

A dwelling, transportable in one or more sections which is built on a permanent 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 therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan Public Act 419 of 1976, as amended, (being the Mobile Home Commission Act, M.C.L. 125.1101 et. seq.) and administrative rules promulgated thereunder.

[Annotation: Definition amended May 8, 2000.]

Mobile Home Park:

A parcel 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. Said park shall be subject to provisions of the Michigan Mobile Home Commission Act, Act 119, of Public Acts of 1976, as amended.

Motel:

A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space but not kitchen or cooking facilities, where each unit has a private entrance.

Non-Conforming Building:

A building or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance for the district in which it is located.

Non-Conforming Use:

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and does not conform to the use regulations of the zoning district in which it is located.

Open Dance Hall:

An establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.

[Annotation: Definition added by amendment, effective January 17, 2001]

Open Space, Required:

The yard space of a lot or parcel which is established by and between the street, road, or thoroughfare, or the lot or parcel lines and the required setback line which shall be open, unoccupied, and unobstructed by any structure or any part thereof from the ground to the sky, except as otherwise permitted in this Ordinance.

- a. Front Open Space Required _ The required open space extending the full width of the lot or parcel and to a depth equal to the required setback line measured horizontally at right angles to the front lot or parcel line.
 1. Corner Lot or Parcel Open Space requirement shall be considered as front open space along the two (2) intersecting streets or roadways bounding the corner or parcel lot.
- b. Rear Open Space Required -- The required open space extending the full width of a lot or parcel and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot or parcel line.
- c. Side Open Space Required _ The required open space extending from the required front open space to the required rear open space and of a width equal to the side required setback line measured horizontally at right angle to the side lot or parcel line.

Park:

Any non-commercial recreation area.

Person:

A human being, body of persons, corporation, partnership, or other legal entity recognized by law as the subject of rights and duties.

Planned Unit Development (PUD):

Terms such as cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Public Meeting Place:

Any building or outdoor area where numbers of persons congregate from time to time for educational, religious, social, or recreational purposes, including but not limited to, schools, libraries, clubs, lodges, community buildings, churches, theaters (indoor or outdoor), places of amusement, and other similar assemblages.

Public Utility:

Any person, firm or corporation, municipal department or board, duly authorized to furnish and furnishing under government regulation, to the public or its members, transportation, water, gas, electricity, telephone, steam, telegraph, sewage disposal, or other services.

Restaurant:

A business located in a building wherein food, beverages, or meals are prepared, served, and sold for consumption on or off the premises.

Retail/Wholesale Commercial Establishment:

A store, market, shop, or other structure in which commodities are sold, traded, or offered in small or large quantities, to public or restricted clientele at retail or wholesale including but not limited to grocery and general stores, meat markets, hardware, lumber, supply houses, public garages, and automobile service stations.

Roadside Stand:

A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family, and its use shall not be deemed a commercial activity.

Rubbish or Junk:

The miscellaneous materials resulting from housekeeping, mercantile establishments, trades, manufacturing, and offices, including other waste matter such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rugs, chemicals, auto parts, junked cars, or any similar or related combinations thereof.

Sanitary Land Fill or Dump:

Any parcel of property which is set aside for the principal purpose of permitting either private or public abandonment of refuse, rubbish, or junk.

Setback:

The minimum horizontal distance between the lot line or road right-of-way, whichever is closest to a wall of a building, excluding steps and unenclosed porches.

Setback Line:

Lines established adjacent to streets or highways or roads or stream edge or lake edge or wetland edge or Flood Plain edge or property line, whichever is closest to the wall of the building, for the purpose of defining limits within which no building or any part thereof shall be erected or permanently maintained.

Sign:

An inscribed board or space serving for advertisement and/or information.

Specified Anatomical Areas:

Human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernible state of tumescence, even if opaquely covered.

[Annotation: Definition added by amendment, effective January 17, 2001]

Specified Sexual Activities:

Includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

[Annotation: Definition added by amendment, effective January 17, 2001]

Stable, Private:

A building used or to be used by an individual or family for the housing of not more than three (3) horses for the use of the individual or family only and not for hire and to be located not less than one-hundred (100) feet from any adjoining property.

Stable, Public:

A building used for the housing of horses in any manner not included in Section 502 of this ordinance, definition of "stable, private".

Street or Road:

A roadway, including all improvements, pavements, gutters, curbs, sidewalks, parking areas, and greenbelts, contained within the right-of-way, which is either an existing state, county, or township roadway, or a road shown on a plat heretofore approved pursuant to law or approved by official action, or a road on a plat duly filed in the Office of the Register of Deeds, Manistee County, and used and capable of supporting motor vehicle traffic. Right-of-way line assumed to be thirty-three (33) feet each side of centerline unless otherwise designated or unless limited to less by actual usage.

Structure:

Any constructed or erected pieces of material or combinations of materials, the use of which requires location on the ground, including but not limited to buildings, stadia, dwellings, garages, signs and sign boards, towers, poles, antenna supports, standpipes, fences, and other like objects.

Substantial or Significant Portion:

A business or establishment which has:

1. Thirty-five percent or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and/or "specified anatomical areas"; and/or
2. Thirty-five percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

[Annotation: Definition added by amendment, effective January 17, 2001]

Tavern:

Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

Thoroughfare:

A roadway, street, or highway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used primarily for the conveyance of large volumes of vehicular traffic.

Tourist Cabin-Court:

- a. Any building, tent, or similar structure with or without kitchen facilities, which is maintained, offered, or used, for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include structures commonly designated as hotels, lodging houses, motels, or tourist homes.
- b. A tourist court or park is any tract or parcel of land on which two (2) or more cabins as herein defined are maintained, offered, or used for dwelling or sleeping quarters for transients.

Tourist Home:

Primarily a family dwelling where lodging, with or without meals, is provided or offered for compensation, chiefly on an overnight basis and mainly to transients.

Trailer:

A vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in P.A. 300 of 1949, as amended, (being Michigan Motor Vehicle Code, M.C.L. 257.1 - 257.82), and including camping units, tents, or any other temporary dwellings. (The term, as used in this Ordinance, shall be synonymous with, but not limited to Camper, Travel Trailer, Motor Home, Trailer Coach, Recreational Vehicle, or Slid-in Camper.)

[Annotation: Definition amended, effective May 8, 2000]

Trailer Park:

(Synonymous Terminology .. Campgrounds)

Any parcel or tract of land under the control of any person, on which are situated three (3) or more trailers, or which is offered to the public for the establishment of overnight or temporary living accommodations, regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the parking or occupancy of trailers, and shall be subject to the Michigan Mobile Home Park Act 243, of public Acts of 1959, as amended.

Transfer of Ownership or Control of a Sexually Oriented Business:

Includes any of the following:

1. The sale, lease or sublease of the business or establishment;
2. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
3. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

[Annotation: Definition added by amendment, effective January 17, 2001]

Use:

The purpose for which land or premises, or a building thereon is designed, used, arranged, or intended, or for which it is occupied or maintained, let, or leased.

Yard:

A space open to the sky between a building and the lot lines of the premises on which it is located, unoccupied, or unobstructed, except for encroachments specifically permitted under sections of this Ordinance. In measuring a yard as hereinafter provided, the measurements shall be the minimum horizontal distances between lot lines and a parallel line drawn through the nearest point of the main building or accessory building or any projections thereof.

- a. Front Yard: A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the main building or accessory building or projection thereof.
- b. Rear Yard: A yard extending across the full width of the lot and lying between the rear lot line and the rear of the main building and any projections thereof except steps, unenclosed balconies, Patios, or unenclosed porches.
- c. Side Yard: A yard between the side lot line and the nearest line of the main building or accessory building attached thereto or projection thereof extending from the front yard to the rear yard, or in the absence of either such yards, to the front or rear lot line, as the case may be, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.
- d. Waterfront Yard: A yard any part of which abuts on a lake, stream, or any natural or artificial water course.