

## **ARTICLE VI ~ DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation or other association or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

### **ACCESSORY BUILDING**

Any subordinate building, such as a private garage, located on the same lot with the main building, or any portions of the main building if said portion is occupied or devoted exclusively to an accessory use. When an accessory building is attached to a main building by a wall or roof, such accessory building shall be considered part of a main building for the purpose of determining the required dimensions of yards.

### **ACCESSORY USE**

Any use customarily incidental to the main use of the premises.

### **ADULT BOOK STORE OR ADULT VIDEO STORE**

A commercial establishment which, as one of its principal business purposes (meaning either ten percent (10%) of the usable floor area or twenty percent (20%) of the stock in trade of the establishment) offers for sale or rental, or for any other form of consideration, any one or more of the following: books, computer diskettes, tapes, other electronic file retrieval media, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, other video reproduction media, slides or other visual representations which depict or describe Aspecified sexual activities@ or Aspecified anatomical areas.@ A commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing Aspecified sexual activities@ or Aspecified anatomical areas@ and still be categorized as an "adult book store" or "adult video store.@ Such other business purposes shall not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental, or for any other form of consideration, materials depicting or describing Aspecified sexual activities@ or Aspecified anatomical areas.@ Video cassettes, other video reproduction media or films which are X-rated or of substantially equivalent content as X-rated films shall be considered to depict or describe Aspecified sexual activities@ or Aspecified anatomical areas@ notwithstanding any more restrictive definition set forth herein.

**ADULT BUSINESS** as used in this ordinance, shall mean any of the following:

- A. Adult bookstore or adult video store;
- B. Adult cabaret;
- C. Adult mini motion picture theater;
- D. Adult motel;
- E. Adult motion picture theater;
- F. Adult smoking or paraphernalia store;
- G. Billiard/pool hall;
- H. Escort agency;
- I. Massage parlor;
- J. Pawnshop;
- K. or Tattoo parlor.

## **ADULT CABARET**

A nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

1. Live performances characterized by the exposure of Aspecified anatomical areas@ or by Aspecified sexual activities;@ or
2. Films, motion pictures, video cassettes, slides, computer presentations or other moving-image reproductions characterized by the depiction or description of Aspecified sexual activities@ or Aspecified anatomical areas.@

## **ADULT MINI MOTION PICTURE THEATER**

An establishment with a capacity of less than fifty persons, wherein material distinguished or characterized by an emphasis on matters depicting, describing or related to Aspecified sexual activities@ or Aspecified anatomical areas@, as defined in this section, is available for observation by patrons therein.

## **ADULT MOTEL**

A hotel, motel, or similar establishment which:

Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of these types of photographic reproductions; or

2. Offers a sleeping room for rent for a period that is less than eight (8) hours.

## **ADULT MOTION PICTURE THEATER**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

## **ADULT SMOKING OR SEXUAL PARAPHERNALIA STORE**

An establishment which as one of its principle building purposes (meaning either ten percent (10%) of the usable floor area or twenty percent (20%) of the stock in trade of the establishment) offers for sale either: paraphernalia designed or usable for sexual stimulation or arousal; or paraphernalia designed for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

## **AGRICULTURE**

The art or science of cultivating the ground including the production of crops and livestock on a farm.

## **ALTERATION**

Any change, addition or modification in use or type of occupancy; any change in the structural members of a building, such as wall, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

## **AUTOMOBILE OR TRAVEL TRAILER**

Any house car, house trailer home, trailer coach or similar vehicle used, or so constructed as to permit its uses as a conveyance upon the public streets or highways, and duly licensable as such, including any self-propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons.

## **BILLIARD/POOL HALL**

An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping-pong, darts, dice, cards, or similar activities.

## **BILLBOARD**

Any structure or portion thereof upon which a sign or advertisement is used 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.

## **BOARDING HOUSE OR ROOMING HOUSE**

A building containing at least one "Dwelling Unit" and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind, to more than one person other than members of the family occupying the "Dwelling Unit".

## **BODY OF WATER**

For purposes of this Ordinance a "body of water" is any lake, pond, flowage, stream or river exceeding ten (10) acres in water area or having a drainage area of over two (2) square miles as calculated from the United States Geological Quadrangle Map.

## **BUILDING**

A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

## **BUILDING PERMIT**

The written authority issue by the Zoning Administrator or his agent permitting the construction, removal, moving, alterations, or use of a building in conformity with the provisions of this Ordinance.

## **BUILDING, PRINCIPAL**

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

## **COMMUNICATIONS TOWERS**

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone and wireless communications towers, and alternative tower structures. Tower types include, but are not limited to guyed towers, wooden poles, lattice towers, and monopoles.

## **CONSERVATION EASEMENT**

“Conservation easement” means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

## **DWELLING**

A dwelling is any building which contains one or more "Dwelling Units" used, intended, leased, let or hired out to be occupied for living purposes. In case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

## **DWELLING UNIT**

A Dwelling Unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## **DWELLING, SINGLE FAMILY**

A building containing not more than one Dwelling Unit designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## **DWELLING, TWO FAMILY**

A building containing not more than two separate Dwelling Units designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## **DWELLING, MULTIPLE FAMILY**

A building containing three or more Dwelling Units designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## **ESCORT**

A person who, for monetary or other consideration, agrees or offers to act as a companion, guide or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

## **ESCORT AGENCY**

A person or business association who or which furnishes, offers to furnish or advertises to furnish escorts as one of his, her or its primary business purposes for a fee, tip or other consideration.

## **ESTABLISHMENT OF AN ADULT BUSINESS**

Means and includes any of the following:

- A. The opening or commencement of any Aadult business@ as a new business;
- B. The conversion of an existing business to any Aadult business;@

- C. The addition of any Aadult business@ to any other existing business; or
- D. The relocation of any Aadult business.@

### **EXISTING BUILDING**

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

### **FAMILY**

- (a) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of principal occupants, with not more than one additional unrelated person, who are domicile together as a single, domestic, housekeeping unit in a dwelling unit, or . . .
- (b) a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, and shall also not include any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.

### **FLOOR AREA, USABLE**

Any floor area within outside walls of a building exclusive of area in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

### **JUNK YARD**

Any establishment or premises where worn-out or discarded material or equipment is brought, kept, sold and/or stored; also any premises upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

### **LOT**

Any portion, piece or divisions of land.

### **LOT OF RECORD**

A parcel of land recorded in the office of the Mecosta County Register of Deeds.

### **LOT AREA**

The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to public or private streets, lot area shall be interpreted to mean that area within lot line separating the lot from the private street, and not the centerline of said private street.

### **LOT LINES**

The property lines bounding the lot. Front Lot Line -- A Front Lot Line, in the case of a lot abutting upon a public road or street means the line separating such lot from such road or street right-of-way. In the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line, the front lot line, providing that such

choice, in the opinion of the Zoning Administrator or his agent will not be injurious to the existing or the desirable future development of adjacent properties. In the case of platted water front property, the front lot line shall be as designated on the plat. Rear Lot Line -- A Rear Lot Line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot for the purpose of determining depth or rear yard, a rear lot line shall be considered to be a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot. In cases where none of these definitions are applicable, the Zoning Administrator or his agent shall designate the rear lot line. Side Lot Lines -- A Side Lot Line is any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

### **MASSAGE PARLOR**

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of Michigan. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, beauty salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

### **MOBILE HOME**

A mobile home is a single-family dwelling designated for after fabrication transportation on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like; provided that this definition is not intended to apply to conventional modular homes.

### **MODULAR HOME**

A prefabricated dwelling constructed in sections for final assembly on a permanent foundation and which is structurally independent of the trailer frame or other systems by which it is transported to the site and from which it is generally removed prior to assembly. Such structures shall meet the standards of the Building Officials Conference of America (BOCA) or its equal.

### **NON-CONFORMING BUILDING OR STRUCTURE**

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

### **PARCEL**

A part or portion of land; in this Ordinance it is to be considered synonymous with the term lot.

#### **PAWNSHOP**

An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period of time.

#### **ROAD OR STREET**

Any state trunk-line or road under the jurisdiction of the Mecosta County Road Commission.

#### **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; its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

#### **SETBACK**

The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches and the front street or right-of-way line.

#### **SETBACK LINES**

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way.

#### **SIGN, OUTDOOR, ADVERTISING**

Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, place for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. See also "Billboard".

#### **SPECIFIED ANATOMICAL AREAS**

The less than completely and opaquely-covered human genitals, pubic region, buttock, female breast below the point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### **SPECIFIED SEXUAL ACTIVITIES**

Means and includes any of the following:

- A. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, actual or simulated, including intercourse or oral copulation, masturbation or sodomy.

C. Excretory functions as part of or in connection with any of the activities set forth in paragraphs A. or B. hereof.

### **TATTOO PARLOR**

A business engaged in the practice of providing an indelible mark or figure fixed upon the human body by insertion of pigment on or under the skin or by the production of scars.

### **TEMPORARY BUILDING AND USE**

A structure or use permitted by the Zoning Administrator or his agent to exist during period of construction of the main use or for special events.

### **TRAILER, TRAVEL**

A travel trailer is a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having body width not exceeding eight feet and being of any length provided its gross weight does not exceed 4,500 pounds or being of any weight provided its body length does not exceed 29 feet.

### **UNDEVELOPED STATE**

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway or linear park. Land in an undeveloped state does not include indoor or outdoor swimming pools, athletic fields, parking lots, or sporting arenas. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

### **USE**

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

### **YARD, FRONT**

The area between the street line and line parallel thereto drawn through the nearest point of a building or structure, extending between side lot lines.

### **YARD, REAR**

The area between a rear lot line and a line parallel thereto drawn through the nearest point of a main building or structure, extending between side lot lines.

### **YARD, SIDE**

The area between a side lot line and a line parallel thereto drawn through the nearest point of building or structure, extending from the front yard to the rear yard, or if there is no rear yard, extending from the front yard to another front yard or to another part of the same front yard.

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