

**3.00****ARTICLE III  
DEFINITIONS****ACCESSORY BUILDING:**

A supplemental building or structure on the same lot or part of the main building occupied by or devoted exclusively to an accessory use. Such structures will be permitted only where a primary use exists or is being established.

**ACCESSORY USE:**

A use naturally incident to, subordinate to and devoted exclusively to the main use of the land or building.

**AGRICULTURAL COOLING PAD:**

The area and its related equipment where crops, cherries, in particular, are collected and temporarily stored while well water is gently trickle-flushed through the fruit. Thusly, lowering crops temperature and preparing the crop for transport to be processed.

**AGRICULTURAL STAGING AREA:**

An area where trucks, transport equipment, harvesting coordination, and assembly and loading of agricultural products take place related to the logistics of harvesting and transporting agricultural crops.

**BED AND BREAKFAST ESTABLISHMENT:**

Transient lodging accommodations located within a single family dwelling unit and having limited food service limited to coffee, tea, juices, soft drinks and commercially prepared beverages and baked goods.

**BILLBOARD:**

A sign structure generally available for lease or rent, although sometimes owned by the user, intended to support an off-premises business. Commercial Outdoor Advertising and Outdoor Advertising are other terms commonly applied to larger billboards. Billboards require Special Land Use Permits, unless permitted in a specific zone, and require a site plan approved by the Site Plan Review Committee.

**BUILDING:**

Any structure, including pre-manufactured or pre-cut, above or below ground, either temporary or permanent, erected on site, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

**BUILDING HEIGHT:**

The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the highest finished grade at the building wall.

**CONDOMINIUM UNIT:**

Means that portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**CONDOMINIUM PROJECT:**

Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978).

**CORNER LOT:**

Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

**DOMESTIC PETS:**

Dogs, cats and other animals customarily housed within a dwelling.

**DWELLING:**

Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons permanently.

**EASEMENT:**

A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**EQUIPMENT:**

The materials needed for a purpose such as a task, a project or a journey.

**EXISTING BUILDING:**

A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

**EXISTING USE:**

A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

**FENCE:**

A structure constructed of wood, metal, glass, stone, brick or pre-made materials usually erected for the enclosure of yard areas or the perimeter of property.

**FENCE, RESIDENTIAL STANDARDS:**

1. Fences shall have the finished side facing outward away from the property in which it is located.

2. No fence shall be erected within the 50 ft. setback of any lakes, rivers, streams.
3. Fences shall not exceed a height of 6 feet.
4. Prohibited fences include barbed wire, electric charges, or fences with sharp materials located on top.

**FRONT LOT LINE:**

The line(s) separating the lot from any street right-of-way, private road or other access easement.

**FRONT YARD:**

A yard extending across the front of the lot between the side lot lines, and being the minimum horizontal distance between the street and the main building or any projections thereof.

**HAZARDOUS SUBSTANCES AND POLLUTING MATERIALS:**

Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U. S. Environmental Protection Agency and hazardous materials as defined by the U. S. Department of Transportation.

**HIGHWAY:**

Any public thoroughfare in Whitewater Township, including federal and state roads and highways.

**HOME OCCUPATIONS:**

Any occupation or activity for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no mechanical equipment other than that normally used for purely domestic, recreational or household purposes is installed or used, and further that the occupation does not constitute a nuisance or a hazard to public health, welfare and safety, or require or effect any change in the external character of the building.

**IMPLEMENT:**

A tool or an instrument used in doing work.

**INTERIOR LOT:**

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

**LOT:**

A parcel of land separated from other parcels of land by description on a recorded plat or by metes-and-bounds description; which meets the requirements of this Ordinance; a condominium unit in a site condominium which meets the requirements of this Ordinance; a common area or element in a condominium project; a condominium unit.

**LOT DEPTH:**

The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

**LOT FRONTAGE:**

The length of the front lot line.

**LOT LINES:**

The lines bounding a lot or parcel.

**LOT OF RECORD:**

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Grand Traverse Michigan; or a tract of land described by metes-and-bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

**LOT WIDTH:**

The horizontal distance between side lot lines measured parallel to the front line.

**MANAGED VEGETATIVE STRIP:**

A natural vegetative area extending along both sides of rivers, streams or watercourses, containing native trees, shrubs and other vegetation and natural materials. The purpose of the managed vegetative strip is to stabilize the river banks, prevent erosion, absorb nutrients in water run-off from adjacent lands, provide shading for the stream to maintain cool water temperatures and screening of adjacent man-made structures.

**MASTER DEED:**

The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by the reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

**MOBILE HOME OR PRE-MANUFACTURED HOUSING:**

According to Public Act No. 419 of 1976, mobile home or pre-manufactured housing means a structure, transportable in 1 or more sections and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does NOT include a recreational vehicle.

**MOBILE HOME-OCCUPIED:**

Means a trailer coach which is being used for dwelling or sleeping purposes.

**MOBILE/MANUFACTURED HOME CONDOMINIUM PROJECT:**

Means a condominium project which mobile homes or manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

**MOBILE HOME PARK, TRAILER COACH PARK OR PARK:**

Means any parcel or tract of land under the control of any person, upon which three (3) or more occupied trailer coaches are harbored on a continual basis, or 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 harboring or occupancy of trailer coaches; except as provided by Section 91, Act 172, PA 170.

**MOBILE/MANUFACTURED HOME SUBDIVISION:**

A subdivision approved under Act 288, PA 1967, as amended, which by deed restriction has been designated solely for occupancy by mobile homes or manufactured homes.

**MULTIPLE FAMILY DWELLING:**

A building or portions thereof used or designed as a residence for three (3) or more families living independently of each other and independently doing their own cooking in said building and conforming in all other respects to the standards set forth under the Single Family Dwelling definition. This definition includes three-family houses, four-family houses and apartments, but does not include trailer camps or mobile home parks.

**NONCONFORMING LOT:**

A lot of record which does not meet the requirements of this Ordinance.

**ORDINARY HIGHWATER MARK:**

The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

**OUTDOOR DISPLAY AREA:**

A designated outdoor area approved by the Planning Commission and located in the C-1 Commercial or N-Industrial districts to allow products being sold to be visible to the public.

**OUTDOOR INVENTORY AREA:**

A designated outdoor area approved by the Planning Commission and located in the C-1 Commercial or N-Industrial districts to allow for excess inventory to be stored in a manner not visible to the public.

**NONCONFORMING USE:**

A use which lawfully occupied a structure or site prior to the effective date of this Ordinance or any amendment thereto, and which does not conform with the use regulations of the district in which it is located.

**NONCONFORMING STRUCTURE:**

A structure lawfully existing prior to the effective date of this Ordinance or any amendment thereto which is occupied by a nonconforming use or built in a nonconforming manner.

**PARCEL:**

A lot described by metes and bounds or described in a recorded plat.

**PLAT:**

A map of a subdivision of land.

**PLOT PLAN:**

The documents and drawings normally consisting of a drawing of the subject lot or parcel of land together with an outline drawing of the proposed structure(s) or modification(s) including all porches, extensions and roof overhangs showing the principle dimensions of the structure(s) and all setback distances measured perpendicular to all lot lines. The documents and drawings shall bear the name, address and telephone number of the land owner and applicant, and the date of the application.

**RECREATIONAL UNITS:**

A vehicular structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers.

**REAR LOT LINE:**

The line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to an at a maximum distance from the front line. In the case of a corner lot, the side opposite the shortest road frontage shall be considered the rear yard for setback purposes.

**REAR YARD:**

A yard extending across the rear of the lot between the side lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof.

**SIDE LOT LINE:**

Any lot line other than a front or rear lot line.

**SIDE YARD:**

A yard between the main building and the side lot line, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

**SIGN:**

Shall mean any name, identification, description, display, illustration, surface or device (including its structure and component parts) which is affixed to, painted on, or otherwise represented directly or indirectly upon a building, structure or land; which bears any inscription notice, motto or design, or which directs attention to an object, product, place, activity, person, institution, organization or business; and which is visible from a public street, right-of-way, sidewalk, alley, park or other area open to the public.

**SIGN STRUCTURE:**

A permanent physical structure on a fixed footing, foundation, column or base designed or used for the support and/or illumination of a sign. All sign structures require Land Use Permits.

**SINGLE FAMILY DWELLING:**

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It is firmly attached to a permanent foundation.
2. The dwelling complies with all pertinent building and fire codes.
3. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by law.

**SITE CONDOMINIUM SUBDIVISION:**

A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended (and is subject to the requirements of the Condominium Act, Act 59 of 1978, as amended).

**SITE CONDOMINIUM SUBDIVISION PLAN:**

The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision as well as the nature, location and size of common elements.

**SITE PLAN:**

The documents and drawings required by the Zoning Ordinance necessary to insure that a proposed land use or activity is in compliance with local ordinance and state and federal statutes as specified in Sec. 25.00, provisions and requirements.

**SPECIAL USES:**

An exception to the general rule as granted by the Planning Commission provided for in this Ordinance as prescribed in Article XXV, Sec. 25.13 of this Ordinance.

**STRUCTURE:**

A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, tower, poles, antennae, stand pipes or other like objects, but not including fences.

**THROUGH LOT (also called a double frontage lot):**

An interior lot having frontage on two (2) more or less parallel streets.

**TWO FAMILY DWELLING:**

A building designed for or occupied exclusively by two families living independently of each other and conforming in all other respects to the standards set forth under the definition of SINGLE FAMILY DWELLING.

**VEHICLE:**

A device or structure for transporting persons or things; a conveyance.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on or adjacent to a lot line.