

Proposed Zoning Ordinance Amendment No. 72

Color Code: Black – Original text Blue – New Text Red – Existing-Relocated

GOALS: Clarify definitions, remove embedded standards, group by topic, address past notices.

GROUP DEFINITIONS: DWELLINGS, LOT, LOT LINES, and YARD

3.00

ARTICLE III DEFINITIONS

ACCESSORY BUILDING: A supplemental building or structure located on the same lot as the primary building.

ACCESSORY USE: A use naturally incident to and subordinate 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, temporarily stored, and rinsed with water to lower the temperature and prepare the crop for transport and processing.

AGRICULTURAL PREMISES: A premises used or occupied for the cultivation of field crops, truck crops, nurseries, orchards, greenhouses, woodlots, pastures, husbandry of livestock, poultry or small animals, or any activities of a similar nature.

AGRICULTURAL STAGING AREA: An area where trucks, transport equipment, harvesting coordination, and assembly and loading of agricultural products takes place related to the logistics of harvesting and transporting agricultural crops.

BED AND BREAKFAST ESTABLISHMENT: A private residential dwelling in which the owner provides overnight accommodations and breakfast to transient guest for compensation.

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.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

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.

BUFFER STRIP: A strip of land reserved or used for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often required between properties in different zoning districts.

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CABIN: A simple housing structure providing temporary accommodation for recreational purposes.

CAMPGROUND, COMMERCIAL: A campground owned and operated expressly for the purpose of renting space in the campground on a transient basis for profit to the general public. A campground owned and operated by a non-profit organization for the exclusive temporary use and enjoyment of its members shall also be considered a commercial campground.

CAMPGROUND, PRIVATE FAMILY: Parcels of land owned and operated exclusively for the temporary use and enjoyment of those sharing in the ownership of the parcel, their invited guests and are not for remuneration.

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).

COMMERCIAL PREMISES: A premises used or occupied for transportation, retail sales or service businesses, wholesale sales facilities, apartments, hotels, ~~tourist homes or~~ motels, or commercial recreation.

COMMUNITY IMPACT STATEMENT: An assessment of the developmental, ecological, social, economic and physical impacts of a project on the natural environment and the physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement.

CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT (COPUD): A corridor overlay zone which employs the methods and techniques of a planned unit development.

CUL-DE-SAC: A circular vehicular turn-around at the end of a private road or easement.

DEED RESTRICTION: A restriction on a property that is recorded as part of a deed with the County Register of Deeds. A deed restriction is binding on subsequent owners and enforced by the parties to the agreement.

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

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DWELLING: Any building or structure or [portion](#) thereof [legally](#) occupied as the home, residence, or sleeping place of one or more persons.

MULTIPLE FAMILY DWELLING: A building, [structure](#), or [portion](#) 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. This definition includes three-family houses, four-family houses and apartments, but does not include trailer camps or mobile home parks.

SINGLE FAMILY DWELLING: A building, [structure](#), or [portion thereof](#) containing not more than one dwelling unit designed for residential use [and attached to a permanent foundation, except where hereinafter exempt.](#)

TEMPORARY DWELLING: A building, [structure](#), or [portion thereof](#) that is intended to be used on a temporary basis, has some of the facilities of a conventional dwelling, [and is used in conjunction with the construction of a permanent residence.](#)

TWO FAMILY DWELLING: A building, [structure](#), or [portion thereof](#) designed for or occupied exclusively by two families living independently of each other [and attached to a permanent foundation, except where hereinafter exempt.](#)

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: [Tangible property, excluding land, buildings, and vehicles, that is used in the operations of a business or completion of a task.](#)

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 fence is a structure usually constructed from posts that are connected by boards, wire, rails or netting enclosing an area of ground to mark a boundary, control access, prevent escape, or provide a decorative feature.](#)

FOOTPRINT: [The area of land occupied by the foundation of a building and does not include appurtenances like decks unless they are on a permanent foundation.](#)

GREENBELT: [An area of grass, trees and other natural vegetation between a structure or parking area and a public thoroughfare.](#)

HAMMERHEAD TURNAROUND: [A T-shaped vehicular turnaround at the end of a road or easement.](#)

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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: An occupation or business activity located within a residential dwelling or in an accessory building which is clearly subordinate to the principal residential use.

IMPLEMENT: A tool or an instrument used in doing work.

INSTITUTIONAL PREMISES: Shall be interpreted to include such premises or portions thereof upon which is situated a public utility or other publicly owned, operated, or administered facility, any public, private or commercial vocational school, a cultural facility, including a museum, ~~art~~ gallery, library or auditorium, or a religious or charitable facility.

LAND DIVISION: Creation of a new lot or parcel.

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.

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. **Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.**

INTERIOR LOT: A lot which has only one lot line or portion thereof fronting on a street.

LOT DEPTH: The **mean** horizontal distance between the front and rear lot lines, measured along the **mean** midpoint between side lot lines.

LOT FRONTAGE: The length of the front lot line.

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.

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LOT WIDTH: The mean horizontal distance between the side lot lines measured perpendicular to the mean depth, especially on irregularly shaped lots.

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

THROUGH LOT (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets.

LOT LINES: The property lines bounding a lot or parcel.

FRONT LOT LINE: The line separating a lot from any street right-of-way, private road or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line. Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.

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 and at a maximum distance from the front line.

SIDE LOT LINE: Any lot line other than a front or rear lot line.

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.

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 runoff 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 reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

MOBILE HOME: A structure, with a title issued by the State of Michigan, that is approved by the U.S. Department of Housing and Urban Development (HUD), and can be moved in one (1) or more sections, which is built on a chassis and designed as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems. "Mobile home" does not include a recreational vehicle or recreational trailer but shall include HUD housing.

MOBILE HOME CONDOMINIUM PROJECT: A condominium project in which mobile homes are located upon separate sites which constitute individual condominium units.

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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 therefor, 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 HOME SUBDIVISION: A subdivision approved under Public Act 288 of 1967, as amended, which by deed restriction has been designated solely for occupancy by mobile homes, HUD, or similar housing.

MODULAR HOUSING UNIT or PRE-MANUFACTURED HOME: A dwelling unit constructed primarily within a factory in modules or components, which are then transported to a site where they are assembled on a permanent foundation to form a dwelling, and meet all codes and regulations applicable to conventional single-family home construction.

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies, sand dunes, topography, vegetative cover and geologic formations.

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 current 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 does not meet the current zoning ordinance standards for building size or location on a lot for its use and district.

NUISANCE: An offensive, annoying, unpleasant, or obnoxious thing or practice, especially when constant or repetitive. A condition which is perceivable and extends its effect upon neighbors across property lines by the generation of excessive noise, odors, trash, abnormal traffic, congregation of people (particularly at night), or other similar conditions.

ORDINARY HIGH WATER 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 used for the display of merchandise visible to the public.

OUTDOOR INVENTORY AREA: A designated outdoor area designed to allow for storage of excess inventory in a manner not visible to the public.

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

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PLANNED UNIT DEVELOPMENT (PUD): A piece of property developed as a separate neighborhood or community unit. This form of development is based on an approved site plan and allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, open spaces, and other various land uses.

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 principal 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 landowner and applicant, and the date of the application.

PREMISES: A unit of contiguous real property under common ownership.

PRIMARY or PRINCIPAL BUILDING: A building which houses the main or principal use of the lot on which it is located. All other buildings are accessory structures.

PRIMARY OR PRINCIPAL USE: The main use to which the lot or premises are devoted. For example, the main use of a single-family home is residential, and the main use of a retail store is commercial.

RECREATIONAL PREMISES: A premises used or occupied for recreational purposes, including parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreational areas, nature study areas, community halls and fairgrounds.

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 dwellings.

SIGN: Any words, lettering, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, or combination thereof, by which anything is made known, such as the designation of an event, a firm, a profession, a business or product, which are visible from any street or road and used as an outdoor display.

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.

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).

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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: A plan drawn to scale showing proposed uses and structures for a parcel of land, including any details necessary to illustrate the final proposed use. A site plan may include elements such as the location of lot lines, the location of buildings, open spaces, parking, landscaping, and utility lines.

SPECIAL USES: Special uses are those uses which are not essentially incompatible with the uses permitted in a zoning district but require individual review and standards to avoid conflict with adjacent uses of land.

SPECIAL USE PERMIT: A permit issued by the Planning Commission following a public hearing which allows a specific activity in and on a property with additional specified requirements or provisions.

VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals under qualifying circumstances.

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

YARD: The space surrounding a structure.

FRONT YARD: The space extending across the full width of the lot between the front of the principal building and the front lot line.

REAR YARD: The space extending across the full width of the lot between the back principal building and the rear lot line.

SIDE YARD: The space between a principal building and side lot line, extending from the front yard to the rear yard.

ZONING ADMINISTRATOR (ZA): The officer and/or his duly appointed deputies, agents, employees and inspectors charged with the administration and enforcement of this ordinance.