

CHAPTER 1 DEFINITIONS

SECTION 1.10 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, corporation, governmental unit or municipality, partnership, limited liability company, incorporated association, or any other similar entity or combination thereof.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.
- I. The masculine shall also mean the feminine and vice versa.
- J. If a particular use or activity is not expressly authorized in the particular District involved (whether listed as a permitted use or with approval as a Special Land Use), then it is not permitted or allowed within that District.

SECTION 1.20 DEFINITIONS - A**ACCESSORY BUILDING**

A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

ACCESSORY USE, OR ACCESSORY

A use of a lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE

An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

ADULT FOSTER CARE FAMILY HOME

- A. Adult Foster Care Family Home is a single-family dwelling occupied as such in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.
- B. Adult Foster Care Group Home is a single-family dwelling occupied as such in which more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

ADULT LIVE ENTERTAINMENT THEATER

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see-through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

ADULT MOTION PICTURE THEATER

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter

depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

ADULT USES

Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally associated with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

AMATEUR RADIO ANTENNA AND ANTENNA

The arrangement of wires or metal rods used in sending and receiving of electromagnetic waves.

AMATEUR RADIO STATION

A radio station operated in the Amateur Radio Service under license of the Federal Communication Commission.

ANTENNA SUPPORT STRUCTURE

Any structure, mast, pole, tripod or towers utilized for the purpose of supporting an antenna or antennas for the purposed of transmission or reception of electromagnetic waves.

AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

SECTION 1.30 DEFINITIONS - B**BASEMENT**

That portion of a building which is partly or wholly 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. A basement shall not be counted as a story.

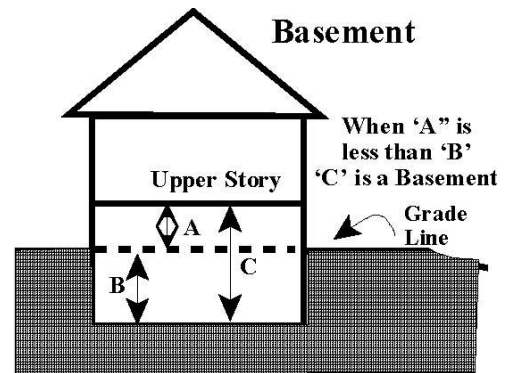


Figure 1.1

BED AND BREAKFAST ESTABLISHMENT.

A house, or portion thereof, where short-term lodging rooms and meals are provided for a fee or as a commercial operation.

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BODY OF WATER/ORDINARY HIGH WATER MARK

The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

BODY SHOPS

Any building premises, or land in which or upon which the primary use is the servicing, repair, or painting of motor vehicles.

BREAK IN THE BANK

The point at which there is a sudden interruption in the topography of land in the proximity of lake, river, or a tributary thereof whereat the land commences to fall vertically toward the water at a rate of one (1) foot for every three (3) horizontal feet or greater.

BUFFER STRIP

A strip of land required between certain Districts reserved for plant material, beams, walls, or fencing to serve as a visual barrier.

BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

BUILDING ADMINISTRATOR AND BUILDING INSPECTOR

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Croton Township.

BUILDING

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

BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently adopted by Croton Township.

BUILDING HEIGHT

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

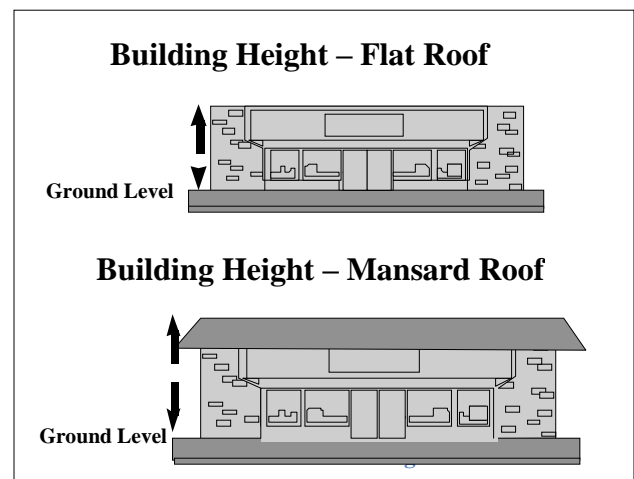


Figure 1.2

BUILDING LINE

Unless otherwise specifically noted, a line formed by the eave of the building, or the most horizontal appendage of the building. For purposes of setbacks, the measurement shall occur from the outermost portion of the building (including eaves, chimneys, and overhangs) and perpendicular to the property line or right-of-way involved.

BUILDING PERMITS

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alterations or use of a building in conformity with the provisions of this Ordinance and the Township's Building Code.

SECTION 1.40 DEFINITIONS - C**CAMP, CAMPGROUND (PUBLIC OR PRIVATE)**

A facility for camping or staying overnight with sites for tents, trailers, and/or camping recreational vehicles, which is either open to the general public for a fee or is operated by a bona fide nonprofit organization, church, or similar organization.

CERTIFICATE OF OCCUPANCY

A document signed by an authorized Township official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER

A facility other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CHILD FOSTER FAMILY HOME

- A. Child Foster Family Home is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.
- B. Child Foster Care Group Home is a single-family dwelling occupied as such in which more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public, but are not considered an essential public service.

COMMUNICATION TOWER

A public or private device used for the transmission and/or receipt of commercial wireless telecommunication services including, but not limited to, radio, television, sonar, satellite, or other such communication signals. A communications tower as characterized by, but not necessarily limited to, a narrow, spire-type metal structure anchored to a concrete pad which is permanently affixed to the ground. The tower is normally maintained in place by said anchorage and may include guide wires, expanded base, and/or other means for support of the tower. A communications tower may or may not be regulated by the Federal Communications Commission or its successor. This definition shall also include appurtenances of a communications tower, including buildings.

COMPOST

A light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

CUL- DE-SAC

A cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semicircular section of street and allows for vehicle turnaround.

SECTION 1.50 DEFINITIONS - D**DAY CARE**

A private residence in which the operator permanently resides as a member of the household, licensed by the State of Michigan, in which minor children are given care and supervision for periods of less than twenty-four (24) hours per day, untended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Day Care Family Home: A Day Care Home providing care for not more than six (6) minor children.

Day Care Group Home: A Day Care Home providing care for more than six (6) but not more than twelve (12) minor children.

DISH ANTENNA OR SATELLITE DISH ANTENNA

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

DISTRICT

A Zoning District as described in Section 3.10 of this Ordinance.

DRAIN COMMISSIONER

The Newaygo County Drain Commissioner.

DRIVE-THROUGH FACILITIES

A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DRIVEWAY

An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants and visitors thereto. A driveway is located entirely within and on the lot which it serves.

DUMPING GROUNDS

An area where junk has been abandoned. (See Junk for definition)

DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and sleeping purposes, with housekeeping facilities.

SECTION 1.60 DEFINITIONS - E**ERECTED**

Built, constructed, altered, reconstructed, installed, placed, or moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunications services, other than those operated by a governmental agency, and wind electrical generation towers shall not be considered essential services.

EXCAVATION

Any breaking of ground, except common household gardening and ground care.

SECTION 1.70 DEFINITIONS - F**FAMILY**

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any

society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term, or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FAMILY DAY CARE HOME

A private residence in which the operator permanently resides as a member of the household, registered with the State of Michigan, in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM

A contiguous parcel of land of not less than ten (10) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his own labor or with assistance of members of his household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, piggeries, commercial feedlots, apiaries (beekeeping), truck farms, and forestry operations. Fish hatcheries, stockyards, intensive livestock operations, recreation parks, stone quarries, gravel, dirt or sand pits, keeping of furbearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farms or farm uses.

FLOOD PLAIN

Land designated as Special Flood Hazard Area.

FLOOR AREA, GROSS (GFA)

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.

FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities

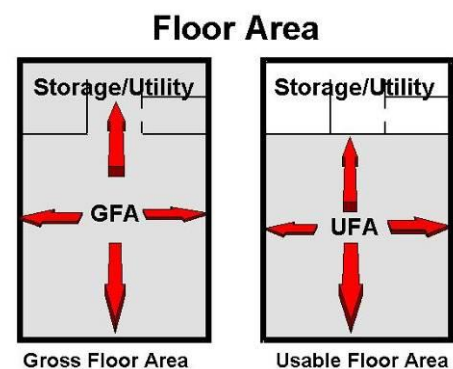


Figure 1.3

or sanitary facilities shall be excluded from the computation of “usable floor area”. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE

For purposes of street frontage, that portion of the lot which abuts a street. For purposes of lake or other water frontage, that portion of the lot which abuts the lake or other body of water.

SECTION 1.80 DEFINITIONS - G

GARAGE

An accessory building used for parking or storage of vehicles as may be permitted in connection with the permitted use of the principal building.

GRADE

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent (25%).

GREENBELT

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

SECTION 1.90 DEFINITIONS - H

HEIGHT

The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.

HOME OCCUPATION

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOUSING FOR THE ELDERLY

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being Sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under Sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being Sections 330.61 and 330.62 of the Compiled Laws of 1948.

SECTION 1.100 DEFINITIONS - I**INOPERATIVE VEHICLE**

A motor vehicle which can no longer propel itself.

INSTITUTIONAL OR PUBLIC USE

Churches, schools teaching, academic subjects, hospitals, convalescent or nursing homes, parks, civic centers, libraries and other public or quasi-public uses.

INTENSIVE FARMING OPERATIONS

A concentrated livestock or poultry breeding, raising, holding, boarding or feeding operation or business which meets either of the following criteria:

- A. A total of 300 dairy cattle (all classes), 300 slaughter or feeder cattle, 300 swine (all classes), 1000 poultry (all classes), 300 sheep or goats (all classes) or 75 horses (all classes) or more at one operation, on one parcel or as an aggregated total on adjoining or contiguous parcels; or
- B. A population per contiguous acre of two (2) dairy cattle (all classes), two (2) slaughter or feeder cattle, two (2) swine, 50 poultry, three (3) sheep or goats, or one (1) horse or more of such animals or fowl.

SECTION 1.110 DEFINITIONS - J**JUNK**

Any worn out, previously used, dilapidated, discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage, and discarded appliances, and yard debris.

JUNK YARD

An open area where waste, junk, used or secondhand materials are bought and sold, exchanged, stored, baled, kept, discarded, packed, disassembled, or handled. These materials include, but are not limited to: junk, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings unless commercial in nature.

SECTION 1.120 DEFINITIONS - K**KENNEL**

Any lot or premise on which three (3) or more dogs, cats, or other household pets, six (6) months of age or older, are kept.

SECTION 1.130 DEFINITIONS - L**LOADING SPACE**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

LOT

A parcel, vacant land, occupied land, or land which is vacant or is intended to be occupied by a building and accessory buildings, or utilized for the principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance, either platted or unplatted. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

LOT, CORNER

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

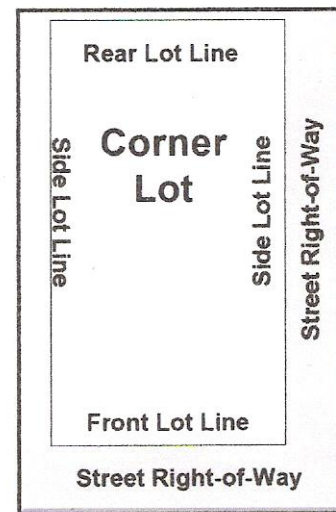


Figure 1.4

LOT, FLAG

A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

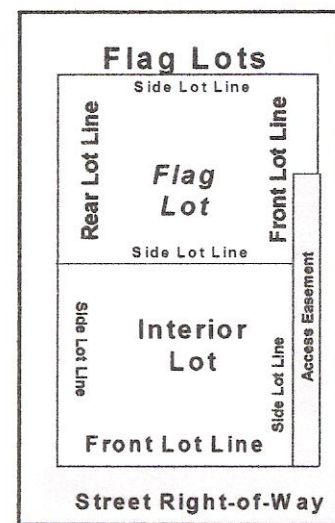


Figure 1.5

LOT, INTERIOR

A lot other than a corner lot or through lot.

LOT, THROUGH

Any interior lot having frontage on two parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT AREA

The total horizontal area of a lot within the lot lines, excluding areas within or under streets, access easement, street right-of-way, lakes, or rivers.

LOT COVERAGE

The part of the lot occupied by impervious surfaces and any building, including accessory buildings.

LOT DEPTH

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

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

In the case of an interior lot, it is the line separating the lot from the street. (i.e, the edge of the street rights-of-way or easement). In the case of a through lot, it is that line separating said lot from either street.

B. REAR LOT LINE

That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long, lying farthest from the front lot line and wholly within the lot.

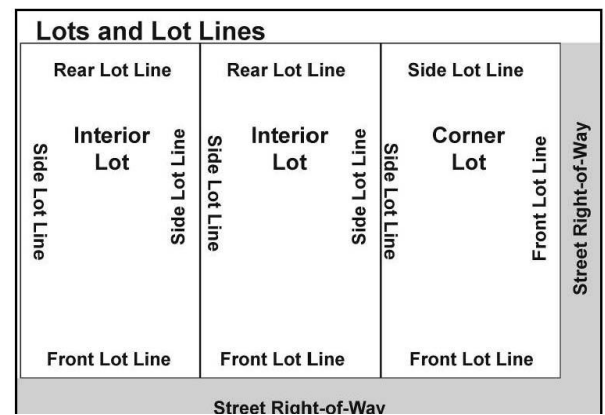


Figure 1.6

C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or county officials, which actually exists as shown and was lawful when created, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal straight line distance between the side lot lines.

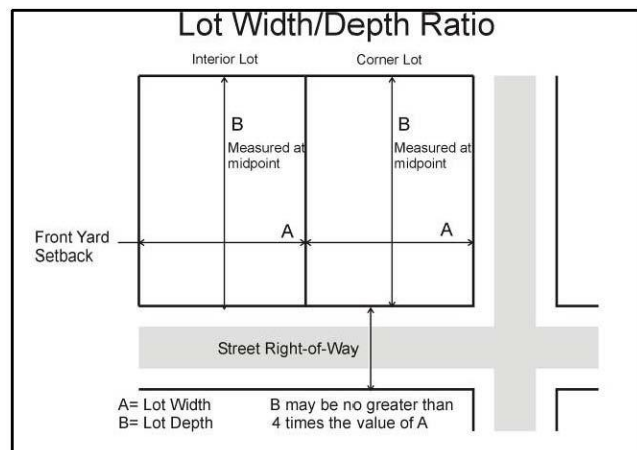


Figure 1. 7

SECTION 1.140 DEFINITIONS - M**MAIN BUILDING**

A building in which is conducted the principal use of the the lot upon which it is situated.

MAJOR STREET

See Primary Road.

MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK COMMUNITIES

A parcel or tract of land under the control of a person upon which three (3) or more manufactured 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 manufactured home and which is not intended for use as a temporary trailer park.

MASTER PLAN

The Master Plan currently adopted by Croton Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan.

MODULAR AND SECTIONAL HOMES

A dwelling consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

MOTEL/HOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

MOTORIZED SALES AREA

An area used for the display, sale, or rental, but not for the repair, of new or used motor vehicles, boats, travel trailers, farm equipment, construction equipment, or mobile homes in operable condition.

SECTION 1.150 DEFINITIONS - N**NON-CONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the Zoning Ordinance in the District in which it is located.

NON-CONFORMING LOT OF RECORD

A legally recorded lot that conformed with all zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

NON-CONFORMING USE

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

NON-RESIDENTIAL DISTRICT

The HC, NC, LI, and P Zoning Districts.

SECTION 1.160 DEFINITIONS - O**OFF-STREET PARKING LOT**

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS

Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).
- E. Telecommunications service, other than those operated by a governmental agency, and wind electrical generation towers shall not be considered essential services.

ORDINARY HIGH WATER MARK/BODY OF WATER

The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES

Park, grounds, athletic grounds, golf courses, county clubs, ski areas, race tracks (including harness racing and motor racing), music festival and performances, including related buildings and other structures used for recreation, entertainment, and as gathering places, for and in connection with any of such outdoor recreation uses and activities, together with associated uses including, but not limited to, motor vehicle parking, the providing of refreshments and the sale of related merchandise, and the providing of related services.

SECTION 1.170 DEFINITIONS - P**PARCEL**

A tract of land which can be legally described with certainty and is capable of being located by survey.

PARKING SPACE

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION OR COMMISSION

The Croton Township Planning Commission.

PRIMARY ROAD

A County Primary roadway as designated in the Croton Township Master Plan or the Newaygo County Road Commission. For purposes of this Ordinance only, a State trunkline shall also be considered as a County Primary.

PRINCIPAL USE

The primary use to which the premises is devoted.

PRIVATE ROAD

- A. An undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two or more main buildings, dwelling units, or structures, or combination thereof, whether created by a private right-of-way agreement, license joint ownership, easement or prescription.
- B. Any and all extensions, additions, or branches of or to a private road shall be considered part of the primary private road which abuts the public road.
- C. A private road shall also include:
 - 1. An access within an easement or private right-of-way serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by Croton Township Zoning Ordinance; or
 - 2. Where two (2) or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road.
 - 3. A path, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement.

PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

SECTION 1.180 DEFINITIONS – Q

SECTION 1.190 DEFINITIONS - R**RECREATIONAL VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. This definition shall include, but shall not be limited to, motor homes, RVs, snowmobiles, boats and similar items.

REQUIRED YARD

The required yard shall be that set forth as the minimum yard requirement for each District. Within the required yard (i.e., also referred to as a setback area), there shall be no buildings or structures.

RESIDENTIAL DISTRICT

The AR, R-1, R-2, MHP, WO Districts, as described in this Ordinance.

RESTAURANT

A commercial establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or takeout. Alcoholic beverages may be sold, provided, however, the sale and/or distribution of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

RETAINING WALL

A structure erected to support an embankment or to prevent erosion or collapse of steep slopes.

RIGHT-OF-WAY

Public or private land, property, easement, or interest therein, devoted to transportation or utility purposes, and/or providing access to property.

ROAD COMMISSION

The Newaygo County Road Commission.

ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

SECTION 1.200 DEFINITIONS - S**SALVAGE YARD**

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, kept, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA, OR DISH ANTENNA

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

SETBACK

The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. Also, the distance between a structure or building, the boundary line, lot line, or street right-of-way or easement involved.

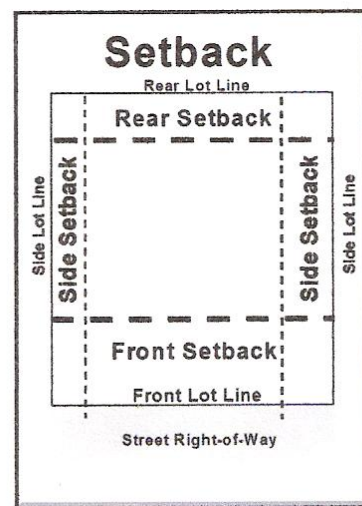


Figure 1.8

SHORELINE OR ORDINARY HIGH WATER MARK

See Ordinary High Water Mark or Shoreline.

SIGN

A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public. Also, a device, structure, painting on a building, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.

SIGNIFICANT NATURAL FEATURE

A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological,

or historic characteristics such as a wetland, floodplain, water features, or other unique natural features.

SITE PLAN

A scale drawing meeting the requirements of this Ordinance that shows the location and dimensions of existing features as well as proposed improvement upon a parcel of land, such as but not limited to buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET

A public dedicated right-of-way other than an alley, or a Township-approved private road easement, which affords the principal means of access to abutting property.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground. Also, any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including, but not limited to: buildings, radio towers, freestanding signs, billboards, light posts, swimming pools, animal enclosures (other than fences), garages, sheds, decks, platforms, satellite dishes, gazebos, tennis courts, and storage bins, but excluding lawful fences, sidewalks, and paving on streets, driveways, or parking areas. This definition of structure also excludes retention walls, and sea walls, as well as decks or patios (without roofs) no portion of which is located above the ground closer than five (5) feet to any lot line nor closer to a lake than thirty (30) feet of the ordinary high water mark regardless of height.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alterations of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL

Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SECTION 1.210 DEFINITIONS - T**TEMPORARY USES**

Parades, carnivals, outdoor concerts, rodeos, block parties, parade of home events, or designer showcases or any similar use or event occurring on a temporary or sporadic basis in any zoning district where fifty (50) or more persons will attend or may be expected to attend. A temporary use shall not include residential social events such as family gatherings, reunions, weddings, and other such events or other traditional agricultural activities and events such as farm tours, hay rides on farms, and fall harvest events on farms. Temporary uses shall not include uses which are of a permanent nature and as to which zoning approval has been obtained, nor shall temporary uses which are necessary to and normally associated with a permanent use or structure where

such permanent use or structure is lawful and as to which all required zoning approvals have been obtained.

TOWNSHIP

Township shall mean Croton Township, Newaygo County.

TOWNSHIP BOARD

The Township Board of Croton Township.

TRAVEL TRAILER

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. It includes folding campers, truck mounted campers and mobile homes.

TRUCK TERMINAL

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

TRUE CASH VALUE

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

SECTION 1.220 DEFINITIONS – U

SECTION 1.230 DEFINITIONS - V

VEGETATIVE STRIP

A strip of land at least twenty-five (25) feet bordering each bank of the waterways of this District, as measured from the break in the bank or the ordinary high water mark, whichever is furthest inland, which is to be maintained in its natural vegetative state, except for the clearing of dead or obnoxious plants.

VEHICLE SERVICE STATION

Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories.

VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purposes of which is that of washing motor vehicles.

SECTION 1.240 DEFINITIONS - W**WASTE DUMPSTER**

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WATERCRAFT

Any motorized boat or water vehicle, regardless of size or any non-motorized boat or water vehicle more than sixteen (16) feet in length.

WATERWAY

Any natural or artificial lake, pond or impoundment, river, stream, creek, or any other body of water which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The Muskegon River and the Little Muskegon River (and their tributaries) shall each be considered a waterway as well as a river; Croton Pond shall be considered a waterway as well as a lake.

WIND ELECTRICAL GENERATIONS TOWERS

Any structures designed to support a generator which utilizes wind power to convert wind energy, by means of a rotor, to electrical energy, and any associated generation equipment. A wind generator may also be deemed as a “windmill”.

WIRELESS COMMUNICATION

See: Communication Tower.

SECTION 1.250 DEFINITIONS – X**SECTION 1.260 DEFINITIONS - Y****YARDS**

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

A. FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. For a lot with frontage on a lake, river, or waterway, the front yard shall be deemed the area along the waterway.

B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. For a lot with frontage on a lake, river, or waterway, the rear yard shall be deemed the area along the street.

C. SIDE YARD

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

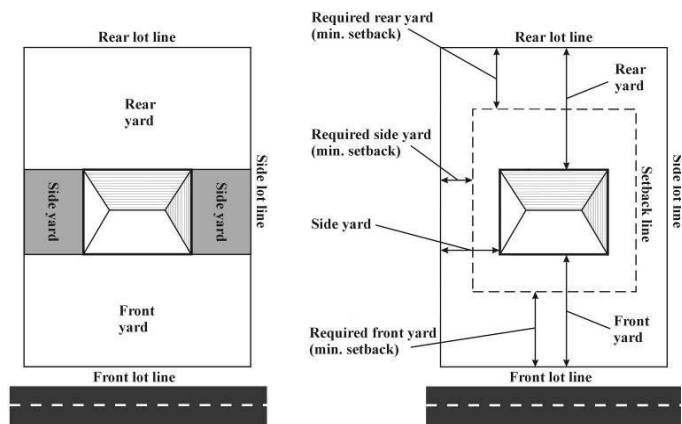


Figure 1.9

YARD, REQUIRED

The required yard shall be that set forth as the minimum yard requirement for each District.

SECTION 1.270 DEFINITIONS - Z**ZONING ACT**

The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS, OR BOARD

The Zoning Board of Appeals of Croton Township.

ZONING DISTRICT

Any of the mapped districts or zoning districts specified in Chapter 3 hereof.

ZONING PERMIT OR ZONING COMPLIANCE PERMIT

The permit specified in Section 17.30.