

Chapter 2

Definitions

Section 2.01 Rules Applying to the Text

The following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of 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 and discretionary.
- D. Words used in the present tense shall include the future. 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 phrase "used for" includes "arranged for", "designed for" "intended for", "maintained for", and "occupied for".
- G. The word "person" includes an individual, a group of people, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events shall apply singly and not in combination.
- I. When the Ordinance refers to a number of days, the time frame shall be measured in calendar days.

- J. Terms not herein defined shall have the meaning customarily assigned to them, with reference made to the latest edition of Merriam-Webster's Collegiate Dictionary.

Section 2.02 Definitions

For the purpose of this Ordinance, the terms and words below shall be defined as follows:

Access Property: a property, parcel, or lot abutting a lake or pond either natural or man-made, and used or intended to be used, for providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

Accessory Use, Building or Structure: A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot, or an adjacent lot, as the principal use to which it is exclusively related. Such principal use shall be permitted and lawful in the zoning district in which it is located.

Adult Day Care Facility: A facility that provides daytime care for any part of a day, but less than twenty-four (24) hour care, for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Use: Any commercial or recreational establishment that at all times excludes minors by virtue of age, including, but not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, or eating and drinking places with sexually-oriented entertainment.

Agriculture: The use of any land or building for the purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry. For the purposes of this Ordinance, the term agriculture shall include the use of farm laborers, packing and trucking of agricultural products, and the storage and application of fertilizers, pesticides and other agricultural inputs, provided that such are incidental to the primary agricultural use. The term agriculture shall not include the keeping or raising of fur-bearing animals, stables, kennels, game fish hatcheries nor mining. The term shall also not include the disposal of garbage, refuse, offal or rendering plants; the slaughtering of animals except such animals as have been raised on the premises; trucking, equipment repairs and sales, and contractor storage yards.

Alley: A public way that affords only a secondary means of access to abutting property and that is not intended for general traffic circulation.

Alteration: Any change, addition, modification or construction that results or is intended to result in any change to the exterior dimensions of any structure or to the type of occupancy or use.

Animal, Wild or Exotic: Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), deer (family), opossum (family), badger, wild dog or wolf (family), primate excluding human (family), bear, raccoon, ferret, skunk, wild cat (family), lemur, spider (poisonous), coyote, lizard, snake and other reptile (poisonous), weasel (family), wild boar or swine (family), and marten.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

Architectural Features: Architectural features of a building include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any motor vehicle.

Bank: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. The term bank shall not be applied to an automated teller machine when it is located on a lot without a bank.

Bar, Cocktail Lounge, or Night Club: Any establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises, excluding restaurants as herein defined.

Bed and Breakfast Inn: A dwelling in which overnight accommodations, with or without meal service, are provided or offered for transient guests, for compensation, by the owners and residents therein. Accommodations for any individual guest shall extend for not more than (14) consecutive days. A bed and breakfast inn shall be limited to accommodating eight (8) or fewer persons at any one time.

Bedroom: In a dwelling unit, any room over seventy (70) square feet in size that contains a window and a closet and that is not the living room, kitchen, or bathroom.

Billboard (Off Premise Sign): Any non-accessory advertising sign, device, design, words, letters, number, or trademark which makes anything known to the general public

and may be the principal use of the lot or parcel on which it is located. Billboards are prohibited throughout Gobles.

Boarding House: A building, other than a hotel, where for definite periods of time, lodging or lodging and meals are provided for three or more persons, for compensation or by prearrangement. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

Boat: Boats, floats, rafts, and any equipment to transport the same on highways.

Buildable Area: The area of a lot exclusive of the required yard areas.

Building: Any structure, either temporary or permanent, having a roof or other covering, and which structure is used or built for the shelter or enclosure of persons, animals, property, or materials of any kind. A building shall include tents, awnings, and carports; and also mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed or used primarily for shelter rather than as a means of conveyance. A building shall also include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, smokestacks, or similar structures. A building shall not include signs and fences.

Building Height: The vertical distance measured from the final grade to the highest point of the roof surface. Chimneys, spires, antennas, and similar projections, other than signs, shall not be included in calculating building height.

Building Permit: The written authority issued by the building inspector permitting the construction, removal, moving, alteration, or use of a building in accordance with the applicable building code.

Building, Principal: A building or group of buildings in which is conducted the principal use of the lot on which the building is located.

Business: A commercial establishment, office, institutional, or industrial use which produces goods or distributes goods and services.

Caliper Measurement: The measurement of the diameter of a tree trunk, measured at four (4) feet above the planted grade, and expressed in inches.

Car Wash: An activity or building, or portion thereof, the primary purpose of which is washing motor vehicles.

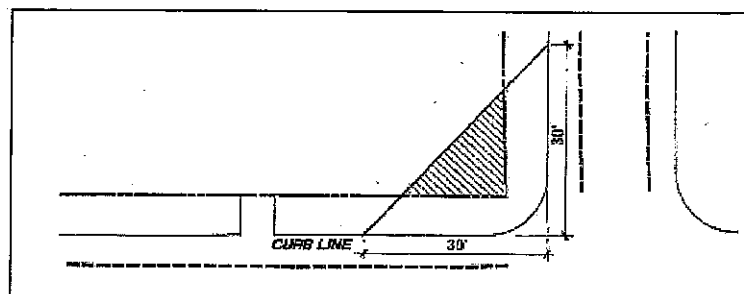
Certificate of Occupancy: A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of the applicable building code have been met.

Child Day Care Organizations, State Licensed: Any structure used for, or any person receiving minor children for care, maintenance, training, and supervision and licensed by the State of Michigan pursuant to Public Act 116 of 1973, as amended. The following types of facilities are included within this definition:

- Child Day Care Center** means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following: (i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period; (ii) A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- Family Child Day Care Home** means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a 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 4 weeks during a calendar year.
- Group Day Care Home** means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Church: Any structure wherein persons regularly assemble for religious activity. The term church shall include buildings used for worship for all bona fide religions and shall include synagogues and mosques. Use of the singular term "church" is for simplicity's sake and is in no way intended to be preferential to or prejudiced against any particular religion.

Clear View Triangle: A triangular area formed by the street property lines of two intersecting streets and a line connecting them at points thirty (30) feet from the intersection of the pavement edge lines,



or in the case of a rounded corner, from the intersection of the street property lines extended.

Clinic, Veterinary: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building, when clearly incidental and accessory to the veterinary care.

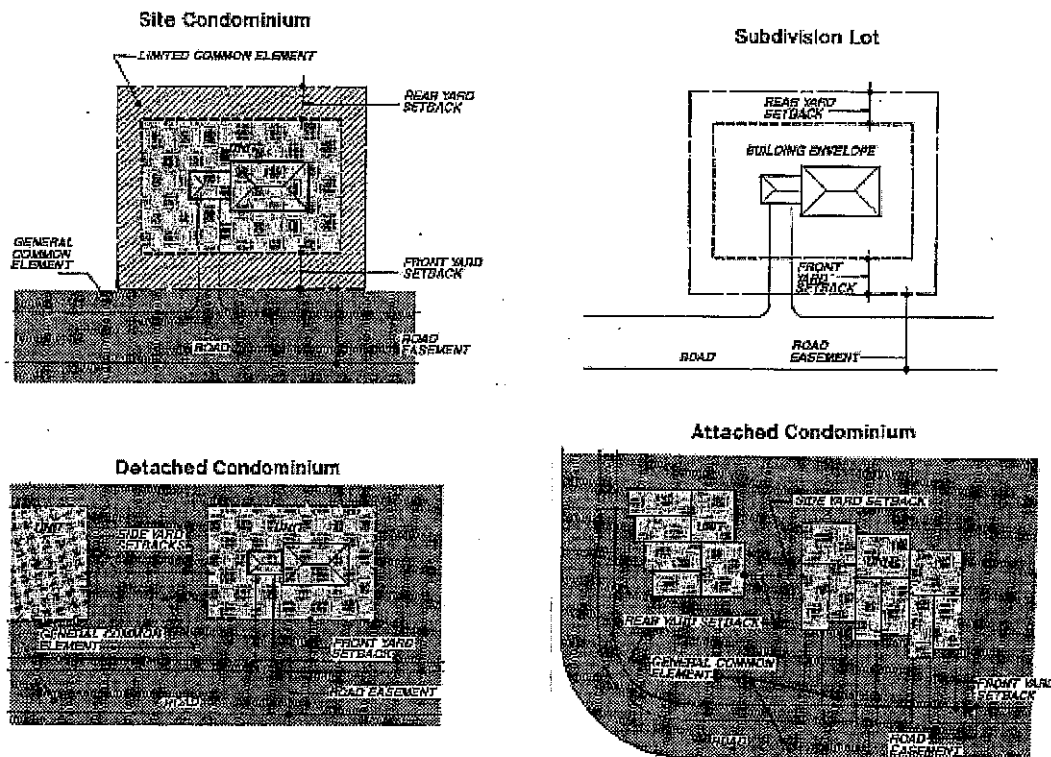
Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club or Lodge, Private: A non-profit association, of persons who are bonafide members paying dues, which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

Commercial, Vehicle: Any motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body, or any other body, or any motor vehicle that has a commercial license plate. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors, and trailers.

Condominium: Real estate in which certain portions are designated for separate, individual ownership, and the remaining area is designated for common ownership by the separate, individual owners of those portions. Such real estate and the provisions for its ownership shall be in compliance with the State of Michigan's Condominium Act, Public Act 59 of 1978, as amended.

- **General Common Element:** The common elements, other than the limited common elements, intended for the common use of all of the co-owners.
- **Limited Common Element:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- **Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.



CONDOMINIUM TERMINOLOGY

- Condominium Unit, Site** (i.e., Site Condominium Lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term "site condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and minimum floor area.

Condominium Unit: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

Convenience Store: A retail store with a floor area of two-thousand-five-hundred (2500) square feet or less that offers for sale a limited line of groceries and household items intended for the convenience of the neighborhood in which it is located. A convenience store may also sell motor vehicle fuel and lubricants, but shall not include any motor vehicle repair.

Deck: An open, horizontal platform with an average elevation of eight (8) inches or more from finished grade. A deck shall have no sides other than the railings as required by the applicable building code.

Density: The number of dwelling units situated on or to be developed per gross acre of land.

Development: Any human-caused change to improved or unimproved land or structure, which change requires any approval from any City, County, State, or federal agency.

Development Plan: Scaled drawing(s) and accompanying text, which describe the existing conditions of a property and the proposed development.

Drainage Ways and Streams: Existing permanent or intermittent watercourses.

Dumpster: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

Dwelling: A building or portion thereof, containing sleeping, kitchen, and sanitary facilities, used exclusively for human habitation, but specifically excluding boarding houses, hotels and motels. In no case shall a travel trailer, motor home, motor vehicle, tent or any portable building defined as a recreational vehicle be used as a dwelling.

Dwelling, Manufactured: A building, or portion of a building, that is designed for long-term residential use; and that is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended (42 U.S.C. Sec. 5401); and that is built on a permanent chassis, is transportable in one or more sections, but is constructed without a permanent hitch, axles, and wheels and is transported to the site, where it is placed on a foundation and connected to utilities; and that is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Dwelling, Multi-family: A building containing three (3) or more dwelling units. Multi-family dwellings may include the following:

- **Apartments:** Multi-family dwellings in which individual dwelling units are usually located on a single story with other units above or/and below.
- **Townhouses:** Multi-family dwellings located in a row, with each individual unit occupying one or more stories, sharing common side walls with other units, and having no other units above or below.

Dwelling, Single-family: A building containing not more than one dwelling unit and surrounded by open yards as herein required.

Dwelling, Two-family: A building containing exactly two (2) dwelling units and surrounded by open yards as herein required.

Dwelling Unit: One or more rooms, including sanitary and kitchen facilities, designed and maintained as a self-contained unit for residential occupancy by one or more people living as a single housekeeping unit.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall not be considered a part of erection.

Essential Services: The term "essential services" shall mean the erection, construction, alteration or maintenance by public utilities, quasi-public utilities, municipal departments, or City -certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Wireless communication facilities antenna are specifically excluded from this definition.

Family:

- a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, such as a man and wife or a father or a mother and their children, the parents of either or both, together with foster children, or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit;
- b. A functional equivalent of the domestic family which is a collective number of individuals domiciled together in one (1) dwelling unit numbering not more than six (6) whose relationship is of a continuous, 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, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Fence: An accessory structure that is constructed and maintained to serve as a physical barrier to property ingress or egress, as a visual screen, as a marker, as an enclosure, or for decorative use.

Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level. The floor area shall exclude non-habitable spaces,

specifically unfinished basements, attics, garages, and enclosed or unenclosed porches.

Garage, Private: An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

Garage, Public: Any building or premise used or designed to be used primarily for the storage of motor vehicles, boats, or trailers, other than junkyard, that does not constitute a private garage.

Garbage: All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

Gas Station: A place used for the retail sale and dispensing of motor vehicle fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Golf Course or Country Club: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, driving range, or other facilities or uses customarily incidental to a golf course or country club.

Grade: A grade is the level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Greenhouse: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

Hazardous Substance: Any substance or material, the use of which requires a Material Safety Data Sheet by the US Environmental Protection Agency.

Hospital: An institution, which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include accessory facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units.

Junkyard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, whether for sale, breeding, boarding, training, protection, or grooming; and may offer provisions for minor medical treatment including animal shelters.

Lake: Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 451, as amended.

Land Division: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development, which partition or splitting results in one (1) or more parcels of less than 40 acres or the equivalent, and satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967, as amended.

Landfill: Any disposal area, tract of land, building, unit, appurtenance, or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised as part of an agricultural operation.

Loading Space, Off-street: An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: For the purposes of this Ordinance, a lot is a discrete area of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, yards, and open space as required herein. A lot may consist of:

- A single Lot of Record.

- A combination of complete Lots of Record, provided that the lots are adjacent as herein defined.
- A parcel of land described by metes and bounds.

Lot, Adjacent: Lots that share a common property line or are separated only by a public or private right-of-way or easement, that lie in the same zoning district and that are under the same ownership.

Lot Area: The size of a lot in a horizontal plane, measured in square feet or acres.

Lot, Contiguous: Lots that share a common property line.

Lot, Corner: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of 135 degree or less.

Lot Coverage: The area of a lot that is occupied by buildings or structures, expressed as a percentage of the total lot area.

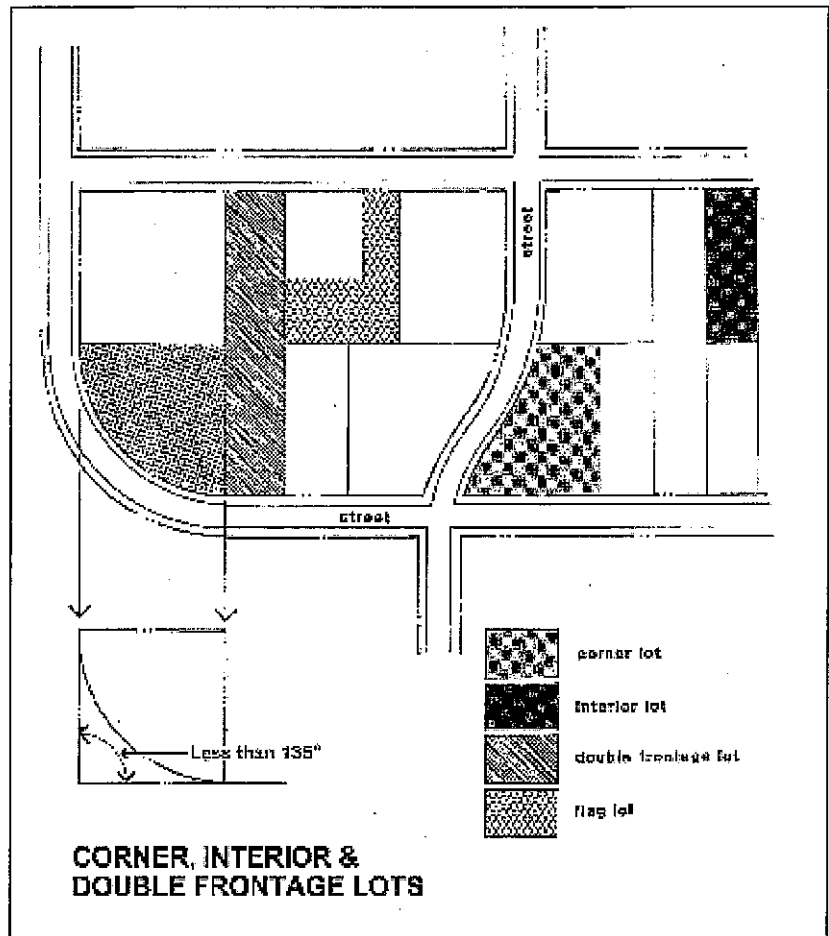
Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. A lot with frontage on one (1) street and one (1) alley, as herein defined, shall not be considered a double frontage lot.

Lot Frontage: The length of a lot line abutting a public or private street or road right-of-way.

Lot, Interior: A lot with only one (1) lot line fronting on a street.

Lot, Lake Frontage: A lot having any frontage directly upon a lake.

Lot Lines: The property boundary lines of a lot.



- **Front Lot Line:** The lot line abutting any public or private street or road right-of-way. When such right-of-way is a right-of-way in fee simple, the front lot line shall be the boundary line between the street or road right-of-way and the lot. When the right-of-way is only an easement and fee simple title remains vested in the underlying lot(s), the front lot line shall be the edge of the right-of-way easement.
- **Rear Lot Line:** Any lot line that does not intersect a front lot line.
- **Side Lot Line:** Any lot line that is neither a front lot line nor a rear lot line.

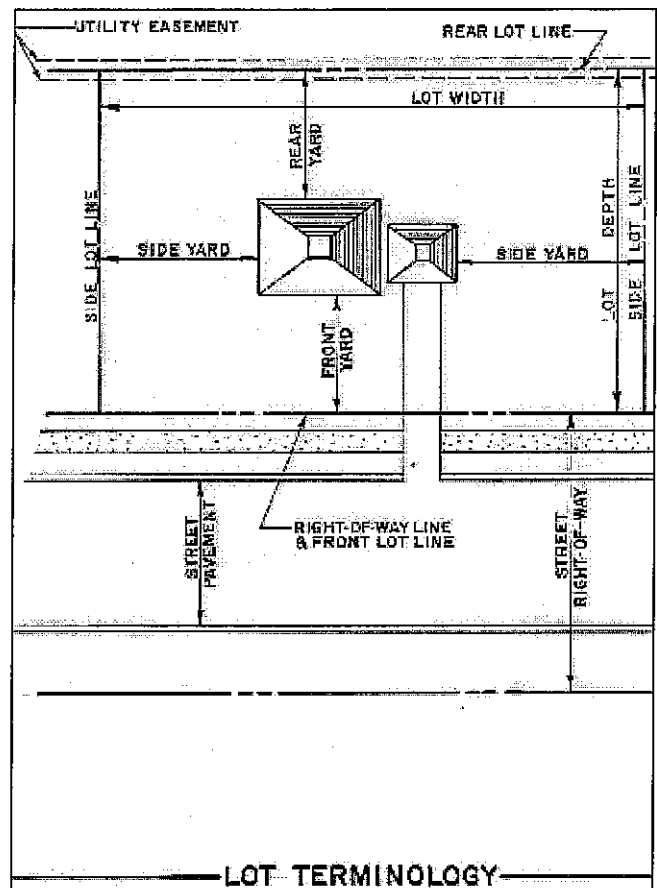
Lot of Record: A lot, the boundaries of which have been established by properly recorded deed and/or by properly approved and recorded plat, in accordance with all applicable laws and regulations in effect at the time of recordation.

Lot Width: The linear measure of the front yard edge that is opposite and parallel to the associated road right-of-way for that yard. Note that on corner lots and double frontage lots there will be more than one front yard and any minimum required lot width must be met along both of these yards.

Lot Split And Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Van Buren County Register of Deeds. The division of lots shall take place in accordance with the Land Division Act of 1967, P.A. 288.

Manufactured Housing Development (Mobile Home Park): A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis, which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

Marina, Public: An establishment owned by a public agency that provides docking and mooring services. A public marina may also include accessory uses for the provision of boats and for developed open space.



Marina, Commercial: A business that provides boat repair services, provisions and supplies for boats and boaters, and services for boat owners, such as repair or storage of boat lifts, boat docks, and so forth.

Marine Storage: A business that provides storage for boats, trailers, pontoons, water craft, boat lifts, and docks.

Master Plan: Any document, plan, or study adopted by the Gobles Planning Commission pursuant to the authority of Public Act 33 of 2008, as amended.

Mining: The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.

Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. After 1976, those units previously defined as "mobile homes" came under the definition of "manufactured housing" in accordance with federal legislation. See definition for "Dwelling, Manufactured". Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

Mobile Home Lot: An area within a manufactured housing development which is designated for the exclusive use of the occupants of a specific mobile home.

Motel: One or more buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through exterior entrances, and in which provision is not made for cooking in the individual units.

Motor Vehicle: Any self-propelled vehicle that is subject to registration under the Michigan Vehicle Code.

Motor Vehicle Repair, Minor: Engine tune-ups, servicing of brakes, air conditioning, and exhaust systems, oil change or lubrication, wheel alignment or balancing, and similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

Motor Vehicle Repair, Major: General repairs, engine and transmission rebuilding or reconditioning, collision service such as body, frame or fender straightening or repair, steam cleaning, undercoating and rust-proofing, and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

Natural Features: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Nonconforming Building: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and that does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming building to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconforming Lot: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and that does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming lot to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconforming Use: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and that does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located. In all circumstances, it is the responsibility of the owner of a nonconforming use to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconformity: Any structure, lot, or use of any lot, land or structure, which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and that does not now conform to the regulations for the district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconformity to prove that the nonconformity was lawfully in existence at the effective date of this Ordinance.

Nursery: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing Home, Convalescent Home, or Rest Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such homes shall be licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

Occupied: Used in any way at the time in question.

Open Air Business: Any business in which any portion of the business operations or any activity or operation, including but not limited to production, storage or sales, is conducted outside of a fully enclosed structure.

Open Space: Lands containing only natural features.

- **Developed Open Space:** Open space that is partially developed for passive recreation limited to playgrounds, basketball and tennis courts, ball fields for baseball, soccer, football, and concession stands for these passive recreational uses.
- **Common Open Space:** Open space, developed and non-developed, within a specific residential area (neighborhood, subdivision, development, condominium) which open space is reserved for the exclusive use of the residents of that residential area and which open space is maintained by the same residents.
- **Private Open Space:** Developed open space which is owned by other than a public agency, regardless if the use of the open space is available to the public or restricted.
- **Public Open Space:** Developed open space that is owned by a public agency, regardless if the use of the open space is available to the public or restricted.

Open Storage: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

Outdoor Furnace: A fuel-fired boiler or furnace, fueled by wood, coal, corn, or other types of fuel, located outside the structure it is used to heat, with the designated purpose of providing indoor heat for water and/or air for a residence or other structure. This definition shall not include boilers or furnaces fueled by natural gas, propane, or fuel oil if the boiler or furnace has been inspected and approved by the City mechanical inspector.

Overlay Zoning District: A zoning district that applies additional restrictions or requirements to those of one or more underlying zoning districts.

Parking, Off-street: An area not on a public or private road or street right-of-way that is intended, designed and maintained to provide safe and convenient ingress and egress to a public or private road or street, parking spaces for one (1) or more motor vehicles, and adequate drives and aisles for maneuvering.

Parking Lot: An area that provides clearly delineated off-street parking for three (3) or more motor vehicles and that is surfaced with asphalt or concrete.

Parking Space: An area that is intended, designed and maintained to provide parking for one (1) motor vehicle and that is at least twelve (12) feet in width and twenty (20) feet in length.

Patio: A platform or terrace commonly made of concrete, brick, stone, or other pavement material, which is typically attached to the house and used for outdoor activities having an elevation of no more than eight (8) inches over the existing grade.

Pet or Domestic Animal: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal, specifically excluding wild or exotic animals, that is kept for pleasure or companionship.

Planning Commission: The Gobles Planning Commission created pursuant to the provisions of Michigan Public Act 33 of 2008, as amended..

Plat: A map of a subdivision of land in accordance with the Land Division Act, Public Act 288 of 1967, as amended.

Plot Plan: A scaled drawing showing lot lines, existing and proposed buildings, and the distances from proposed buildings to property lines.

Porch: An exterior appendage to a building that has a separate roof, or a roof integral with the building, which roof forms a covered approach to a doorway or vestibule. If a porch is enclosed it becomes a part of the building and is no longer considered a porch.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Recreation Establishment, Indoor: A facility designed and equipped for the conduct of sports, amusement, leisure time activities, and other customary recreational activities entirely within an enclosed building; such activities include, but are not limited to gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor: A facility designed and equipped for the conduct of sports, amusements, leisure time activities, and other customary recreational activities, one or more of which activities take place outside of an enclosed building; such activities include, but are not limited to, tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and amusement parks.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another motor vehicle. For the purposes of this Ordinance, the term "recreational vehicle" shall also include tents and boats, and any trailers used to transport recreational vehicles.

Refuse: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, garbage, glass, scrap metal, rubber, trash, paper, rags, chemicals, or any similar or related combinations thereof.

Residentially Zoned Area: Any and all areas in the AG, Agriculture, R-1, Low Density Residential, R-2, High Density Residential, or R-3, Manufactured Housing zoning districts.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state. However, any such establishment in which more than twenty-five (25) percent of the gross receipts are from the sale of alcoholic beverages shall be deemed to be a "bar" for the purposes of this Ordinance.

Right-of-way: A specific and defined area of land over which the right to pass has been granted. The right of passage may be for a specific mode, such as a road, or a railroad, or a walking path. A right-of-way may exist as either the ownership of the subject area of land, in which case it is known as a right-of-way in fee simple, or else as an easement while another party or entity retains ownership, in which case it is known as a right-of-way easement. The right of passage may be available to all persons, in which case it is a public right of way, or the right of passage may be restricted to a specific group of people, such as the owners of lots in a subdivision, in which case it is a private right-of-way. Unless the context clearly indicates otherwise, the term right-of-way as used in this Ordinance shall mean a public or private right-of-way for a road or street for the passage of automobiles and pedestrians, and may be in fee-simple or as an easement.

Road: A pathway intended for the passage and circulation of motor vehicles, which pathway has an all-weather surface and is maintained by Gobles, the Van Buren County Road Commission, the State of Michigan, or by some other public agency.

Roadside Stand: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises.

Sawmill, Portable: A temporary operation for the primary processing of timber into lumber: the equipment is taken to the area where the timber is being harvested and the equipment is removed at the conclusion of the harvesting of the timber in that area.

Sawmill: A facility for the primary processing of timber into lumber.

School: Any educational institution, whether public or private, certified by the State of Michigan to offer instruction in grades kindergarten through 12, including Amish schools.

Sign: Any device that is designed to or capable of visually conveying a message from a property or building to another property or to a public or private right-of-way or to a public or private lake or other watercourse, and any support structures and mechanisms.

Site Plan: A map or set of maps and accompanying text depicting and describing a proposed or existing development that is used to determine whether or not the development or proposed development complies with the requirements of this Ordinance.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Gobles community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

Stable: An enclosed building intended for the keeping of horses or other large domestic animals. A stable is "private" when its use is without consideration or remuneration of any kind and when it is used solely by the residents of the property on which it is located and constitutes an accessory use in the agricultural zoning district. Any other stable is considered to be a public stable.

State Licensed Residential Facility: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979, and provides for residential care for six (6) persons or fewer under 24-hour supervision or care. These acts provide for the following types of residential structures, although not all fit the conditions listed above:

- **Adult Foster Care Facility:** Any establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry Services. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:
 - **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

- **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision, regulated under Public Act 116 of 1973, as amended.
- **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision, regulated under Public Act 116 of 1973, as amended.

Street or drive: Any public or private pathway intended for the passage and circulation of motor vehicles and pedestrians, and intended to provide access to abutting lots.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, gazebos, privacy screens, walls, antennae, swimming pools, and signs.

Swimming Pool: Shall mean any structure or container located either above or below ground that is designed to hold water to a depth of greater than twenty-four (24) inches, and that is intended for swimming or bathing.

Toxic or Hazardous Waste: Any material or substance, in any amount, that has been identified by the US Environmental Protection Agency as an Extremely Hazardous Substance.

Use: The purpose for which a lot, or the building(s) thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

Use, Principal: The main use of a lot and its buildings and the main purpose for which the lot and buildings exist.

Use, Special: A use that would not be appropriate generally or without restrictions throughout a particular zoning district, but would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare if controlled as to number, area, density, location, or relation to neighborhood. Those uses which constitute special uses in a particular zoning district are set forth in the regulations for each zoning district.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property, which circumstances do not generally affect other properties in the same zoning district.

Warehouse: A building used for short and/or long term storage in connection with production, marketing, manufacturing, freight handling, distribution, or retailing.

Warehouse, Self-storage: A building or group of buildings containing independent, fully enclosed bays that are typically leased or rented to individuals for the short- or long-term storage of personal or household goods.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that, under normal circumstances, does support wetland vegetation or aquatic life.

Wetland, Regulated: Those wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 451, as amended.

Wholesale Sales: On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

Wireless Communication Facilities: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, type IG radios, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of "public facility" or "essential service."

Wireless Communication Support Structures (Towers): Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, lattice towers, light poles, wood poles, and guide towers or other similar structures which support wireless communication facilities.

Yard: The area of a lot extending from the lot lines inward for a minimum distance as required by this ordinance; this area being open and unobstructed by any structure, with the exception that architectural features, as herein defined, may extend horizontally up to two (2) feet into the yard; in no case shall any portion of a building foundation or wall encroach into the required yard area.

- **Yard, Front:** A yard extending along the entire front lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the front lot line.
- **Yard, Rear:** A yard extending along the entire rear lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the rear lot line.
- **Yard, Side:** A yard extending along the entire side lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the side lot line.

Zoning Administrator: The person appointed by the Gobles Board to assist the City Commission, Planning Commission, and Zoning Board of Appeals in administrating and enforcing the provisions of this Ordinance.

Zoning Permit: The written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration, or use of a building in conformity with this Ordinance. The Zoning Administrator is not authorized to amend or in any way alter the terms of this Ordinance, and any permit issued by the Zoning Administrator in contradiction to the requirements of this Ordinance is hereby declared to be null and void.