

## **Part V Administration**

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# Article 18. Administration and Enforcement

## Section 18.1 Administration

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- A. *Administration.* The provisions of this ordinance shall be administered by the Zoning Administrator, Zoning Board of Appeals, Planning Commission, and Township Board.
- B. *Planning Commission.* The Planning Commission shall have the following powers and duties:
1. The Planning Commission and Township Staff shall carry on a continuous review of the effectiveness and appropriateness of this ordinance and recommend to Township Board any appropriate changes or amendments in accordance with *Article 21*.
  2. The Planning Commission shall hear and make recommendations to the Township Board regarding amendments to this ordinance, including rezoning requests, following the procedures outlined in *Article 21*.
  3. The Planning Commission shall render decisions on Special Land Use Permits and Preliminary PUD Plans.
  4. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating as such. The Planning Commission shall act by motion or resolution. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
  5. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the Zoning Ordinance.
  6. The Planning Commission shall adopt rules and procedures governing its activities.
  7. The Planning Commission shall perform such other duties assigned by this ordinance, in accordance with the Michigan Zoning Enabling Act.
- C. *Township Board.* Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide upon the following:
1. Zoning Ordinance amendments.
  2. Zoning Map amendments.
  3. Final PUD Plans.
  4. Preliminary and Final Condominium Plans.
  5. The Township Board shall perform such other duties assigned by this ordinance, in accordance with the Michigan Zoning Enabling Act.

## Section 18.2 Performance Guarantee

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To ensure compliance with this ordinance and any conditions of project approval, the township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the Township Clerk to insure completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The township shall rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements based on the policy of the Community Development Department.

### Section 18.3 Violations and Penalties

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- A. *Penalties.* Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any terms or provisions of this ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement thereof shall be responsible for a municipal civil infraction, and shall be subject to the enforcement procedures set forth in chapter 1, section 1-13 of the Code of Ordinances adopted by Holland Charter Township. Fines and penalties are set by the Holland Charter Township Board.
- B. *Enforcement Officials.* The Zoning Administrator, Building Inspector, members of the Ottawa County Sheriff's Department assigned to the township, members of the Ottawa County Sheriff's Department whose services are contracted for by the township, or other persons designated by the Township Board as township ordinance enforcement officers are hereby designated as authorized township officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Holland Charter Township Municipal Ordinance Violations Bureau) as provided in chapter 1, section 1-13 of the Code of Ordinances adopted by Holland Charter Township.
- C. *Procedure.* The township board, the board of appeals, the duly-authorized attorney for the township, or the prosecuting attorney for Ottawa County may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

### Section 18.4 Noticing

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- A. *Public Notices.* All applications requiring a public hearing or public notice shall comply with the *Michigan Zoning Enabling Act, PA 110 of 2006*, as amended, and the other provisions of this section with regard to public notification.
- B. *Content.* All mail, personal, and newspaper notices for public hearings shall:
1. Describe the nature of the request.
  2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the request will be considered.
  4. Indicate when and where written comments will be received concerning the request.
- C. *Personal and Mailed Notice.*
1. General. When the provisions of this ordinance or state law require that personal or mailed notice be provided, notice shall be provided to those required by state law, but in any event including the following:
    - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - b. Except for a zoning text amendment or rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property: to all persons to whom real property is assessed, or to the occupants of any dwelling, within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of

- a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. Other persons which have requested to receive notice or are required by state law to receive notice.
  2. Notice by Mail/Affidavit. Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.
  3. Record of Notice. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice. Unless otherwise provided in the *Michigan Zoning Enabling Act, PA 110 of 2006, as amended*, or this ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than 15 days before the date the application will be considered for approval.

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# Article 19. Zoning Board of Appeals

## Section 19.1 Intent and Purpose

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This article outlines the Zoning Board of Appeals as a township authority and its role as it relates to the requirements and administration of the Zoning Ordinance.

## Section 19.2 Creation and Membership

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- A. *Purpose.* The creation, existence, and authority of the Zoning Board of Appeals is enabled by Article VI of the Michigan Zoning Enabling Act.
- B. *Membership.* The Zoning Board of Appeals shall consist of five (5) members:
1. Planning Commission Member. One (1) of the regular members shall be a member of the Planning Commission.
  2. Township Board Member. One (1) of the regular members shall be a member of the Township Board, but shall not serve as the Chairperson.
  3. General Members. The remaining regular members, and any alternate members, shall be selected from the electors of Holland Charter Township. The members selected shall be representative of the population distribution and of the various interests present in the township. An employee or contractor of the legislative body may not serve as a member.
  4. Alternates. The Township Board may appoint one (1) or two (2) alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
- C. *Per Diem.* A member of the Zoning Board of Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of the member's duties.
- D. *Removal and Conflict of Interest.* A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- E. *Term.* The terms of office for an appointed member shall be 3 years, except for a member serving because of his or her membership on the Planning Commission or Township Board, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- F. *Voting Restrictions.* A member who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of their other official duties. However, the member may consider and vote on other unrelated matters involving the same property.

### **Section 19.3 Procedures and Public Hearings**

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- A. *Meetings and Records.* All Zoning Board of Appeals meetings shall be called by the Chairperson and at such times as determined by the Zoning Board of Appeals. All meetings shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question and shall also keep records of its hearings and other official actions.
- B. *Rules and Procedures.* The Zoning Board of Appeals shall fix rules and regulations governing its procedures in conformance with the terms of this ordinance and the *Michigan Zoning Enabling Act*.
- C. *Conducting Business.* The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
- D. *Public Hearings.* If the Zoning Board of Appeals receives a written request seeking an appeal of an administrative decision (*Section 19.5*), a variance of the Zoning Ordinance (*Section 19.6*), or an interpretation (*Section 19.7*), it shall conduct a public hearing on the request. Notice shall be given as required under *Section 103 of the Michigan Zoning Enabling Act* and *Section 18.4*. However, if the request does not involve a specific lot of record, notice need only be published as provided in *Section 103(1)* and given to the person making the request as provided in *Section 103(3)* of the Act.

### **Section 19.4 Powers and Decisions**

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- A. *Jurisdiction.* The Board of Appeals shall have all powers and jurisdiction granted by the *Michigan Zoning Enabling Act*, all powers and jurisdiction prescribed in other articles of this ordinance and the following specific powers and jurisdiction:
  - 1. Appeals. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator or the Planning Commission in the enforcement of this ordinance.
  - 2. Variances. To approve dimensional variances in circumstances involving a practical difficulty and the other conditions required for the approval of a dimensional variance.
  - 3. Interpretations. To act upon all questions as they may arise in the administration and enforcement of the Zoning Ordinance, including interpretation of the Zoning Map.
  - 4. Special Reviews. To hear and decide on all matters referred through this ordinance.
- B. *Planned Unit Developments and Special Land Uses.* Appeals for decisions relating to Planned Unit Developments or special land use permits may not be taken to the Zoning Board of Appeals.
- C. *Decisions.*
  - 1. Majority Vote of Members. The concurring vote of a majority of the Zoning Board of Appeals membership shall be necessary to reverse any order, requirement, decision or determination by the Zoning Administrator or other administrative body, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.
  - 2. Certification of Decision. The decision of the Zoning Board of Appeals shall become final upon certification of the decision in writing, signed by the Chairperson, or the approval of the minutes for the meeting at which the decision was reached, whichever occurs first.
  - 3. Effect on Permitting. A zoning compliance permit or building permit for a project that is reliant on the decision of the Zoning Board of Appeals shall not be issued until the decision is final.
- D. *Conditions of Approval.* In hearing and deciding an appeal, the Zoning Board of Appeals may impose and attach conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. The Zoning Board of Appeals may impose greater or more restrictive conditions, restrictions and requirements than are included in this ordinance. Violations of approved conditions, restrictions and requirements shall be deemed a violation of this ordinance. Conditions, restrictions and requirements may include the provision of financial security to guarantee performance.

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## Section 19.5 Administrative Appeals

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- A. *Filing Deadline and Distribution.* An appeal from any decision or action shall be filed no later than 30 calendar days after the decision or action being appealed. Where an appeal has been filed, the Zoning Administrator shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action being appealed was made.
- B. *Stay of Proceedings.* An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or the Circuit Court.
- C. *Decision.* In exercising this power, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or a determination being appealed and may make an order, requirement, decision or determination as it should be made. The Zoning Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:
1. Was arbitrary or capricious.
  2. Was based on an erroneous finding of a material fact.
  3. Constituted an abuse of discretion.
  4. Was based on erroneous interpretation of this ordinance or the Michigan Zoning Enabling Act.

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## Section 19.6 Variances

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- A. *Application.* A dimensional variance request shall be accompanied by a drawing to scale, which includes all buildings and their individual front, rear and side yard distances from the property lines and any other structure on the property. The requested variance location shall be clearly identified on the drawing with additional information which demonstrates practical difficulties which supports the request for a variance.
- B. *Standards for Granting of Variance.* No variance in the provisions or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless it is found from the evidence that all the following conditions exist:
1. That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or lot of record, including but not limited to:
    - a. Exceptional narrowness of the width or depth of a lot of record, or an irregular shape.
    - b. Exceptional natural or topographic features located on the lot of record, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.
    - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.
    - d. Other exceptional or extraordinary dimensional conditions or characteristics of land or lot of record.
  2. That the unusual circumstances do not apply to most other lots of record in the same manner or to the same extent to other lots of record in the same zoning district.
  3. That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.

5. That the applicant shall not have created the problem for which the variance is being sought.
  6. That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.
- C. *Minimum Variance Necessary.* In approving a variance, the Zoning Board of Appeals shall only approve the minimum variance necessary to relieve the practical difficulty.
- D. *Use Variances.* Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the area involved, or any use expressly or by implication prohibited by the terms of this ordinance.

## **Section 19.7 Interpretations**

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- A. *Authority.* The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:
1. Ambiguity. To determine the meaning of ordinance provisions when ambiguity exists in those provisions.
  2. District Boundaries. To determine the precise location of the boundary lines between zoning districts.

## **Section 19.8 Official Record and Findings of Fact**

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- A. *Official Record.* The Zoning Board of Appeals shall record all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question and all its official actions. To this end, the Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:
1. The relevant administrative records and orders issued relating to the appeal, variance or interpretation;
  2. The notice of the appeal, variance, or interpretation, if required;
  3. Documents, exhibits, photographs or written reports, as may be submitted to the Zoning Board of Appeals for its consideration;
  4. The findings of the Zoning Board of Appeals, stating the facts of the application, the decision, any conditions of the decision and the reasons for reaching such a decision, including any applicable standards of review.
- B. *Certification.* A decision of the Zoning Board of Appeals shall also be certified in writing, either by a certification denoting the decision for a specific request, signed by the Chairperson, or by approval, by majority vote of the Zoning Board of Appeals, of the official minutes of the meeting at which the decision was made.

## **Section 19.9 Rehearing and Reapplication**

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- A. *Rehearing.* A rehearing on an application denied by the Zoning Board of Appeals shall not be considered, except upon the grounds of newly discovered evidence or a falsehood previously relied upon that is discovered to be valid by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including payment of the required fee.
- B. *Reapplication.* An application for a variance, interpretation or appeal that has been denied, wholly or in part, by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions, found by the Zoning Board of Appeals to be valid.

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**Section 19.10 Appeals to Circuit Court**

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A decision of the Zoning Board of Appeals is final. A party aggrieved by the decision may appeal to the Ottawa County Circuit Court.

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# Article 20. Nonconformities

## Section 20.1 Use of Nonconforming Land, Buildings, and Structures

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- A. *Existing Use.* Except where specifically provided to the contrary, and subject to the provisions of *Sections 20.2, 20.3, and 20.4*, hereinafter, the lawful use of any building or structure or of any lot of record which is existing and lawful on September 22, 1976, or in the case of an amendment or restatement of this ordinance, then on the effective date of such amendment or restatement, may be continued although such use does not conform with the provisions of this ordinance or any amendment or restatement thereto, as the case may be. In addition, except where specifically provided to the contrary, and subject to the provisions of *Sections 20.2, 20.3, and 20.4*, hereinafter, a building or structure which is existing and lawful on September 22, 1976, or in the case of an amendment or restatement to this ordinance, then on the effective date of such amendment or restatement, may be maintained and continued although such building or structure does not conform with the provisions of this ordinance or any amendment or restatement thereto, as the case may be.
- B. *Extending of Use Prohibited.* No building, structure or use which is nonconforming under this ordinance or any amendment or restatement thereto may be extended, enlarged, altered, remodeled or modernized unless such extension, enlargement, alteration, remodeling or modernization is first authorized by the Zoning Administrator. The Zoning Administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the Zoning Administrator or the Zoning Board of Appeals, as the case may be, shall consider the following standards:
1. Whether the extension, enlargement, alteration, remodeling or modernization will substantially extend the probable duration of the nonconforming structure, building or use.
  2. Whether the extension, enlargement, alteration, remodeling or modernization of the nonconforming structure, building or use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.
  3. The effect of the nonconforming structure, building or use and such extension, enlargement, alteration, remodeling or modernization thereof on adjoining lands in the surrounding neighborhood.
- C. *Changing of Uses.* The nonconforming use of any building, structure or land shall not be changed to any other nonconforming use unless first authorized by the Zoning Administrator. The Zoning Administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the Zoning Administrator or the Zoning Board of Appeals, as the case may be, shall consider the following standards:
1. Whether the proposed use is equivalent to or more appropriate than the present nonconforming use to the zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the Zoning Administrator or the Zoning Board of Appeals.
  2. Whether the proposed use will substantially extend the probable duration of the use of the nonconforming structure, building or use.
  3. Whether the proposed use will interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this ordinance.
  4. The effect of the proposed use on adjoining lands in the surrounding neighborhood.

- D. *Reestablishment; Nonconforming Use.* Whenever the nonconforming use of any building, structure or land has been changed to a conforming use, the nonconforming use shall not thereafter be reestablished. In addition, if a building or structure is altered, remodeled or modified so as to eliminate or remove any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished.
- E. *Vacancy and Conformance.* If the nonconforming use of any building, structure, lot of record is discontinued through vacancy, lack of operation or use, or otherwise for a continuous period of nine (9) consecutive months or more, then any future use of such building, structure, lot of record shall conform to the provisions of this ordinance.

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## **Section 20.2 Building or Structure Under Construction on Effective Date of Ordinance**

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- A. *Lawful Buildings and Structures.* Any building or structure shall be considered existing and lawful and, for the purposes of *Section 20.1*, to have been in use for the purpose for which constructed if, on September 22, 1976, or the effective date of any amendment or restatement of this ordinance:
1. A building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward erection of the building or structure; and
  2. Erection is thereafter pursued diligently to conclusion.

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## **Section 20.3 Restoration and Use of Damaged Nonconforming Buildings and Structures**

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- A. *Minor Repairs.* Repairs and reinforcement of any nonconforming building or structure are permitted if necessary to maintain the building or structure in a sound condition; provided, however, that no such repair or reinforcement shall permit the use of such building or structure beyond its normal period of usefulness.
- B. *Major Reconstruction and Restoration.* The reconstruction, repair, reinforcement or restoration and resumption of use of any nonconforming building or structure, damaged by fire, wind, collapse, explosion, act of God, or acts of a public enemy is permitted if the total cost and expense of such reconstruction, repair, reinforcement or restoration does not exceed the state equalized valuation of the nonconforming building or structure or portion thereof so damaged on the date such damage has occurred. The reconstruction, reinforcement, repair or restoration shall be begun within 90 days following the date on which the damage has occurred. The Zoning Administrator may authorize an additional period of up to 90 days to begin such reconstruction, repair, reinforcement or restoration. The Zoning Administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the Zoning Administrator or the Zoning Board of Appeals, as the case may be, shall consider the following standards:
1. The reason or reasons why construction cannot begin within such 90-day period;
  2. Any factors beyond control which prevent beginning construction within such 90-day period such as weather, lack of availability of labor or materials, or lack of availability of professional services necessary for such reconstruction, repair, reinforcement or restoration; and
  3. Any relationship between beginning the reconstruction, repair, reinforcement or restoration and the receipt of insurance proceeds with respect to the damage.
- C. *Completion.* Once begun, such reconstruction, repair, reinforcement or restoration shall be completed within one (1) year from the beginning date; provided, however, that the Zoning Administrator may authorize an extension of such completion date of up to one (1) year. The Zoning Administrator may, in their discretion, decline to determine whether or not such authorization should be granted and, instead, refer [the] decision thereon to the Zoning Board of Appeals as a matter for Zoning Board of Appeals

decision pursuant to the Michigan Zoning Enabling Act. In considering such authorization, the following standards shall be considered:

1. The reason or reasons why it is impossible to complete the reconstruction, repair, reinforcement or restoration within such one (1) year period;
2. Any reasons or factors beyond control such as weather, strikes, accidents, acts of God, availability of material or labor or availability of other professional services which prevent completion of the reconstruction, repair, reinforcement or restoration within such one (1) year time period. Resumption of the use of the building or structure shall begin within 30 days after completion of reconstruction, repair, reinforcement or restoration.

#### **Section 20.4 Nonconforming Lots of Record**

- A. *Nonconforming Lots of Record.* If a lot of record in an Agricultural (*Article 3*) or Residential (*Article 4*) Zoning District which is platted or otherwise of legal record as of the effective date of this ordinance, or any applicable subsequent amendment thereof, does not comply with the area or width requirements of its zoning district, but does have a total area and width which are each equal to at least 90 percent of the area and width requirements of its zoning district, then such lot of record may be used for a single-family dwelling only, provided there is compliance with all side yard requirements of the zoning district. If a lot of record in an agricultural or residential zoning district which is platted or otherwise of legal record as of the effective date of this ordinance, or any applicable subsequent amendment, does not comply with the area or width requirements of its zoning district, or with 90 percent of each of such requirements of its zoning district as is provided above, then such lot of record may be utilized for a single-family dwelling only and then only if all the following requirements are met:
1. Side yards shall be reduced by the same percentage the total area of the lot of record bears to the minimum lot area requirement of the zoning district;
  2. No side yard shall be less than five (5) feet; and
  3. All off-street parking requirements shall be met.
- B. *Adjacent Nonconforming Lots.* Where two (2) or more such noncomplying lots of record have a common side lot line and are in common ownership, such lots of record shall be combined so that the lot of record created by this combination comply or more nearly comply with the minimum requirements of this ordinance.

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# Article 21. Amendments

## Section 21.1 Intent and Purpose

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The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the area boundaries or the provisions and regulations in this ordinance whenever the public necessity and convenience and the general welfare require such amendment.

## Section 21.2 Initiation

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Amendments may be initiated by the Township Board, the Planning Commission, Township Staff or by petition of a township property owner or owner-authorized applicant.

## Section 21.3 Application Procedures

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- A. *Process and Notice.* Amendments shall be processed as provided for in the *Michigan Zoning Enabling Act*, including notification to adjoining property owners and occupants, where applicable, and a public hearing. The notices for all public hearings before the Planning Commission concerning amendments shall comply with all of the requirements set forth in *Section 18.4*.
- B. *Application and Fee.* If an amendment is requested by a person, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the township Board.
- C. *Petition Procedure.* All petitions for amendment to this ordinance shall in writing, and shall be signed and filed with the Zoning Administrator for presentation to the Planning Commission. Such petitions shall include the following:
  - 1. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned;
  - 2. The nature and effect of the proposed amendment;
  - 3. If the proposed amendment would require a change in the zoning map, a fully-dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-ways and easements bounding and intersecting the land to be rezoned;
  - 4. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same;
  - 5. The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare; and
  - 6. All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

## Section 21.4 Criteria for Amendments

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- A. *Criteria for Map Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering amendments to the Zoning Map:
  - 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Comprehensive Plan; or, if conditions have changed significantly since the Comprehensive Plan was adopted, whether the map change would be consistent with recent development trends in the area.

2. Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site.
  3. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values, and traffic impacts.
  4. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.
  5. Other factors deemed appropriate by the Planning Commission or Township Board.
- B. *Criteria for Text Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering amendments to the Zoning Map:
1. The proposed text amendment would clarify the intent of the ordinance.
  2. The proposed text amendment would correct an error or oversight in the ordinance.
  3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
  4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
  5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
  6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
  7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
  8. As applicable, the proposed change shall be consistent with the township's ability to provide adequate public facilities and services.
  9. The proposed change shall be consistent with the township's desire to protect the public health, safety, and welfare of the community.

## **Section 21.5      Conditional Rezoning**

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It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to recognize the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

# Article 22. General Definitions

## Section 22.1 Construction of Language

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- A. The following listed rules of construction shall apply to the text of this ordinance.
1. The particular shall control the general.
  2. Except with respect to the definitions which follow in *Section 22.2*, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this ordinance or as enlarging or restricting the terms and provisions of this ordinance in any respect.
  3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  4. Unless the context clearly indicates to the contrary:
    - a. Words used in the present tense shall include the future tense;
    - b. Words used in the singular number shall include the plural number; and
    - c. Words used in the plural number shall include the singular number.
  5. A "building" or "structure" includes any part thereof.
  6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
  7. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied."
  8. The word "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
  9. The word "township" means the Charter Township of Holland, Ottawa County, Michigan.
  10. The words "township board" mean the Holland Charter Township Board.
  11. The words "planning commission" mean the Holland Charter Township Planning Commission
  12. The words "board of appeals" mean the Holland Charter Township Zoning Board of Appeals.
  13. The words "zoning administrator" mean the Holland Charter Township Zoning Administrator or a designated representative.
  14. The words "legal record" mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Ottawa County, Michigan.
- B. The words "building permit" mean the Holland Charter Township Zoning Permit issued under the rules and regulations of the Holland Charter Township Zoning Ordinance.
- C. For the purpose of their use in this ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

## Section 22.2 Definitions

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**Accessory Use.** A use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building or structure.

**Addition.** Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage, or a new room or wing.

**Agribusiness.** A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

**Agricultural Labor Camp.** A tract of land and all vehicles, buildings, dwellings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for five (5) or more migratory laborers engaged in agricultural activities, including related food processing.

**Agritourism.** The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting reserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

**Alley.** A publicly controlled right-of-way not more than 30 feet wide affording only secondary means of vehicular access to abutting lots and land and which is not intended for general traffic circulation.

**Altered or Alteration.** Any change, addition or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to or diminution of a structure or building.

**Ambient Sound Level.** The amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Animal, Domestic.** An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

**Animal, Farm.** An animal or fowl customarily raised on a farm such as equines, cattle, swine, sheep, goats, llamas, alpacas, poultry, waterfowl, rabbits, mink and exotic animals, such as emus, and ostriches.

**Animal Services, Animal Clinic / Hospital.** An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.

**Animal Services, Kennel.** A commercial facility for the boarding, breeding, and/or maintaining of animals that are not owned by the operator for a fee. This use includes pet day care facilities, animal training facilities, and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see "General Retail").

**Animal Services, Rescue or Shelter.** A facility that keeps four (4) or more impounded stray, homeless, abandoned, or unwanted animals.

**Animal, Wild.** An animal not domesticated by humans or any animal which a person is prohibited from possessing by local, state or federal law.

**Amateur Radio Service.** A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97)

1. **Amateur Radio Antenna.** Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.
2. **Amateur Radio Antenna Support Structure.** Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).
3. **Ground Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures** means amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.
4. **Roof Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures** means amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.

**Aviation.** A runway or helicopter landing pad without normal airport facilities.

**Banquet Barn.** An accessory use which provides rental space in a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

**Banquet Hall.** A use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

**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 is not counted as a story.

**Bed and Breakfast.** A house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.

**Buffer.** A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.

**Building.** A permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities. Shipping containers, cargo containers, semi-trailers, and soft-sided structures shall not be permitted as temporary or permanent structures, whether accessory or principle.

**Building, Agricultural.** Any building, other than a dwelling, which is customarily used in connection with the agricultural activities conducted on the farm.

**Building, Accessory.** A building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. Accessory buildings also include portable sheds that are not stick-built and not affixed to the ground.

**Building Footprint.** The area of a building measured around the exterior of a building foundation, not including upper stories.

**Building, Principal.** A building in which is conducted the main or principal use of the lot on which the building is located.

**Cemetery.** One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

**Commercial Solar Energy System.** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.

**Commercial Stable.** A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training equines may also be conducted.

**Community Art.** A work of visual art, painting, banner, mural, photograph, drawing, script, sculpture, figure, monument, fountain, clock, arch, or other similar works in other media which are of a permanent character intended for ornament or commemoration and are constructed, displayed, or installed in conjunction with a gateway.

**Community Cultural Facility.** A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Condominium, Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 of 1978, as amended.

**Condominium Project, Site.** A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

**Condominium Unit.** The portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

**Contractors Facility.** An office and warehouse facility accommodating a construction contracting business. This facility may have associated outdoor storage.

**Cul-De-Sac.** A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

### **Day Care**

1. **Day Care, Family Day Care Home (1-6 Children).** A private home in which one (1), but fewer than seven (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 homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
2. **Day Care, Group Day Care Home (7+ Children).** A private home in which more than six (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. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

**Day Care, Child Care Center.** A facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than twenty 24 hours per day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility that provides care for not less than two 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, before- or after-school program or drop-in center.

**Decibel.** A unit of measurement used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Distillery, Small.** A facility operated by a small distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a small distiller.

### **Dwelling**

1. **Dwelling, Accessory.** An attached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area, and kitchen facilities, but can be internally accessed through the principal dwelling. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in classification as an attached accessory dwelling unit.
2. **Dwelling, Multi-Family.** A structure containing three (3) or more dwelling units on a single lot designed for occupancy by three (3) or more families living independently of one another.
3. **Dwelling, Single-Family.** A freestanding dwelling unit that is physically separate from any other dwelling.
4. **Dwelling, Single-Family Attached.** A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.
5. **Dwelling, Two-Family.** A structure containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another, may also be referred to as a duplex.

**Dwelling Unit.** A building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, portable building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

**Easement.** A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

**Easement, Private Street.** A designated area surveyed, legally described, and recorded, applied to a private street, which authorizes vehicle travel and the installation and maintenance of public utilities.

**Family.** An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together within a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character. 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 or other similar determinable period.

**Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farmers Market.** A building or structure designed or used for the seasonal sale of farm or home grown agricultural products, or agriculturally related products, directly to the consumer from a designated area.

**Farm Operation.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.

6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

**Farm Product.** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture and Rural Development.

**Fence.** A barrier intended to prevent access, create an enclosure, or to mark a boundary.

**Floor Area.** The area of a building measured around the exterior of a building foundation and the perimeter measurements of upper stories. Floor area below the first floor shall be counted as part of the total floor area if at least one-half of its height is above finished grade and its construction is such that it meets all requirements for use as a living area by the applicable code requirements. Floor area below the first floor shall not be considered in determining the minimum first floor square footage requirement.

**Food Processing.** Industries that transform livestock and agricultural products into products for intermediate or final consumption. Processes convert raw materials (generally of animal or vegetable origin) into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers, but establishments primarily engaged in retailing bakery and candy products made on the premises not for immediate consumption are included.

**Food Processing, Small Scale.** Establishments primarily engaged in producing and retailing bakery, delicatessen, ice cream and candy products made on the premises not for immediate consumption with no more than five (5) employees.

**Food Truck.** A truck serving or offering food and/or beverages for sale from a mobile food vending unit which means for purposes of this ordinance, a self-contained, fully enclosed vehicle including attached trailers for smokers or grills. This definition does not include food tents or food carts.

#### **Foster Care**

1. **Foster Care, Adult Foster Care Family Home (1-6 Adults).** A private residence with an approved capacity of six (6) or fewer adults, where foster care is provided 24 hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
2. **Foster Care, Adult Foster Care Group Home (7+ Adults).** A private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7), but not more than 12 adults is a "small group home". A group home with an approved capacity of at least 13, but not more than 20 adults is a "large group home". An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.
3. **Foster Care, Foster Family Home (Children).** A private home, licensed under Act 116 of the Public Acts of 1973, in which at least one (1), but not more than seven (7) minor children who are not related to an adult member of the house by blood or marriage, or who are not placed in the

household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervision 24 hours per day, four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home. This zoning definition includes the foster family group homes, as defined by the Act.

**Funeral Home.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including the storage of caskets, funeral urns, funeral vehicles and other funeral supplies, and may include cremator furnaces or cremation retorts for ashes.

**Garage.** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

**Gateway.** A major vehicular or pedestrian entry point which provides access to the township from an adjacent municipality, and includes the street and surrounding properties a person encounters when first entering the township.

**Governmental Facility.** Buildings, structures and facilities that may include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public agencies.

**Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

**Grade, Natural.** The elevation of the ground surface in its natural state, before man-made alterations.

**Greenhouse and Nursery.** A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).

#### **Housing.**

1. **Independent and Assisted Living.** A building or buildings containing individual dwelling units designed for and restricted to occupancy by persons of a specified age who are retired or are nearing retirement and wish to live in a community environment, but do not require nursing or medical supervision. Group dining facilities and non-medical personal care services may also be provided. Such housing does not include a nursing or convalescent home.
2. **Convalescent and Nursing.** A facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A “nursing home” shall include an extended care facility, hospice, and convalescent home.

**Home Occupation.** A use which includes any activity which is clearly secondary to a residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home and is not evident from the outside.

**Hotel/Motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

**Household.** All persons occupying a house, apartment, group of rooms or a single room occupied as separate living quarters, regardless of their relationship to one another.

**Liquefied Petroleum Gas (LPG) Sales.** An establishment providing LPG dispensing and bulk containers for sale.

**Loading Space.** An off-street portion of a lot of record designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

**Lot of Record.** Land intended for individual ownership and use, separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds, as part of a platted subdivision or site condominium, and assigned a parcel number.

**Lot Area.** The area of land included within a lot as defined by lot lines but excluding any public rights-of-way and private street easements.

**Lot, Corner.** A lot with at least two contiguous sides abutting two intersecting streets, and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

1. Lot Lines. A corner lot shall have one (1) primary front lot line, one (1) secondary front lot line (side street), one (1) interior side lot line, and one (1) rear lot line.
2. Setbacks. On a corner lot with street frontage on two (2) sides, buildings shall be subject to the following setbacks: two (2) front setbacks, one (1) side setback, and one (1) rear setback.
3. Yards. A corner lot has one (1) primary front yard, one (1) secondary front yard, one (1) side yard, and one (1) rear yard.

**Lot, Interior.** A lot other than a corner, multi-frontage, through or corner lot, bordered on three sides by other lots.

1. Lot Lines. Interior lots shall have one (1) front lot line, one (1) front yard, two (2) side lot lines, two (2) side yards, one (1) rear lot line, and one (1) rear yard.
2. Setbacks. Buildings on interior lots shall be subject to one (1) front setback, two (2) side setbacks, and one (1) rear setback.
3. Yards. An interior lot has one (1) front yard, two (2) side yards, and one (1) rear yard.

**Lot, Multi-Frontage.** A lot bordered by streets on three (3) sides.

1. Lot Lines. If the dwelling is oriented toward one (1) of the two (2) parallel streets, the lot shall have two (2) front lot lines, one (1) secondary front lot line, one (1) interior side lot line, and no rear lot line. If the dwelling is oriented toward the middle street, the lot shall have three (3) primary front lot lines abutting the streets and one (1) rear lot line.
2. Setbacks. Multi-Frontage. If the dwelling is oriented toward one of the two (2) parallel streets, buildings shall be subject to three (3) front yard setbacks, and one (1) side setback. If the dwelling is oriented toward the middle street, buildings shall be subject to three (3) front setbacks and a one (1) rear setback.
3. Yards. If the dwelling is oriented toward one (1) of the two (2) parallel streets, the lot shall have two (2) front yards, one (1) secondary front yard (street side), one (1) interior side yard, and no rear yard. If the dwelling is oriented toward the middle street, the lot shall have three (3) primary front yards abutting the streets and one (1) rear yard.

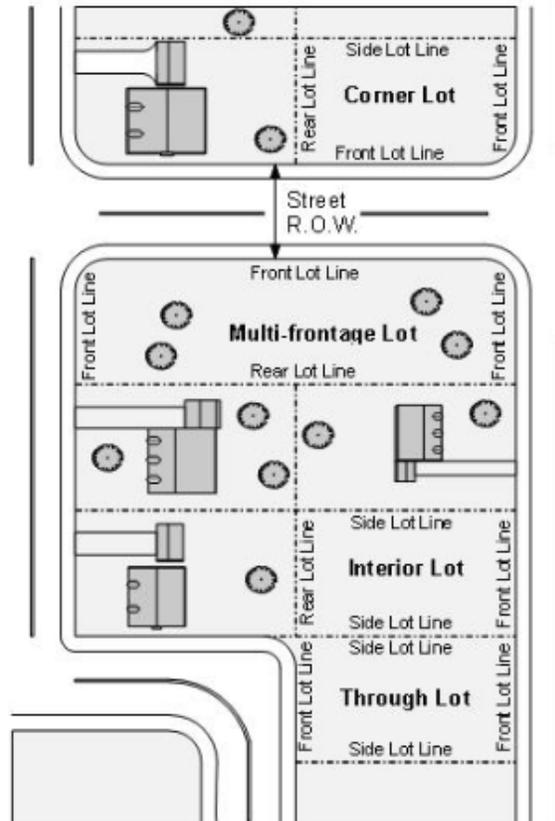


Figure 22-1

**Lot, Through.** An interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.

1. Lot Lines. Through lots shall have two (2) front lot lines, and two (2) side lot lines.
2. Setbacks. Buildings shall be subject to two (2) front setbacks and two (2) side setbacks.
3. Yards. Through lots shall have two (2) front yards and two (2) side yards.

**Lot, Waterfront.** A lot with one or more of its lot lines adjoining a stream, river, or lake.

**Lot Coverage.** The lot area, stated as a percentage of the total, covered by all buildings and areas under roof, driveways, parking lots, patios, decks, and other impervious surfaces. The Zoning Administrator shall determine the extent to which partially pervious materials are exempt from lot coverage, such as pervious parking areas, patios, and decks.

**Lot Depth.** The average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines, if extending from front lot line to rear lot line, and the shortest measurement from the front lot line to the farthest point of the rear lot line

**Lot Frontage.** The length of the front lot line measured at the public street right-of-way or private street easement.

**Lot Width.** The horizontal distance between side lot lines measured at the two (2) points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot.

**Lot Lines.** The lines bounding a lot, as defined below:

1. **Lot Line, Front.** In the case of an interior lot, the line separating the lot from the street right-of-way or road easement.
2. **Lot Line, Primary Front.** On lots with existing buildings, the primary front lot line shall be the location of the traditional front entrance of the building. On corner lots without buildings, it is the shorter of the two (2) front lot lines. Where the front yards are of equal width and/or the primary front lot line is not evident, the Zoning Administrator shall determine the primary front lot line.
3. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.
4. **Lot Line, Side.** The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

**Manufactured Home.** A factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.

**Manufactured Home Community.** A single lot of record that contains two (2) or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights.

**Manufacturing, Processing, and Packaging**

1. **Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; food products manufacturing.
2. **Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, brewery.

**Marina and Boat Storage.** A facility extending into or over a body of water which offers service to the public or members of the marina for docking, loading, servicing, or other activities related to recreational or commercial watercraft.

**Medical Services**

1. **Clinic.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five (5) or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies. Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
2. **Medical Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is classified under "Clinic." Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
3. **Hospital.** An institution licensed by the State, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.

**Meeting Facility.** A facility for public or private meetings, including: community centers, meeting halls for clubs and other membership organizations, etc.

**Micro-Brewery.** A facility operated by a micro brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, meads, and/or similar beverages within the limits established by the State of Michigan for a micro brewer.

**Mini-Warehouse/Self-Storage.** A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

**Mural.** Non-commercial message, picture, scene, or diagram exhibited on the outside wall of a building or structure through application of paint, canvas, tile, panels or similar materials such that the wall becomes the background surface or platform for the mural.

**Nacelle.** On a wind energy turbine, the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

**Net-Metering.** A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

**Nonconforming Building or Structure.** A structure or building lawfully constructed that does not conform to the requirements of the area in which it is situated and existed prior to the effective date of this ordinance or any amendment to this ordinance.

**Nonconforming Lot.** A lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use.** A land use that does not conform to the regulations of the zoning district in which it is situated and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.

#### **Offices and Services**

1. **Bank/Financial Services.** Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.
2. **Business Services.** Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.
3. **Business Support Services.** Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.
4. **Personal Services.** Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, commercial health and fitness facilities, tattoo parlors, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.
5. **Professional and Administrative Services.** Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.
6. **Temporary Construction Office.** An office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
7. **Temporary Sales Office.** An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.
8. **With a Drive Through Facility.** Facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaner, etc.

**Outdoor Display, Sales.** The outdoor placement, storage or keeping, for display purposes, of equipment, vehicles, trailers and other similar goods for sale on a premises.

**Outdoor Display, Sales, Temporary.** Sales associated with a permanent, principal use of a property, for temporary durations and in temporary locations.

**Outdoor Display, Sales, Yard and Garage Sales.** A sale of personal household goods and clothing on the same premises as a principal residential use.

**Outdoor Storage.** The outdoor placement of goods such as, building or construction materials, equipment, vehicles, trailers and other supplies, for future use, production, assembly, preservation or disposal.

**Over-The-Air Reception Device.** Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.

**Parking Facility, Public or Commercial.** A public or commercial parking lot or structure providing parking either for free or for a fee. Does not include towing impound and storage facilities.

**Place of Worship.** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

**Planning Commission.** The Holland Charter Township Planning Commission.

**Plat.** A map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

**Pond.** An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above and partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

**Pool Access Structure.** A structure or object used to provide access to a pool or complement the use of a pool. Examples of pool access structures include, but are not limited to the following, ladders, decks, and awnings.

**Principal Use.** The primary or predominant use of a lot of record.

**Public Utility.** Any person furnishing to the public, transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal or other similar service, including the township. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.

**Recreational Equipment.** Any of the following: recreation camper, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, enclosed trailers, utility trailers, or similarly licensed vehicles, trailers, or equipment.

### **Recreation Facility**

1. **Campground.** A form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
2. **Community-Based, Public.**
  - a. **Indoor.** A facility providing a variety of indoor recreational opportunities including, but not limited to: gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services.
  - b. **Outdoor.** A facility providing a variety of outdoor recreational opportunities including, but not limited to: playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps and fishing piers, and areas for passive recreation such as hiking trails, picnic areas and bird blinds. This use includes all not-for-profit organizations chartered to provide community-based recreation services.

3. **Commercial.**
  - a. **Indoor.** A facility providing a variety of indoor recreational opportunities and entertainment services, often for a fee, including, but not limited to: gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, bowling alleys, coin-operated arcades, movie theaters, ice skating and roller skating rinks, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices is considered an indoor recreation facility.
    - i. This use does not include adult-oriented businesses.
    - ii. Facility may include bars and restaurants as accessory uses.
  - b. **Outdoor.** A facility providing a variety of outdoor recreational opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, coin-operated arcades, etc.
    - i. This use does not include golf courses or campgrounds.
    - ii. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage.
4. **Golf Course.** A use consisting of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage facilities.

**Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food and food receipts exceed 50 percent of sales.

1. **Restaurant with Drive-Through.** A business establishment whose method of operation involves the delivery of prepared food or beverages to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.
2. **Restaurant with Micro-Brewery, Small Distillery or Small Winery.** A restaurant that serves and brews handcrafted beer, wine, or spirits intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management.

**Retail.** Stores and shops that sell and/or rent goods and merchandise to the general public.

**Roadside Stand.** An accessory structure for the seasonal retail sale of products grown on the site only, with no space for customers within the structure itself.

**Salvage or Impound Operations.** Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection, dismantlement and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.

**School**

1. **College or University.** A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
2. **Private.** A private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
3. **Specialized Training.** Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.
4. **Driving and Truck Instruction.** Commercial facilities which provide instruction and education concerning the driving of passenger vehicles and trucks.

**Service Station.** An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see Vehicle Repair, Minor); retail sales of convenience items (see Retail), restaurant (see Restaurant and Restaurant with Drive-Through) and a single bay vehicle wash (see Vehicle Wash), but not overnight vehicle storage.

**Setback.** The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, shore of a lake, edge of a stream, or river bank, to meet the minimum requirements of this ordinance. On cul-de-sac lots, the front yard setback shall follow the curve of the front lot line.

1. **Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement, which establishes the required front yard.
2. **Setback, Rear.** The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
3. **Setback, Side.** The lines marking the required setback distance from the side lot lines, which establishes the required side yards.

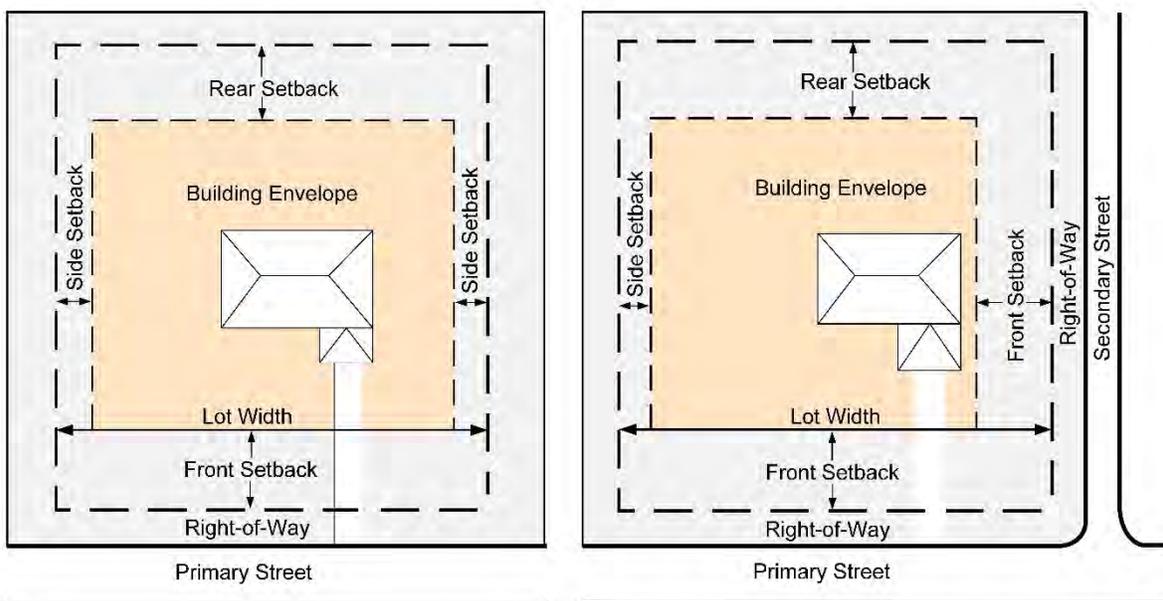


Figure 22-2

**Shadow Flicker.** The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

**Sign.** Any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

**Sign, Awning.** A sign that is part of or located on a canopy or awning that is attached to and projects from a building wall.

**Sign, Billboard.** A sign advertising a land use, business, general message, product or service, not typically located on, related to, or available upon the premises where the sign is located. These signs are distinguished from other types of freestanding signs by their larger than otherwise permitted size and typical location along Interstate, U.S. and State routes. Additionally, billboards are often erected to attract the attention of motorists that may be unfamiliar with the area, such as tourists, or pass-through travelers.

**Sign, Community.** A sign that is installed, owned, and maintained by the township, or other public agency or entity approved by the township, and is constructed, displayed, or installed in conjunction with a gateway.

**Sign, Electronic Changeable Message (ECM).** A sign with content can be changed or altered by means of electronically controlled electronic impulses.

**Sign Face.** The portion of a sign structure which includes a message or image. A sign face may be a removable sign panel, permanently attached element(s), trivision, or ECM.

**Sign, Feather.** A freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.

**Sign, Government.** Any sign erected by the township, county, state, or federal government.

**Sign, Ground.** A freestanding sign that is supported by a standard or base, or installed directly upon the ground.

**Sign, Human.** A sign represented by a person, such as a person covered with a sandwich board or other message or a person holding a sign for commercial purposes.

**Sign, Incidental.** A small sign, not more than one (1) square foot in size.

**Sign, Inflatable.** A tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

**Sign, Menu Board.** A sign board accommodating drive-in or drive-through businesses.

**Sign, Permanent.** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-movable, nonportable supporting structure.

**Sign, Portable.** Any sign designed to be moved easily and not permanently affixed to the ground, a building or a structure. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle. For purposes of this Ordinance, a Portable Sign is also referred to as a Temporary Sign.

**Sign, Projecting.** A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined.

**Sign, Pylon or Pole.** A sign having a sign face that is elevated above the ground by one or more uprights, pylons or poles.

**Sign, Roof.** A sign erected upon or above the roof or parapet of a building or structure.

**Sign, Temporary Yard.** A sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which

remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.

**Sign, Vehicle.** A sign mounted on a vehicle or trailer, designed to be visible to motorists or pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.

**Sign, Wall.** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, not projecting more than 12 inches from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

**Sign, Window.** A sign placed on the inside of a window and intended to be viewed from the outside.

**Site Plan.** A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

**Solar Energy Collector.** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the lot of record on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **Building-Mounted Solar Energy Collector.** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
2. **Ground-Mounted Solar Energy Collector.** A solar energy collector that is not attached to and is separate from any building on the lot of record on which the solar energy collector is located.

**Special Event.** A temporary and non-commercial community event, such as a festival, fair, car show, or sporting event.

**Special Land Use.** A use of land which can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all township ordinances. Special land uses can be approved with stipulations to assure that nuisances are not generated as a result of the land use.

**Story.** The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

**Street, Private.** A privately maintained thoroughfare constructed on a private street easement used for travel by vehicles and which affords traffic circulation, provides access to more than one (1) lot of record, and serves as principal means of access to abutting property (i.e., road).

**Street, Public.** A publicly maintained thoroughfare used for travel by vehicles which affords traffic circulation and serves as principal means of access to abutting property, not including alleys (i.e., road).

**Structure.** A combination of materials constructed, erected, or placed in or upon the ground, or is attached to something having such a location. Structures may include but are not limited to: buildings, elevated decks, radio towers, signs and storage bins, but exclude sidewalks and paving on streets, driveways, parking areas or patios placed at grade.

**Structure, Accessory.** A separate and detached structure on the same lot of record as the main building, the use of which is of a nature customarily and clearly incidental and subordinate to that of the main building.

**Swimming Pool.** A structure located inside, outside or partly in each, designed to hold water to a depth of greater than 24 inches when filled, and intended to be used for swimming purposes.

1. **Swimming Pool, Above-Ground.** A swimming pool with exposed sides with heights of more than 24 inches, capable of containing water to a depth at any point greater than 24 inches.
2. **Swimming Pool, In-Ground.** A swimming pool whose sides are not exposed and are below the immediate adjacent natural ground, capable of containing water to a depth at any point greater than 24 inches.

**Tavern.** A commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges, and bars.

**Theater.** A building or part of a building use to show motion pictures or a facility used for drama, dance, musicals, or other live performances.

**Traverse Line.** A series of intersecting lines whose lengths and angles of intersection, at instrument stations, are shown graphically on a map. These lines are located on maps and can be determined by survey in the field.

**Tower, Wind Energy Turbine.** A freestanding monopole that supports a Wind Energy Turbine (WET).

**Township Board.** The Holland Charter Township Board.

**Tree, Canopy.** A deciduous shade tree.

**Tree, Evergreen.** A tree with foliage that persists and remains green throughout the year.

**Tree, Ornamental.** A small deciduous tree grown for its foliage and/or flowers.

**Unwholesome Substance.** Any trash, garbage, tin can, automobile body, trailer body, stone, junk, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, ashes, clinkers, cinders, night soil, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety, or general welfare of the public.

**Upwind Turbine.** A Wind Energy Turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

**Variance.** An allowed modification to the spatial and dimensional requirements of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.

**Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

**Vehicle, Automobile Body.** Any vehicle which is unable to be driven upon a street under its own power; and/or lacks all of the necessary component parts to make it operable and serviceable as a vehicle.

**Vehicle, Trailer Body.** Any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it then operative and serviceable as a trailer to be pulled as such on a street.

**Vehicles and Trailers, Commercial.** Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to:

1. Semi-truck tractors;
2. Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures;
3. Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies;
4. Pickup trucks, vans, and trailers commonly used by construction industry contractors;
5. Tow trucks and repair service trucks;
6. Vehicles designed to transport 16 or more passengers, including the driver; and

7. Commercial trailers designed to haul heavy equipment, materials, and supplies.

**Vehicle, Recreational Equipment, Manufactured Homes, Heavy Equipment Sales and Rental.** An operation selling the specified items at retail or wholesale, or renting of the same items. May also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

**Vehicle Repair.**

1. **Major.** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning.
2. **Minor.** A building or premises used primarily to provide general maintenance on motor vehicles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

**Vehicle Wash.** A building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of vehicles and heavy equipment.

**Warehousing.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include mini-storage facilities offered for rent or lease to the general public (see “Mini-Warehouse/Self-Storage”) or warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”).

**Waste Management Facility.** A site used for collecting waste and recyclables, sorting and transferring materials.

**Wholesaling and Distribution.** An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

**Wind Energy Turbine (WET).** Any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

1. **Anemometer.** A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. **Large Wind Energy Turbine (LWET).** A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above 250 kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
3. **Medium Wind Energy Turbine (MWET).** A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed 250 kilowatts. The total height does not exceed 150 feet.
4. **Small Tower-Mounted Wind Energy Turbine (STMWET).** A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not

exceed thirty (30) kilowatts. The Total Height does not exceed 120 feet.

5. **Small Structure-Mounted Wind Energy Turbine (SSMWET).** A system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed 10 kilowatts. The total height does not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

**Winery, Small.** A facility operated by a small wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine within the limits established by the State of Michigan for a small wine maker

### **Wireless Communications**

1. **Wireless Communications Facility.** The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services. Wireless communication facilities shall be specifically excluded from the definition of "essential services."
2. **Wireless Communication Tower.** Any structure, such as a mast, pole, monopole, guyed tower, or lattice tower which is designed and constructed primarily for the purpose of supporting one or more antennas. Wireless communication tower shall be specifically excluded from the definition of "essential services."
3. **Alternative Tower Structure.** Manmade trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
4. **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 communications signals or other communication signals.
5. **FAA.** The Federal Aviation Administration.
6. **FCC.** The Federal Communications Commission.
7. **Height.** When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the lot of record at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
8. **Lattice Tower.** A support structure constructed of vertical metal struts and cross braces, forming a triangular and square structure which often tapers from the foundation to the top.
9. **Preexisting Towers and Preexisting Antennas.** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date this ordinance, or any amendment to this ordinance, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
10. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.
11. **Tower Pair.** Any two (2) towers which are located within one 100feet of each other.

**Yard.** An open space at grade between a building and the adjoining lot lines.

1. **Yard, Front.** An open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot of record.
2. **Yard, Lake Macatawa Waterfront.** An open space between a principal building and Lake Macatawa extending the full width of the lot of record.
3. **Yard, Primary Front.** The narrower of the two (2) front yards. Where the lot lines are of equal length, and/or the primary front yard is not evident, the Zoning Administrator shall determine the primary front yard.
4. **Yard, Rear.** An open space between the rear of a principal building and the rear lot line and extending the full width of the lot of record.
5. **Yard, Side.** An open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.

**Zoning Administrator.** A Township official authorized to administer, interpret, and enforce the Holland Charter Township Zoning Ordinance.

**Zoning District.** A designation on the Official Township Zoning Map in which requirements for the use and dimensions of the land and buildings are prescribed.

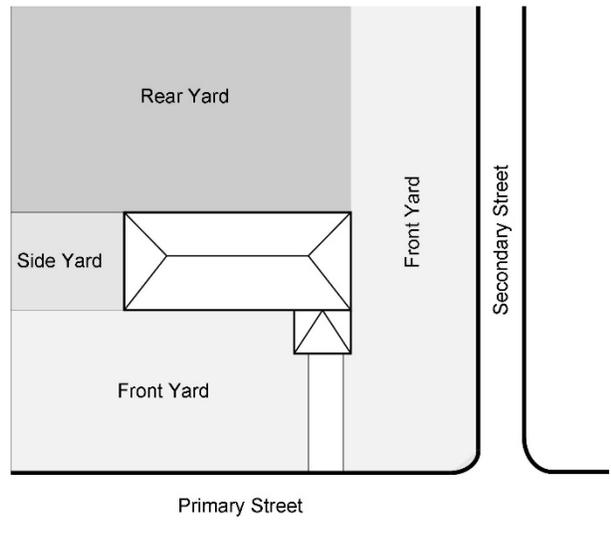


Figure 22-3 Corner Lot

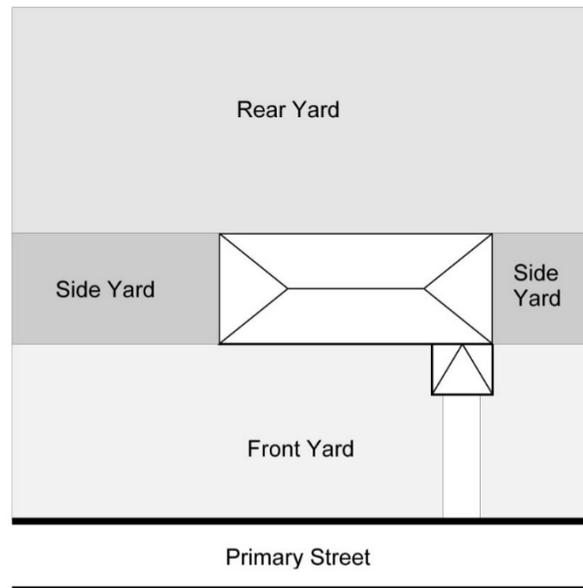


Figure 22-4 Interior Lot