

**Section 2.01 Rules Applying to Text**

A. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are declared to be severable.

B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.

C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.

F. A “building” or “structure” includes any part thereof.

G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.

H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
2. “Or” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
3. “Either or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other Governmental Agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

## **Section 2.02 Definitions - A**

**Accessory Building** - a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as wall or roof, the accessory building shall be considered a part of the main building. Semi-trailers, mobile homes, temporary classrooms or Recreational Vehicles shall not be considered as accessory buildings under this definition.

**Accessory Use** -a use naturally and normally incidental and subordinate to, and devoted exclusively to the principal use of the land or building.

**Adult Uses** - include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. **Adult Book Store**- an establishment having as substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Cabaret**- an establishment including, but not limited to , a café, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. **Adult Motion Picture Theater**- an establishment used for presenting material distinguished or characterized by and emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons.
- D. **Massage Establishment**- any establishment having a fixed place

of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, or massage therapist licensed by the American Massage Therapy Association, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument. (Amended 2011)

E. **Nude Artist and Photography Studio**- any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” (less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in discernible turgid state, (even if completely and opaquely covered) and/or “specified sexual activities” (human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy and fondling or other erotic touching of human genitals, pubic region, buttock or female breast) for artists and photographers for a fee or charge.

**Agriculture** - the use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

**Alley** -a public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for the general traffic circulation.

**Alterations** - any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

**Architectural Features** - include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornamentals.

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

## **Section 2.03            Definitions - B**

**Bank** - the rising ground bordering a watercourse, lake or reservoir.

**Basement or Cellar** - a portion of a building having more than one-half of its height below grade.

**Bed and Breakfast Establishment** - a use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

**Board, Township** - the Crystal Township Board.

**Board of Appeals, or Board** - as used in this Ordinance, the Crystal Township Zoning Board of Appeals.

**Buildable Area** -the space remaining after the minimum setback and the open space requirements of this Ordinance have been met.

**Building** - an independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals/chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portions of such building shall be deemed a separate building.

**Building Height** - the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the average height level between eaves and the ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

**Building, Main** - a building in which is conducted the principal use of the lot on which it is situated.

**Building Permits** - the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of the Ordinance and the applicable Building Code.

**Building Setback Lines** - lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.

A. **Front Building Setback Line:** the line marking the setback distance from the front lot line which establishes the minimum front yard setback area.

B. **Rear Building Setback Line:** the line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.

C. **Side Building Setback Lines:** the lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

## **Section 2.04 Definitions – C**

**Clean Wood** – Natural wood which has not been painted, varnished, or coated with similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products. ( Amended 2011)

**Clinic** - a building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients, are not lodged therein overnight.

**Commercial** - relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operation more than twelve (12) days during any one (1) twelve (12) month period.

**Commercial Wireless Telecommunication Services** - licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Commission, Planning** - the Crystal Township Planning Commission.

**Convalescent or Nursing Home** - a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State law.

**Section 2.05 Definitions - D**

**Day Care** - a facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by the fitness center or similar operations, shall not be considered a Day Care Center.

A. **Day Care Home, Family**- a single family residence, occupied as such, in which care is provided for more than one (1) but less than seven (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

B. **Day Care Home, Group**- a single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

**Drive-In Establishment** - a commercial establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

**Dwelling, or Dwelling Unit** - a dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

**Dwelling, Multiple Family** - a building or portion thereof, used or designed for use as a

residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

**Dwelling, Two Family** - a detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

**Dwelling, Single Family (Detached)** - a detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit.

## **Section 2.06            Definitions - E**

**Erected** - includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall also be considered a part of erection.

**Essential Services** - the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessory structures reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including cellular telephone or communications towers or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

**Excavating** - the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.

## **Section 2.07            Definitions - F**

**Family** - an individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit.

Or

- a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie,

organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

**Farm** - land used for cultivation of crops or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

## **Fence – Fence Definitions** (Amended Feb. 16<sup>th</sup>, 2015)

### Obscuring Walls & Fences

An obscuring wall or fence is one where more than fifty percent of the vertical surface is opaque so as to obstruct vision or prevent observation of activities enclosed in the fence.

1. Location: required obscuring walls and fences shall be placed inside and adjacent to the lot line except in the following instances:
2. Underground Utilities: Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.
3. Front Setback Requirement: Where this Ordinance requires conformance with front setback standards in certain districts, the Planning Commission may modify or waive the wall or fence requirements provided the intent of this section is complied with.
4. Time of Construction: Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences.
5. Wall & Fence Specifications: The height of the wall or fence shall be measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.
  - a. Industrial uses shall specifically have a minimum height of 6 feet, or the minimum required to completely screen storage, loading & service areas.
6. Substitution or Waiver: As substitute for a required obscuring wall or fence, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of

screening, durability, and permanence.

7. Non Residential fences in Non-Residential Districts: With regard to height, fences for non-residential uses' shall not exceed 8 feet in height.

#### Fences & Walls in Residential & Agricultural Districts

1. The maximum height shall be 6 feet for fences located in the rear or side yard. The max height shall be 4 feet for fences located closer to the road than in the portion of the principal dwelling closest to the road.

2. Fences in the front yard shall be non-obscuring (ie less than 50 % opaque) in design.

3. On corner lots a 6 foot high fence shall be permitted provided it does not extend closer to the street than the portion of the principal dwelling closest to the street. Also, a 4 foot high fence may be erected in the setback area, provided that any such fence shall be non-obscuring in design.

4. Electric fences in agricultural areas shall be set back at least 18 inches from all property lines.

#### Fences in Public Areas

1. Fences shall not have more than 25% of their vertical surface opaque to obstruct vision.

2. Fences designed as part of a recreational structure (eg ball field backdrop, tennis court enclosure) shall be exempt from height limitations previously outlined.

#### Entrance way structures

1. Approval of the Building Official and issuance of a building permit shall be required prior to construction of any entrance way structure to any residential development or individual residential parcel.

#### General Fence & Wall Standards

1. Materials: Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl or plastic, and metal. Razor wire shall not be permitted. Fences that carry electric current shall be permitted only in conjunction with an agricultural use, provided that such fence shall be set back at least 18 inches from all property lines. Barbed wire may be permitted in non-residential uses up to a height of 6 feet. Wood fences shall be constructed of redwood, cedar or an appropriate grade of pressure treated wood. Chain link fences' shall not be permitted for screening purposes.

2. **Finished Appearance:** If on side of a fence or wall has a more finished appearance than the other, the side of the fence or wall with the more finished appearance shall face the exterior of the lot. This requirement shall not apply to lands used for agriculture and on residential lots greater than 2 acres outside of a subdivision plat or site condominium.
3. **Obstruction to use of adjoining property:** No fence or wall shall be erected where it would prevent or unreasonably obstruct the use on adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision the Zoning Official may require a fence or wall to be set back a minimum distance from a driveway or property line.
4. **Fence & Wall Maintenance:** Fences and walls shall be maintained in good condition.

**Floor Area, Gross (GFA)** - the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half ( $\frac{1}{2}$ ) of the basement height is above the finish lot grade (See Basement). Gross floor area shall not include attic space having headroom of seven and one-half ( $7\frac{1}{2}$ ) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breeze ways, porches, or attached garages are not included.

**Floor Area, Usable (UFA)** - that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurements of usable floor area shall be the sum of horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**Frontage** - see Lot Width

## **Sections 2.08**

## **Definitions - G**

**Garage** - a building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition

shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

## **Section 2.09            Definitions - H**

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

**Hospital** - an institution providing health services, primarily for inpatients and medical or surgical care, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Hotel** - a building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

## **Section 2.10            Definitions - I**

**Inoperative Vehicle** - any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

**Intensive Livestock Operation** - a total of seven hundred and fifty (750) dairy cattle (all classes); seven hundred and fifty (750) slaughter or feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes); five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or a population per acre of at least four (4) dairy cattle, four (4) slaughter or feeder cattle, twenty (20) swine, seven hundred (700) poultry, ten (10) sheep or goats, or four (4) horses.

## **Section 2.11            Definitions - J**

**Junk** - any motor vehicle, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

**Junk Yard** - includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles

or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings. (Amended 2011)

## **Section 2.12            Definitions - K**

**Kenel** - any lot or premises on which four (4) or more dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale. (Amended 2011)

## **Section 2.13            Definitions - L**

**Lawn** - ground cover consisting of grass or sod kept closely mowed, commonly used as primary ground cover.

**Loading Space** - an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking

**Lot** - a parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record". A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

**Lot Area** - the total horizontal area within the lot lines of a lot excluding road right-of-way.

**Lot, Corner** - a lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.

**Lot Coverage** - the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures

**Lot Depth** - the mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

**Lot, Double Frontage (Through)** - a lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1)

street will be designated as the front street for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

**Lot, Interior** - a lot other than a corner lot with only one (1) lot line fronting on a street.

**Lot Lines** - the property lines bounding the lot.

A. **Front Lot Line:** in the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.

B. **Rear Lot Line:** ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot)

C. **Side Lot Line:** any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record** - a lot which lawfully exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lawful lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**Lot Width** - the horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line and the rear building setback line.

## **Section 2.14            Definitions - M**

**Main Building** - the building or structure in which the principal use of the lot or parcel is located. Storage buildings, garages, and other accessory uses and structures shall not

be considered main buildings. Agricultural buildings used for agricultural purposes only may be considered a principal structure by the zoning administrator.

**Manufactured Home** - a residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portions of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. Such unit shall be 12 feet wide or larger. (Amended 2011)

**Manufactured Home Park** - a parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**Manufactured Home Space** - a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

**Master Plan** - the Master Plan, or Land Use Plan as adopted by Crystal Township, including graphic and written materials, indicating the general location of streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan.

**Motel** - a series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

**Motor Home** - a Motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

## **Section 2.15            Definitions - N**

**Non-Conforming Building** - a building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

**Non-Conforming Lots of Record** - a platted lot that conformed with all Township zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one (1) time, and which has not been subdivided or reduced in size subsequent to the time it did conform

to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

**Non-Conforming Use** - a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located

## **Section 2.16            Definitions – O**

**Open Air Business** - uses operated for profit substantially in the open air, including, but not limited to:

- A.     Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B.     Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C.     Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D.     Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

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

**Outdoor Wood-Fired Boiler** – a wood -fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domesticated animals. (Amended 2011)

## **Section 2.17            Definitions - P**

**Parking Lot** - a facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

**Parking Space** - an off-street space of at least one hundred eighty (180) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**Personal Service Establishments** - any commercial business conducting services that are performed primarily on the premises.

**Porch, Enclosed** - a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**Porch, Open** - a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**Public Utility** - any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or Municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

**Principal Use** - the primary use of land or structures, as distinguished from accessory uses.

## **Section 2.18            Definitions – Q**

## **Section 2.19            Definitions - R**

**Recreation Vehicle or Equipment** - a vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats,

airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature. Such vehicle shall be less than 12 feet wide. (Amended 2011)

**Roadside Stand** - a farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

## **Section 2.20            Definitions - S**

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

**Setback** - the minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes and area termed the required setback area on a lot or parcel.

**Shoreline** - the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

**Significant Natural Feature** - any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources, or other appropriate governmental agency which exhibits unique topographic, ecological hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

**State Licensed Residential Facility** - a residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

A.        *A Family Care Facility* includes a state licensed residential facility providing resident services to six (6) or fewer persons.

B.        *A Group Home Care Facility* includes a state licensed residential facility providing resident services to more than six (6) persons.

**Story** - that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

**Story, Half** - that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half ( $7\frac{1}{2}$ ) feet, at its highest point.

**Street, Private** - any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to three (3) or more existing parcels and/or main buildings or dwelling units, whether created by a private right-of-way, agreement, license, joint ownership, easement or prescription. Any and all extensions, additions, or branches of or to a private street shall be considered part of the primary private street which abuts the public street.

**Street, Public** - a public thoroughfare located within a public road right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**Structure** - anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

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

## **Section 2.21            Definitions - T**

**Temporary Building or Use** - a structure or use permitted by the Zoning Administrator

to exist during periods of construction of the main building or for special events.

**Township** - Crystal Township.

**Township Building Inspector** - the person or agency appointed by the Township Board as the Building Inspector for Crystal Township.

**Township Engineer** - the person or firm appointed by the Township Board as the Engineer for Crystal Township.

**Travel Trailer** - a vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

**Section 2.22            Definitions - U**

**Section 2.23            Definitions - V**

**Vehicle Repair** - any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body , frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

**Vehicle Service Station** - a building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

**Vehicle Wash Establishment** - a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**Section 2.24            Definitions - W**

**Section 2.25            Definitions - X**

**Section 2.26            Definitions - Y**

**Yard** - an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided

herein.

**Yard, Front** - an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

**Yard, Rear** - an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.

**Yard, Side** - open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

## **Section 2.27            Definitions - Z**

**Zoning Act** – Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended. ( Amended 2011)

**Zoning Administrator** - the person designated by the Township Board to administer the provisions of this Zoning Ordinance.

**Zoning Board of Appeals, or Board** - the Zoning Board of Appeals of Crystal Township.