

TITLE AND PURPOSE

TITLE

An Ordinance to establish zoning regulations for the Township of Crystal Falls, County of Iron and State of Michigan including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violation of such regulations, and to provide for conflicts with other Ordinances or regulations, all in accordance with the provisions of Michigan Act 110 of 2006, as amended, being MCL 125.3101 et seq.

ENACTING CLAUSE

The Township Of Crystal Falls, County of Iron and State of Michigan, Ordains:

SHORT TITLE

This Ordinance shall be known and may be cited as the "Township of Crystal Falls Zoning Ordinance".

PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use; to limit the improper use of land and resources; to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

THE EFFECT OF ZONING

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- D. Nonconforming buildings, uses, and lots shall be governed by the provisions of Section 3.26 of this Ordinance.

LEGAL BASIS

This Ordinance is enacted pursuant to the Township Zoning Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq, the Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq and Public Act 246 of 1945, as amended, being MCL 41.181 et seq.

CHAPTER 2 DEFINITIONS

RULES APPLYING TO TEXT

- A. The particular shall control the general.
- 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. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- 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.
- J. 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 observed by the Township.
- K. With the exception of this Chapter, the headings which title a Chapter, 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.
- L. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated. Terms not herein defined shall have the meaning customarily assigned to them in the Webster New Collegiate Dictionary.

DEFINITIONS – A

ACCESSORY BUILDING

A building or portion of a building supplementary and subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or building.

ADULT FOSTER CARE FACILITY

A facility defined by the Adult Foster Care Facility licensing act, Public Act 218 of 1979, as amended, being MCL 400.701 et seq, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

- A. Adult Foster Care Family Home. A private residence in which the licensee is a member of the household and an occupant, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.
- B. Adult Foster Care Small Group Home. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. Adult Foster Care Large Group Home. An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

AGRICULTURE

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

AGRICULTURAL SERVICE ESTABLISHMENTS

Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

ANIMAL UNIT

A measurement used in the design of animal waste management systems. A one-thousand (1,000) pound steer is the standard; the equivalent number of any other type of livestock is considered one animal unit. The Table below shows the number of livestock that would constitute one-thousand (1,000) animal units and three hundred (300) animal units. The number of animal units for an operation that has more than one kind of animal is computed by multiplying the animal unit factor for each kind of animal times the number of animals and then summing the animal units for all the animals.

ANIMAL UNITS

Animal Type	Number of Animal Units Per Animal	Equivalent to 1000 Animal Units	Equivalent to 300 Animal Units
Slaughter and feeder cattle	1.0	1,000	300
Mature dairy cattle	1.4	715	215
Swine weighing over 55 pounds	0.4	2,500	750
Swine weighing under 55 pounds	0.2	5,000	1,500
Sheep or lambs	0.1	10,000	3,000
Horses	2.0	500	150
Laying hens or broilers with continuous over flow watering	0.01	100,000	30,000
Laying hens or broilers with liquid manure handling systems	0.0333	30,000	9,000
Turkeys	0.0182	55,000	16,500
Ducks	0.02	50,000	15,000
All other animals based on 1,000 pounds live weight	1.0	1,000	300

ALTERATIONS

Any change, addition or modification in construction or type of use or 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

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

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.

DEFINITIONS - B

BASEMENT OR CELLAR

A portion of a building, partly 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.

BED AND BREAKFAST ESTABLISHMENT

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

BILLBOARDS – See SIGNS

BOARD, TOWNSHIP – See TOWNSHIP BOARD

BOTTOM LAND

The land area of an inland lake or stream that lies below the ordinary high water mark and may or may not be covered by water.

BUILDABLE AREA

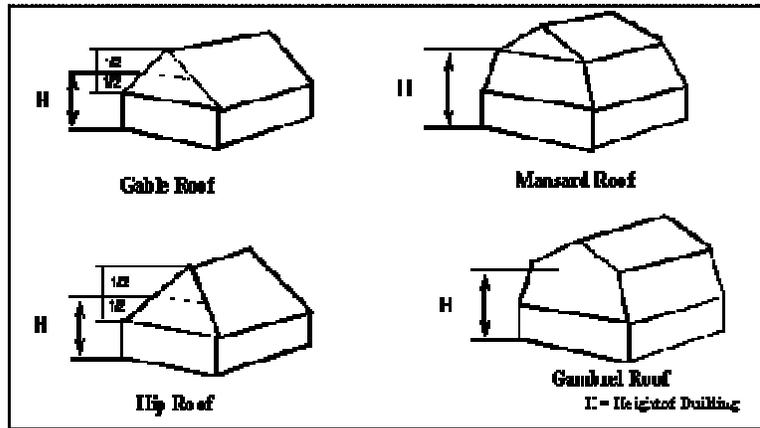
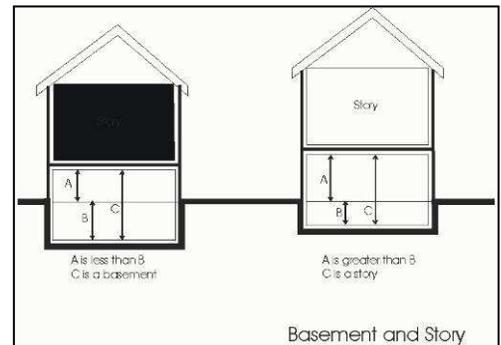
The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

BUILDING

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

BUILDING HEIGHT

The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



DEFINITIONS – C

CAMPGROUND

A parcel or tract of land under the control or charge of a person in which campsites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters including but not limited to two or more tents or recreational vehicles.

CAMPSITE

Land within a campground intended for the exclusive occupancy by a tent or recreational vehicle or other temporary living structure or vehicle under the control or charge of a camper.

CLEARING OF LAND

The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide forestry, agricultural or garden use in a district permitting such use will require a Soil and Sedimentation Erosion Control Permit. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

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.

CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

COMMISSION, PLANNING

As used in this Ordinance, this term means the Crystal Falls Township Planning Commission.

CONDOMINIUM ACT

Public Act 59 of the Michigan Public Acts of 1978, as amended, being MCL 559.101 et seq.

CONDOMINIUM UNIT

That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

CONDOMINIUM PROJECT

A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

CONSERVATION EASEMENT

A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water.

DEFINITIONS – D

DAY CARE FACILITY

- A. Family Day Care Home. 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. Group Day Care Home. 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.
- C. Commercial Day Care Facility. A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (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 a fitness center or similar operation, shall not be considered Commercial Day Care.

DEED RESTRICTION

An enforceable restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the Iron County, Michigan Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

DISTRICT, ZONING

A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-THROUGH ESTABLISHMENT

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

DRIVEWAY, PRIVATE

An improved or unimproved path extending from a public right-of-way or private road easement to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.

DWELLING, OR DWELLING UNIT

Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) or more families, either permanently or temporarily, but in no case shall a motor home, trailer coach, basement, garage, 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 and shall comply with the applicable provisions of this Ordinance.

- A. 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 and housekeeping.
- B. 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 and housekeeping. It may also be termed a duplex.
- C. Dwelling, Single-Family (Detached). A detached building used or designed for use exclusively by one (1) family.

DEFINITIONS – E

ELDERLY HOUSING

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being MCL 331.651 et seq ; or a mental hospital for mental patients licensed under Public Act 151 of 1923, as amended, being MCL 330.11a et seq.

ERECTED

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected.”

ESSENTIAL SERVICES

- A. The erection, construction, alteration, or maintenance by public utilities, municipal services, or any governmental agencies, 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, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith 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.

- B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

EXCAVATION

Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

DEFINITIONS – F

FAMILY

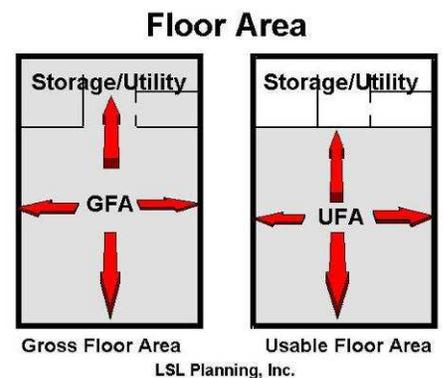
- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FENCE

Any permanent or seasonal partition (e.g., snow fence), wall, structure erected for the purpose of separating, screening, enclosing or protecting property.

FLOOR AREA, GROSS (GFA)

- A. 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 center line 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 (1/2) of the basement height is above finish lot grade. (See Basement)
- B. Gross Floor Area shall not include attic space having headroom of seven-and-one-half (7-1/2) 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), breezeways, porches, or attached garages are not included.



FLOOR AREA, USABLE (UFA)

- A. 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.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE

The horizontal distance between the side lot lines measured at the street right-of-way or easement line.

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 the building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof.

GRADE

The ground elevation established for the purpose of regulating the height of the building. 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.

GUN CLUB

Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

DEFINITIONS – H

HAZARDOUS SUBSTANCE

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

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 arts within the residence shall be considered a home occupation.

HOME-BASED BUSINESS

A business operation based on the same premises as a single family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises. Examples of home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL

See Motel.

HOUSEHOLD PETS

Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

DEFINITIONS – I

IMPROVEMENTS

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

DEFINITIONS – J

JUNK

For the purpose of this Ordinance, this term shall mean any motor vehicles, 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 for the purpose for which they were manufactured.

JUNK YARD

The term "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.

DEFINITIONS – K

KENNEL

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

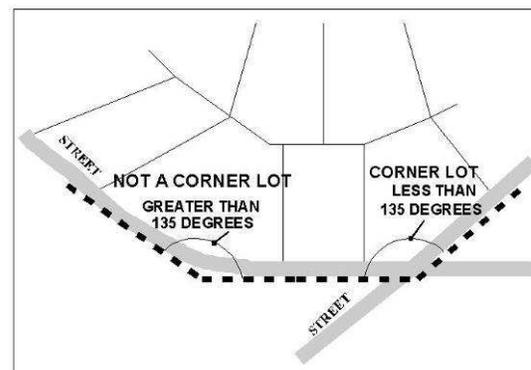
DEFINITIONS – L

LIVESTOCK

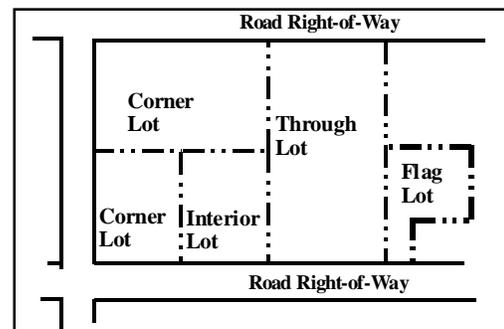
Those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, raticities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

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, being MCL 559.101 *et seq*; designed and intended for separate or limited ownership or use.



- A. Lot Area. The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way or road easements.
- B. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- C. Lot, Depth. The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.
- D. Lot, Double Frontage (Through). Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- E. Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.
- F. Lot, Waterfront. A lot having frontage directly upon a lake, river or otherwise formed impoundment of water.



LOT COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including parking lots.

LOT LINES

The property lines or other described lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot, the front lot line shall mean the line separating such lot from such street right-of-way or easement.

In the case of a corner or through lot, each lot line separating the lot from a right of way shall be considered a front lot line.

In the case of a waterfront lot, the front lot line shall be the frontage on the water body measured on a straight line from the points that the side lot lines intersect with the ordinary high water mark of the water body.

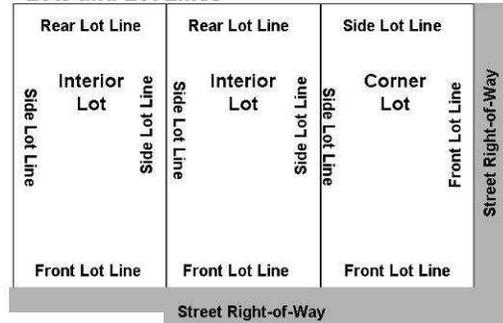
- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.

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.

- 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.

Lots and Lot Lines



LOT OF RECORD

A lot which exists in a subdivision plat as shown on the records of the Iron County, Michigan Register of Deeds, or a lot or parcel described by metes and bounds, which is of record at the Iron County, Michigan Register of Deeds Office.

LOT WIDTH

The shortest continuous distance between the side lot lines, measured at the right-of-way or private easement line. Cul-de-sac lot widths shall be measured at the required setback.

LOT, WATERFRONT

A lot having frontage directly upon a lake, river or otherwise formed impoundment of water; which does include, but is not limited, to a riparian or littoral lot.

DEFINITIONS – M

MANUFACTURED HOME

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

MANUFACTURED HOUSING COMMUNITY

A parcel or tract of land under the control of a person upon which two (2) 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 housing community designed for the placement of one (1) manufactured home.

MARINA

A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

MASTER PLAN

The Master Plan currently adopted by the Township of Crystal Falls, including graphic and written materials and includes any unit or part of such plan and any amendment to such plan.

MIGRANT AGRICULTURAL LABOR HOUSING

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of P.A. 289 of 1965, as amended, being MCL 286.621 et seq.

MOTEL

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

DEFINITIONS – N

NATURAL FEATURES

Includes but is not limited to; soils, wetlands, woodlots, overgrown fence rows, landmark and specimen trees, floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

NON-CONFORMING BUILDING OR STRUCTURE

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

NON-CONFORMING LOT

A lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

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.

NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

DEFINITIONS – O

OPEN AIR BUSINESS

Uses operated 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. Flea Markets.

OPEN SPACE DEVELOPMENT

A development which is permitted to have smaller lot sizes in return for protected open space.

OPEN SPACE

Land used for recreation, resource protection, amenity, and/or buffers, and not containing any principal building or structure.

- A. Open Space, dedicated: Common open space dedicated as a permanent recorded easement.
- B. Open space, usable: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

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 the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

DEFINITIONS – P

PARKING LOT

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two 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.

PIER

A structure attached to the land extending into and over an inland lake or stream and providing a means of docking, loading, unloading or servicing of watercraft, and which may also be used as a base for fishing, swimming, or other water recreation-related activity.

PLANNED UNIT DEVELOPMENT (PUD)

A development of land planned and developed as a whole in a single project or series of phases. The PUD may include streets, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION – See COMMISSION, PLANNING

PRINCIPAL OR MAIN USE

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, or leased.

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 (except cellular telephone or commercial wireless communications towers), telegraph, transportation, or water services.

DEFINITIONS – R

RECREATION VEHICLE

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.

RIPARIAN LAND

The land adjacent to the bank or shoreline of an inland lake, river or stream that includes or is bounded by a natural watercourse.

ROADSIDE STAND

A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

RUBBISH

Any solid waste, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste resulting from the operation of a contractor.

DEFINITIONS – S

SATELLITE DISH

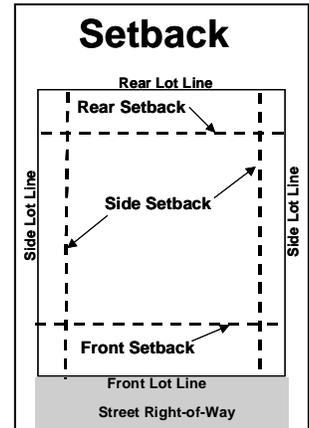
A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

SETBACK

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

SETBACK LINES

- A. Front Setback Line. The line marking the required setback distance from the front lot line or street easement line, as applicable, that establishes the minimum front yard setback area.
- B. Rear Setback Line. The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Setback Line. Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area.



SEXUALLY ORIENTED BUSINESSES (definitions relating to):

- A. Adult Bookstore or Adult Video Store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of "specified anatomical areas" or "specified sexual activities"; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing "specified anatomical areas" or "specified sexual activities" and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment's stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".

The phrase "substantial portion of its stock in trade" shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

- 1. Twenty-five percent (25%) or more of the commercial establishment's gross sales area is used for the sale of merchandise which is predominantly distinguished or

- characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.
2. Twenty-five percent (25%) or more of the commercial establishment’s stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
 3. Twenty-five (25%) or more of the commercial establishment’s gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
- B. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
 2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any “specified anatomical areas” or “specified sexual activities”; or
 3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an “specified anatomical areas” or “specified sexual activities”.
- C. Adult Motion Pictures Theater: An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities”. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- D. Massage establishment: any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:
1. Hospitals, nursing homes, medical clinics;
 2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
 3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;

4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
 5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- E. Sexually Oriented Business: An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented in business.
- F. Specified Anatomical Areas:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- G. Specified Sexual Activities:
1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
 3. Excretory function as part of in connection with any of the activities set for in (1) or (2) above.

SHARED DRIVEWAY

A private driveway that serves no more than two (2) single-family dwellings.

SHORELINE RECREATIONAL DECK

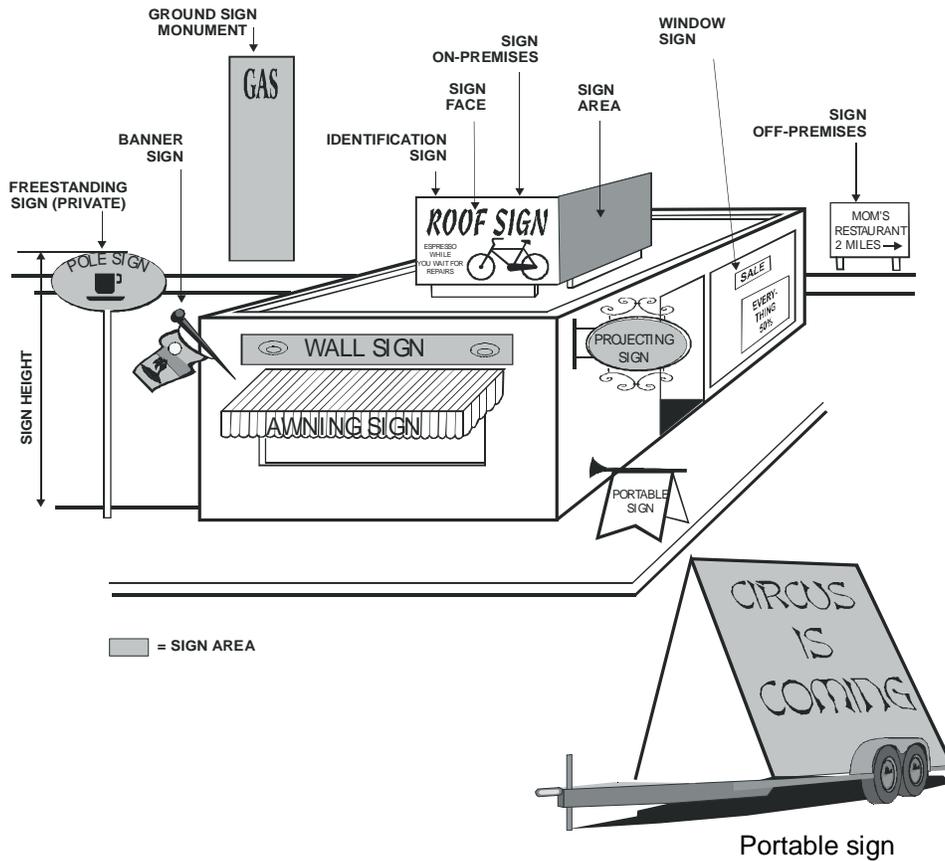
A flat deck on the shoreline of an inland lake or stream with a maximum height of not more than twelve (12) inches above grade that does not extend into or over the water and which is dedicated to recreational gatherings and other uses related to water recreation.

SIGNS (Definitions relating to):

Sign: Sign shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained to the out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs, signs painted directly on walls of structures, and temporary signs.

- A. Area: The total square footage of a sign face exposed to public view.
- B. Awning Sign: A sign which is part of, hung from the underside of, or attached to, a marquee, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, canopy, or covered structure.
- C. Banner: An unsecure sign made of natural, flexible, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flag.
- D. Billboard: A sign structure which exceeds one hundred (100) square feet advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure".
- E. Directional Sign: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" and "exit".
- F. Double-Face Sign: A sign, both sides of which are visible and used as signs. A "V" type sign shall be considered a double-face sign provided the least angle of intersection does not exceed ninety (90) degrees.
- G. Electronic Message Board: A sign on which copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
- H. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
- I. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- J. Free-Standing Sign: Any non-movable sign not affixed to a building.
- K. Height: The height of sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.
- L. Illuminated Sign: Any sign designed to give forth artificial light, or designed to reflect any light given from any source which is intended to cause light or reflection.
- M. Monument sign: A sign affixed to the ground with a full footing where the display surface is less than four (4) feet above the grade to the bottom of the display area.
- N. Off-Premise Sign: A sign located on a different parcel of land or lot or premise than where the business, product, service, event, or person or subject is being advertised.
- O. On-Premise Sign: A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on the parcel of land or lot.
- P. Pennant: A small, often triangular, tapering flag used in multitudes as a device to call attention to a land use or activity.
- Q. Pole Sign: An advertising structure which is supported by one or more uprights in permanent footings with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign.
- R. Political Sign: Signs announcing the candidacy of persons running for public office or issue to be voted upon at an election and other information pertinent thereto.

- S. Portable (Temporary) Sign: A sign which is not permanently affixed to a building (wall sign), structure (pole sign) or the ground (monument sign). Portable or temporary signs include without limitation signs supported on wooden posts, mobile chassis, motor vehicle, banners, flags, and pennants.
- T. Residential Entranceway Sign: A permanent structure including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects by name, symbol, or otherwise.
- U. Real Estate Sign: A sign advertising that the premises on which it is located is for sale, lease, or rent.
- V. Roof Sign: A sign that is erected, constructed and maintained upon or above the roof, or parapet wall of a building which is wholly or partially supported by said building.
- W. Setback: The minimum linear distance as measured from the road right-of-way line to the nearest part of the sign or advertising structure.
- X. Window Sign: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.



- Y. Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from the building or structure.

STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Public Act 287 of 1972, as amended, being MCL 331.681 et seq, or Public Act 116 of 1973, as amended, being MCL 722.111 et seq; which provides resident care services under twenty four (24) hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

- A. A State Licensed Residential Family Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A State Licensed Residential Group 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 (private road)

A privately owned and maintained thoroughfare meeting the requirements of Section 3.24 of this Ordinance and providing access to two (2) or more individual lots or parcels.

STREET, PUBLIC

A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

STRUCTURE

Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SWIMMING RAFT

A floating, seasonal structure, unsecured to the shore but temporarily tethered to the bottomland, used for sunning, swimming, or as a diving platform.

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 as permitted by this Ordinance.

TOWNSHIP

Township of Crystal Falls, County of Iron and State of Michigan.

TOWNSHIP BOARD

The Township of Crystal Falls Township Board.

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 and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles 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.

DEFINITIONS – W

WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, Public Act of 451 of 1994, as amended, being MCL 324.101 et seq.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one (1) or more antennas used for 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.

WOOD FURNACE, OUTDOOR

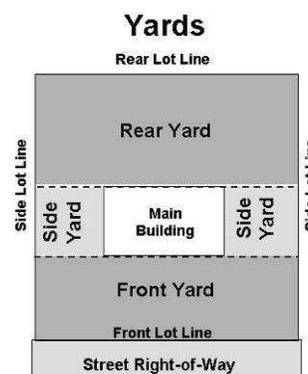
A wood burning, mechanical device which is accessory to and situated outside used for heating. Also known as outdoor furnaces, or boilers.

DEFINITIONS – Y

YARD

An open space of prescribed width or depth 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.

- A. Yard, Required Front. An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. Yard, Required Rear. An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. Yard, Required Side. An 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 required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



DEFINITIONS – Z

ZONING ACT

The Michigan Zoning Enabling Act; Act 110 of 2006 of the Public Acts of Michigan, as amended, being MCL 125.3101 et seq.

ZONING ADMINISTRATOR

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

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Township of Crystal Falls.

ZONING COMPLIANCE PERMIT

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.