

## ARTICLE II DEFINITIONS

### Section 2.1 PURPOSE & INTERPRETATION

A. It is the purpose of this article to establish the definitions of the words, terms and phrases that comprise the text used in this Ordinance. Many of these words, terms and phrases have a meaning that is different than their use in everyday conversation. Illustrations of many definitions are offered to enhance understanding of the meaning of the word, term or phrase.

B. Where a question arises as to the interpretation of the text of a definition relative to an accompanying illustration, that meaning which appears to not conflict from a careful analysis of both the text and the illustration in context with the various uses of the word, term or phrase in this Ordinance, shall be the meaning ascribed to the word, term or phrase, until or unless the Zoning Board of Appeals reaches a different conclusion, or the governing body amends this ordinance.

C. See also the provisions of Section 1.7 and the formal interpretation procedure of the Zoning Board of Appeals in Section 29.7 concerning interpretations of the text of this Ordinance.

D. Some words, terms and phrases are only used in special sections of this Ordinance and so are defined there for the convenience of the reader.

### Section 2.2 DEFINITIONS

For the purpose of this Ordinance, certain words, terms or phrases used herein shall be interpreted or defined as follows:

**Accessory Building or Structure:** A subordinate building or structure on the same lot with a principal or main building, but detached from it. When appropriate, an accessory building may only be built with or after the construction of the principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. In some cases, as with certain home occupations, it may be a part of the main or principal building devoted exclusively to an accessory use.

**Access Easement:** A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Township. For purposes of this Ordinance, an access easement to a single lot shall be a minimum of twenty (20) feet in width, and, for two (2) to four (4) lots, a minimum of thirty-three (33) feet in width, and for five or more lots a minimum of sixty-six (66) feet in width.

**Access Lot:** See Lot, Access.

**Actual Construction:** The commencement of new construction and the purchase of building materials of a substantial character toward erecting the subject project. The making of preparatory plans, landscaping, removal of an existing structure, vegetation or soils, or approvals of a site plan or a building permit is not actual construction.

**Act of God or Natural Disaster:** Severe destruction caused by the violence of nature, as in a flood, tornado, earthquake, windstorm, ice storm, lightning strike or fire.

**Affordable Housing:** A sales price or rent within the means of a low- or moderate-income household and calculated as follows:

1. For moderate-income households: eighty (80) percent of the median family income for households in the area as established by the U.S. Department of Housing and Urban Development, and as adjusted for household size, and with not more than thirty (30) percent of the family income used for rent (including utilities) or twenty-eight (28) percent for purchase (including principal and interest, condo fees, and insurance) (see [www.huduser.org/datasets/il.html](http://www.huduser.org/datasets/il.html) select current year "Income Limits", State of Michigan, Benzie County).
2. For low-income households: fifty (50) percent of median family income.
3. Affordable housing may be market housing or subsidized housing that meets the above affordability criteria.

**Agriculture or Agricultural Use:** Means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot. [AS DEFINED IN PA 116 OF 1974]

**Agriculture, Animals (Large):** Members of the animal kingdom other than human beings and small animals raised on a farm including livestock such as cattle, sheep, new world camelids, goats, bison, captive cervidae, swine, and equine.

**Agriculture, Animals (Small):** Members of the animal kingdom other than human beings and large animals raised on a farm including poultry, rabbits, bees and apiary, mink, and aquaculture.

**Agriculture, Crops:** A harvestable product, planted, grown and cultivated in the soil.

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

**Alterations:** Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another in accordance with all approved field changes.

**Anemometer Tower:** A freestanding tower containing instrumentation designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid or multi-tower community WECS.

**As-Built Plans:** Revised plans which are based on actual measurements of a completed building or development, including the exact building footprints, elevations, driveways, parking areas, landscaping, utilities, sidewalks, bikepaths and trails.

**Bed and Breakfast Establishment:** A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the single-family dwelling. A continental or American breakfast, lunch and/or dinner may be served to overnight guests only. A bed and breakfast operation has four (4) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

**Basement:** That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-1). A cellar is a basement. See also definition of "story".

**Benefit, Recognizable and Substantial:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

**Crystal Lake Township Zoning Commission:** Any reference in this ordinance to the Crystal Lake Township Zoning Commission shall mean the Zoning Commission appointed by the Crystal Lake Township Board of Trustees pursuant to section 301 of the Michigan Zoning Enabling Act [MCL 125.3301](MZEA). Any reference to the "Crystal Lake Township Zoning Commission" or "Zoning Commission" shall mean the "Crystal Lake Township Planning Commission" or "Planning Commission" at such time as a Planning Commission is established pursuant to the Michigan Planning Enabling Act, 2008 PA 33 [MCL 125.3801 et seq] (MPEA) and the Township Board of Trustees

has transferred the powers and duties of the Zoning Commission to the Planning Commission pursuant to the MPEA.

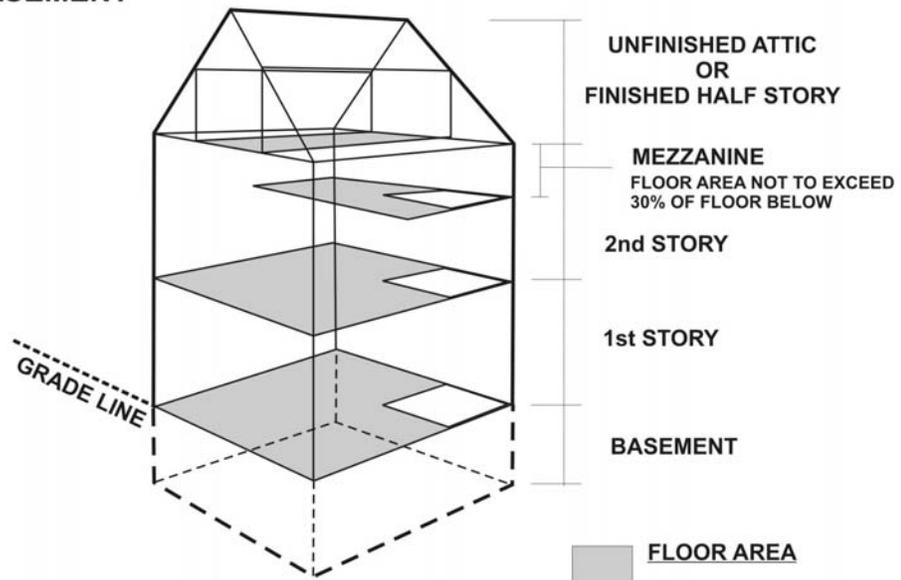
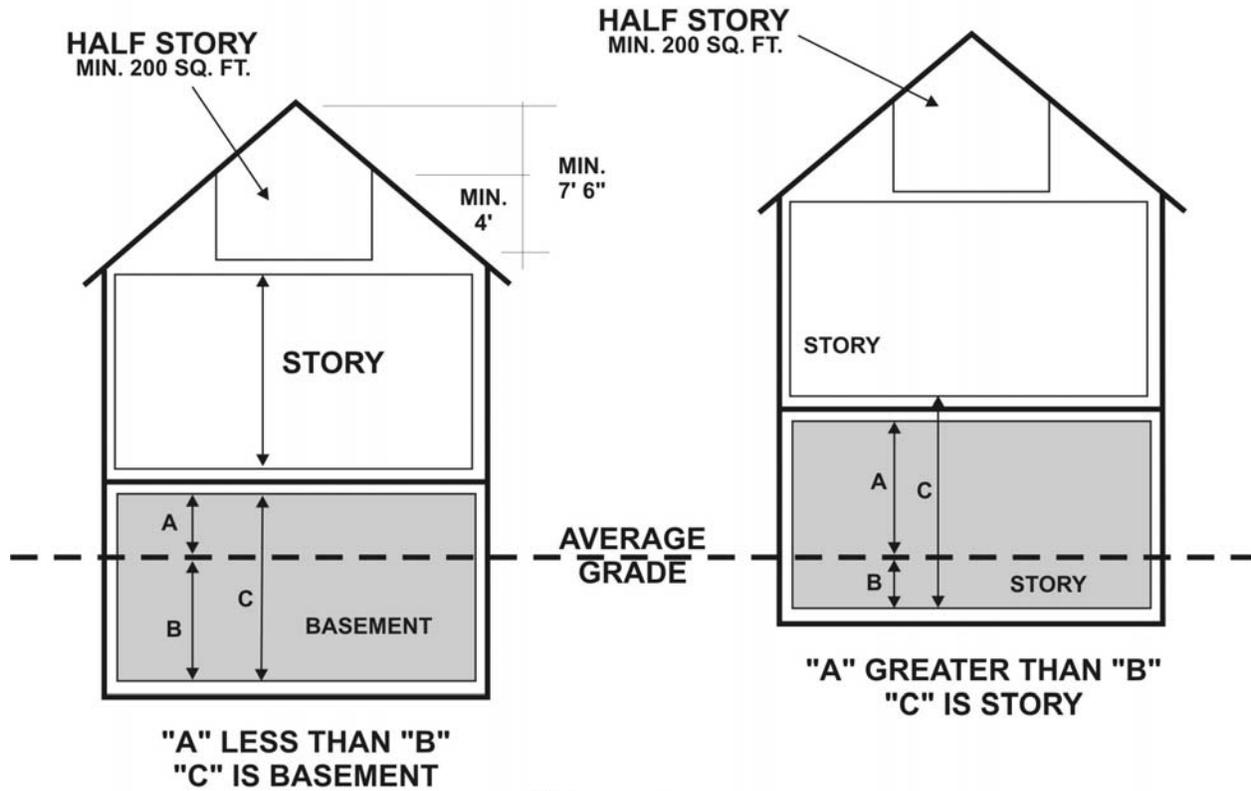
**Blade Clearance:** Minimum distance between the lowest point of the blade or air foils and the ground.

**Board of Appeals:** Crystal Lake Township Zoning Board of Appeals (ZBA).

**Boat:** See Watercraft.

Figure 2-1

**BASEMENT AND STORY**



**BASIC STRUCTURAL TERMS**

**Boat Dock:** A platform or walkway, either permanent or temporary, extending outward from shore, used as a means to access boat dockages.

**Boat Dockage:** Any means to secure a watercraft in or above the water, whether it be a dock, mooring, shore station, slip, hoist, tether, or any other means, regardless of the distance from the water's edge.

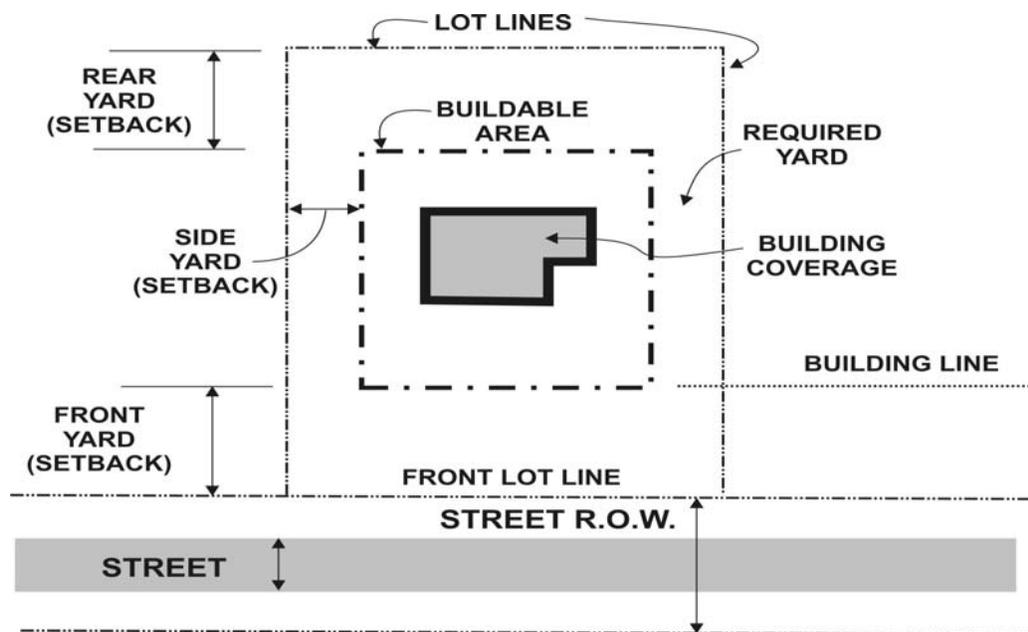
**Bottom-land:** The land area of an inland lake or stream which lies below the ordinary high water mark and which may or may not be covered by water at a particular time.

**Buffer strip:** Natural, landscaped and open space areas or any combination thereof used to filter, impede or control storm water runoff or physically separate or screen one use or land feature from another in order to visually shield or reduce noise, artificial lighting, or other nuisances.

**Buffer Strip or Greenbelt:** Open spaces, landscaped areas, walls, berms, or any combination thereof that meets the terms of this Ordinance to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other potential nuisances. See requirements in Article XXI.

**Buildable Area:** The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met. See Figure 2-2.

**Figure 2-2**



**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind or for the conduct of business. This shall include but is not limited to tents, awnings, mobile homes, inflatable structures, sheds, garages, greenhouses and other principal and accessory buildings. It shall also include tents, trucks, vans, recreational vehicles or other vehicles or parts of vehicles

situated on private property for more than thirty (30) days, and used for purposes of a building, whether or not mounted on wheels.

**Building Area:** The total of area taken on a horizontal plane at the average grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, patios and steps.

**Building, Height Of:** In the case of a principal building, the vertical distance measured from the average grade in the yard with the greatest building height to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs (see Figure 2-3). A cupola, widows watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average grade of any side to the highest point of the roof surface.

**Building Line or Setback Line:** A line parallel to a street right-of-way line, shore of a lake, or stream bank, side or rear lot line established for the purpose of prohibiting the erection of a structure between such line and road right-of-way, side or rear lot line.

**Business Center:** A building or group of buildings on one or more parcels of land constructed as an integral land use for commercial, institutional and similar occupancy.

**Business Service Establishments:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.

**Campground:** Means any part or tract of land under the control of any person wherein sites 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 for five (5) or more recreational units, and as otherwise defined within Michigan Public Act 368 of 1978 as amended.

**Commercial Agriculture or Horticulture:** The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981; except that the raising of livestock and other animals in animal confined feedlot operations is not included in this definition. See definition of confined feedlot.

**Commercial Development:** A facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

**Common Land:** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners

and occupants of the individual building units in a planned unit development or condominium project.

**Figure 2-3**

**BUILDING HEIGHTS**

