

## ARTICLE II

### Article II - Construction of Language and Definitions

#### Section 200: Construction of Language:

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control
3. The work “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or structure includes any part thereof.
6. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
7. The word “person” includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, were a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows:
  - a. “And” indicates that all connected items, conditions, provisions or events shall apply.
  - b. “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

## ARTICLE II

### SECTION 201: DEFINITIONS:

1. **Accessory Use, or Accessory:** An “accessory use” is a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When “accessory” is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to the following:

- a. Residential accommodations for servants.
  - b. Residential accommodations for caretakers.
  - c. Swimming pools for use of the occupants of a residence, or their guests.
  - d. Domestic or agricultural storage in a barn shed, tool room, or similar accessory building or other structure.
  - e. Home occupations.
  - f. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - g. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - h. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
  - j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
2. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
  3. **Alterations:** A change, addition, or modification in construction or type of occupancy, any change in the structural numbers (members) of a building, such as wall or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
  4. **Apartments:** Are the dwelling units in a multiple dwelling as defined herein:

## ARTICLE II

- a. Efficiency Apartments: Is a dwelling unit containing not over three hundred and fifty (350) sq. ft. of floor area, and consisting of not more than one(1) room in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as one (1) room unit.
  - b. One Bedroom Unit: Is a dwelling unit containing minimum floor area of at least five hundred (500) sq. ft. per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density be considered as a two (2) room unit.
  - c. Three or More Bedroom Unit: Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) sq. ft. For the purpose of computing density, a three (3) bedroom unit shall be considered as a four (4) room unit and each increase in a bedroom over three (3) shall be in increase in the room count by one (1) over the four (4).
5. **Apartment Hotel**: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.
  6. **Auto Service Station**: Is a place where gasoline, or any other vehicular engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and minor repair of automobiles.
  7. **Auto Repair Station**: A place where, along with the sale of engine fuel, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.
  8. **Basement**: Is that portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from the average grade to the floor is greater than the vertical distances from the average grade to ceiling. A basement shall not be considered as a story.
  9. **Block**: The property abutting one side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
  10. **Boarding House**: A dwelling in which lodging or meals, or both, are furnished to guests for compensation.

## ARTICLE II

11. **Building:** Is any structure which:
  - a. Is permanently affixed to the land, and
  - b. Has one or more floors and a roof, and
  - c. Is bounded by either open area or the lot line of a platted lot.
12. **Building Height:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roofs; and to the average height between eaves and ridge for gable hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
13. **Building Line:** Is a line formed by the face of the building and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.
14. **Club:** Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
15. **Clinic:** Is an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.
16. **Convalescent or Nursing Home:** Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care.
17. **Development:** Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
18. **District:** Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
19. **Drive-In:** Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
20. **Dwelling Unit:** Is a building designed exclusively for and occupied exclusively by one (1) family.
21. **Dwelling, Single Family:** (Amended by Ord. # 32, April 9, 1984) A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

## ARTICLE II

- A. It complies with the minimum square footage requirement of this ordinance for the zone in which it is located.
- B. It has a minimum width across any front, side, or rear elevation of 24 feet and complies in all respects with the Township Building Code, (BOCA) including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Build Code, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or Township Building Code, whichever requirement has the safest regulation for securing the premises, and shall have a perimeter wall as required above.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in a closet area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be a minimum of 100 square feet.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with a roof over-hand of not less than six (6) inches on the drainage sides; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door area where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the final instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receiving of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth

## ARTICLE II

in this definition of “dwelling” as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachments to the principal structure and construction of a foundation as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time such standards may be amended. Additionally all dwellings shall have a minimum pitch of 3/12 and composition roofing as meet or exceed all applicable roof snow load and strength requirements.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township of Grant pertaining to such parks.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code Ordinance provisions and requirements.

(Amended by Ordinance No. 32, Adopted: April 9, 1984)

- 22. **Dwelling: Two-Family:** Is a building designed exclusively for occupancy by two (2) families living independently of each other.
- 23. **Dwelling, Multiple-Family:** Is a building or portion thereof, designed exclusively for occupancy by three (3) or more families, living independently of each other.
- 24. **Erected:** Built, constructed, altered, reconstructed, moved or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.
- 25. **Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire

## ARTICLE II

alarm and police call boxes, traffic signals, hydrants, similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

26. **Excavation:** Any breaking of ground, except farming, common household gardening and ground care.
27. **Family:** Is one or two persons or parents, with their direct lineal descendants or dependent children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or in part of a dwelling comprising a single housekeeping unit. Every additional group or two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.
28. **Farm:** Is the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.
29. **Floor Area, Gross:** Is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, accessory buildings; attic floor space (whether or not floors have been laid) providing structural head room of seven feet six inches (7'-6"). Gross floor area shall not include; elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7'-6") and open porches, terraces or breezeways, provided that not more than fifty (50) percent of the perimeter of such terrace, breezeway, or open porch is enclosed.
30. **Floor Area, Residential:** For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfurnished attics, attached garages, breezeways, and enclosed and unenclosed porches.
31. **Floor Area, Useable:** (For the purposes of computing parking) Is 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. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of (Useable Floor Area". Measurement of useable 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.
32. **Garage, Commercial Parking:** Is a building or other structure which:

## ARTICLE II

- a. Is used for the storage of boats for hire or parking motor vehicles.
  - b. Is not accessory to a use on the same or another zoning lot.
33. **Garage, Private:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
34. **Garage, Service:** Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.
35. **Grade:** Is the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building of the finished grade level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of said total averages.
36. **Hotel:** Is a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered.
- a. Maid service.
  - b. Furnishing of linen.
  - c. Telephone, secretarial, or desk service.
- A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.
37. **Junk Yards:** Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) sq. ft. for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
38. **Kennel: Commercial:** Is any lot or premises on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

## ARTICLE II

39. **Loading Space:** An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
40. **Lot:** The term “Lot” shall mean a parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
41. **Lot Area:** The total horizontal area within the lot lines of the lot.
42. **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
43. **Lot Coverage:** Is the part or percent of the lot occupied by buildings including accessory buildings.
44. **Lot Depth:** Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
45. **Lot, Interior:** Is any lot other than a corner lot.
46. **Lot Lines:** The lines defining the limits of a lot as described herein:
- a. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
  - b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
  - c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line
47. **Lot, Through:** Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said

## ARTICLE II

lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

48. **Lot Width:** Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.
49. **Lot of Record:** Is a parcel of land, the dimensions of which are described in a document or shown on a map on file with the County Register of Deeds or in common use by City, Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
50. **Lot, Zoning:** Is a single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record, but may include it.
51. **Main Building:** Is a building in which is conducted the principal use of the lot upon which it is situated.
52. **Main Use:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exists.
53. **Major Thorofare:** Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thorofare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thorofare plan for Grant Township. Any street with a width, existing or proposed, of one hundred and twenty (120) feet or of one hundred and fifty (150) feet shall be considered a major thorofare.
54. **Marginal Access Road:** Is a service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.
55. **Master Plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Township Board.
56. **Mezzanine:** Is an intermediate floor in any story occupying not to exceed one third (1/3) of the floor area of such story.

## ARTICLE II

57. **Motel:** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
58. **Nonconforming Building:** Is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.
59. **Nonconforming Use:** Is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
60. **Nursery:** An area for the growing of plant materials, not offered for sale on the premises.
61. **Nursery, Plant Materials:** A space, building, or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.
62. **Nuisance Factor** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non abutting street frontage by traffic.
63. **Off-Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
64. **Open Front Store:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
65. **Open Space:** Is that part of a zoning lot, including courts or yards which:
- a. Is open and unobstructed from its lowest level to the sky, and
  - b. Is accessible to all residents upon the zoning lot, and
  - c. Is not part of the roof of that portion of a building containing dwelling units, and

## ARTICLE II

## ARTICLE II

d. Is the roof of an attached garage if said roof is used for a swimming pool deck, or recreational deck; and is not higher than twenty three (23) feet above grade; and directly accessible by a passageway from the residential building.

66. **Parking Space:** Is hereby determined to be an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

67. **Plaza:** Is an open area accessible to the public, which is either:

- a. An open area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line, or
- b. An open area on a through lot, extending from street to street and not less than forty (40) feet wide.

Such plaza shall not at any point be more than five (5) feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as approved, for covered pedestrian walks by the Planning Commission

68. **Public Utility:** Is a person, firm, or corporation, municipal, department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

69. **Room:** Is for the purpose of determining lot area, requirements and density in a multiple-family district, a living room, dining room, and bedroom, equal to at least eighty (80) sq. ft. in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

70. **Sign:** Is a name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity person, institution, organization, or business. A sign shall include the following types:

- a. Accessory Sign: A sign which directs attention to a person, product, business or profession conducted upon the same premises.
- b. Non-Accessory Sign: A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the sign is located.

## ARTICLE II

- c. Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.
  - d. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquees.
  - e. Roof Sign: A sign which is erected, constructed and maintained above the roof of a building.
  - f. Wall Sign: A sign which is attached directly to the wall of a building and which extends not more than eighteen (18) inches from the wall, including window signs.
71. **Story**: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
72. **Story, Half**: Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) sq. ft. with a clear height of seven feet six inches (7'-6"). For the purposes of this Ordinance, the useable floor area is only that area having at least four (4) ft. clear height between floor and ceiling.
73. **Street**: Is a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.
74. **Structure**: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
75. **Temporary Use or Building**: Is a use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.
76. **Trailer Coach: (Mobile Home)** (Amended by Ordinance No. 26, Feb. 11, 1980) Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.
77. **Trailer Court: (Mobile Home Park)** Any plot of ground upon which three or more trailer coaches, occupied for dwelling or sleeping purposes are located.
78. **Use**: Is the principal purpose for which land, or a building, is arranged, designed or intended, or for which land or a building is or may be occupied.

## ARTICLE II

79. **Yards:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- a. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

80. **Zoning Exceptions and Variances:**

- a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Ordinance.
- b. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

The “Exception” differs from the Variance” in several respects. An exception does not require “Undue hardship” in order to be allowable. The Exceptions that are found in this Ordinance appear as “Special Approval” or review by the Planning Commission, Legislative body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (1) They require large areas,
- (2) They are infrequent,
- (3) They sometimes create an unusual amount of traffic,
- (4) They are sometimes obnoxious or hazardous,
- (5) They are required for public safety and convenience.

## ARTICLE II

81. **Home Occupations:** (Added by Ordinance No. 30, June 14, 1984) Occupations engaged in within a dwelling unit by the resident or residents of the same complying with the following conditions:

- a. Are operated in their entirety within the dwelling unit and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises;
- b. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month.
- c. The dwelling unit has no exterior evidence, other than a permitted unlighted sign, no larger than six (6) square feet in area to indicate that the same is being utilized for any purpose other than that of a dwelling unit.
- d. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes and such occupation shall not exceed the use of more than twenty-five (25) percent of the total floor area of the dwelling but, in any event not more than five hundred (500) square feet of the floor area.
- e. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein;
- f. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted;
- g. Any such home occupation shall be subject to inspection by the building inspector of the township and may be terminated by order of such inspector whenever the same fails to comply with the zoning ordinance;
- h. The zoning board of appeals shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that health, safety, and general welfare of the neighborhood will not thereby be impaired. (Added to definitions by Ordinance 30, adopted June 14, 1984, to take effect thirty (30) days after publication. Published: June 24, 1983.