

## **West Bloomfield Township – Tree Ordinance**

### ARTICLE I. IN GENERAL

Sec. 26-1. Short title; statement of intent; preamble.

(a) *Short title.* This chapter shall be known and may be cited as the "Charter Township of West Bloomfield Zoning Ordinance."

(b) *Statement of intent.* This chapter is enacted for the regulation of land development and the establishment of districts in the portions of the township outside the limits of cities and villages which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of land in the township shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety and welfare.

This chapter is, further, enacted for the regulation of land development and the establishment of districts which apply to land areas and activities which are involved in special programs to achieve specific land management objectives and to avert [avert] or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion, by dividing the township into districts of a number, shape, and area considered best suited to accomplish those objectives.

This chapter is, further, enacted for the purpose of designating or limiting the location, height, number of stories and size of dwellings, buildings, and structures that may be erected or altered, and the specific uses for which dwellings, buildings and structures may be erected or altered; the area of yards, courts, and other open spaces, and the sanitary, safety, and protective measures that shall be required for the dwellings, buildings, and structures; and the maximum number of families which may be housed in buildings, dwellings, and structures erected or altered.

The provisions of this chapter shall be based upon a zoning plan and the township's comprehensive development plan, all designed to promote the public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate 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 provisions of this

chapter shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources, including, but not limited to, wetlands, woodlands, flood plains, watercourses, and the processes associated with such resources; and the general and appropriate trend and character of land building, and population development.

(c) *Preamble.* In accordance with the authority conferred by the public acts of the State of Michigan, and for the purpose of promoting the objectives and authorization set forth above in the statement of intent, and recognizing the need to protect and preserve the special endowment of natural resources and features, and environmental assets in the township, including but not limited to, wetlands, woodlands, floodplains, watercourses, and the processes associated with such resources, and the public trust therein, and taking into consideration the township's zoning plan and comprehensive development plan, this chapter is enacted.

#### Sec. 26-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section. Terms not defined in this section shall have the meaning customarily assigned to them.

*Accessory building or structure* means a subordinate building or structure, the use of which is clearly incidental to that of the main building or to the use of the land.

*Accessory use* means a use subordinate to the principal use of the lot and used for purposes clearly incidental to those of the principal use.

*Alley* means a minor vehicular way used primarily to serve as an accessway to the back or side of properties otherwise abutting on a street.

*Alterations* means any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to as "altered" or "reconstructed."

*Automobile repair* means general repair, engine rebuilding, or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

*Basal area* shall mean the cross-sectional square footage of tree trunk area per acre, measured four and one-half (4 1/2) feet from the ground.

*Basement* means that portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement will not be counted as a story.

*Bed and breakfast* means a use which is subordinate to the principal use of a detached single-family dwelling unit in which a specified maximum number of transient guests are provided a sleeping room for a limited number of nights and certain light foods in return for payment.

*Boat* means a watercraft, however propelled designed to be operated on a body of water.

*Building* means any structure, either temporary or permanent, having a roof, supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or

property of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes. The word "building" includes the word "structure."  
*Building height* means the vertical distance measured from the established grade to the highest point of the roof for flat roof; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roof; and to the average height between the lowest point and the highest point of a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

*Building line* means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

*Building, main or principal* means a building in which is conducted the principal use of the lot on which it is situated.

*Canopy* shall mean the substantially continuous horizontal layer formed by the leaves and branches of adjacent **trees** in a woodland.

*Carry-out restaurant* means a business established for the selling of food or beverage which is served in disposable containers or wrappers for consumption exclusively off of the premises.

*Child care center* means a facility licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, other than a private residence receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

*Commercial vehicle* means a motor vehicle used for commercial activity which is licensed by the Secretary of State as a commercial vehicle and has a gross vehicle weight of not less than six thousand (6,000) pounds. Recreational-type vehicles or vehicles requiring commercial license plates but not used for a commercial purpose shall not be considered a commercial vehicle.

*Congregate elderly housing* shall mean dwelling units containing sanitary, sleeping and living spaces in addition to common services area, including, but not limited to, central dining room(s), recreational room(s) and central lounge under common management.

*District* means a portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

*Drive-in/fast-food restaurant* means a business establishment for the selling of food or beverage which is served in disposable containers or wrappers. Such food or beverage may be consumed inside or outside of the building, in motor vehicle or carried out for consumption off the premises.

*Dwelling* includes the word "residence."

*Dwelling, multiple-family* means a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

*Dwelling, one-family* means a building designed exclusively for and occupied exclusively by one (1) family.

*Dwelling, two-family* means a building designed exclusively for occupancy by two (2) families living independently of each other.

*Dwelling unit* means a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

*Environmental feature* shall mean any:

- (1) Watercourse; or
- (2) Wetland.

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

*Essential services* means 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, poles, wires, drains, sewers, pipes, conduits, cables; fire alarm and police call boxes, traffic signals, hydrants and similar accessories 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 public health, safety or welfare, and not including communication and/or wireless transmission towers or poles in excess of thirty-five (35) feet in height.

*Exterior appliances* means a central air-conditioning condenser unit, heat pump, or any other noise-producing mechanical system components which are typically required to be located on the exterior of a structure.

*Family* means one (1) or two (2) persons or parents with their direct lineal descendants or adopted or foster children (and including the domestic employees thereof); together with not more than two (2) persons not so related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

*Family day care home* means a private home, licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which one (1) but less than seven (7) minor children are received for care and supervised for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

*Farm* means all of the continuous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits shall not be considered farms hereunder. No farms shall be

operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.

*Fence* means a man-made barrier or structure which is erected or placed to enclose, screen or separate areas.

*Fence, obscuring (walls)* means a structure constructed of masonry material or material equally as durable of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

*Festoon signs* means a sign consisting of strings of exposed incandescent light bulbs or strings of pennants hung overhead to draw attention to items on display.

*Floor area*, 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. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

*Floor area, usable*, for the purpose of calculating required parking, means eighty (80) percent of the sum gross floor area measured from the interior face of exterior walls. For those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise and/or used to serve patrons or clients shall be measured at the eighty-percent factor to determine necessary parking spaces.

*Forest products* is a term describing those wood related items from a woodlands to include veneer logs, saw logs, firewood, pulpwood, pole **trees**, groundcover, branches, boughs and whole **trees** and/or saplings for transplanting.

*Gasoline service station* means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including automobile repair.

*Grade*, and specified types or categories of *grade* shall mean the following:

- (1) *Grade* means a ground elevation 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 to be the average grade.
- (2) *Average grade* means a reference plain representing the average of the level of the ground adjoining the building at all exterior walls.
- (3) *Natural grade* means the elevation of the ground surface before any grading, excavation, filling or man-made alterations.
- (4) *Finished grade* means the final elevation of the ground surface after completion of alterations and development.

*Greenbelt* means a strip of land to definite width and location reserved for the planting of **shrubs** and/or **trees** to serve as an obscuring screen or buffer in carrying out the requirements of this chapter.

*Gross leasable area* means the total floor area for which tenant(s) pay rent and which is designated for tenant occupancy and use. Kiosks and other similar sales areas, for which

rent is paid and which is designed for tenant occupancy, but located within common areas, shall be included in the gross leasable area total, when provided.

*Ground floor* means the first floor of a building other than a cellar or basement.

*Group day care home* means a private home licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

*Home occupation* means any legal use that is customarily conducted entirely within a dwelling and carried on by the occupants thereof, including uses involving the use of business mailing addresses and business telephone numbers, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display or signage; no internal or external alterations to the dwelling; no construction features or equipment or machinery not customary in residential areas; no parking or traffic generated that is not customary in residential areas; no outside storage of equipment; no commodities sold on the premises except such as produced by such occupation; and not more than two (2) persons are engaged in such occupation who shall be family members of the residence. The high hazard use section of the BOCA codes and the performance standards of section 26-33, Ordinance No. 56, shall apply to a use which fits within this definition. Such uses as clinic, hospital, animal hospital, kennel, millinery shop, barber shop, beauty shop and dancing school shall not be deemed to be home occupations.

*Hospital, general* means an installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.

*Identification sign* means a sign permitted in only residential zones which identifies by name or number an individual building or parcel.

*Independent elderly housing* shall mean attached or detached dwellings (apartment, townhouse or single-family structures) occupied by elderly individuals and their spouses as part of a planned development and provided with qualified management services to maintain the premises.

*Information sign* means those signs which have the sole and only function of providing information and direction, and are not larger than two (2) square feet, and are not oriented to motorized traffic on public rights-of-way. Such signs would include tree names, putting green information, clubhouse direction and others of this type used on the interior of a project and designed for those using that area.

*Kennel, commercial* means the use, for gain or profit, of all or a portion of any lot or premises for either the permanent or temporary boarding of three (3) or more dogs or cats.

*Lake*, for purposes of this chapter, means any permanent body of open water with a minimum surface area of five (5) acres, including any connected navigable canals.

*Loading space* means an off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lot* means a parcel of land occupied, or 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 open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. The word "lot" includes the words "plot" and "parcel."

*Lot area* means the total horizontal area within the lot lines of the lot.

*Lot, contiguous* means lots or parcels of land adjoining each other and under the same ownership.

*Lot, corner* means a lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) 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.

*Lot coverage* means the part of percent of the lot occupied by buildings including accessory buildings.

*Lot depth* means the horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

*Lot, interior* means any lot other than a corner lot.

*Lot, lakefront*, for purposes of this chapter, means any lot, outlot or parcel of land which abuts and includes any portion of the lake shore of a lake.

*Lot, lakeview*, for purposes of this chapter, means any lot, outlot or parcel of land which abuts a private or public lakefront park, association, beach or other similar open space area where the distance between the shoreline of the lake and the closest edge of the lot is not more than one hundred fifty (150) feet.

*Lot lines* means the lines bounding a lot.

(1) *Front lot line*, in the case of an interior lot, means the line separating the lot from the street; in the case of a corner lot, or double frontage lot, means that line separating the lot from that street which is designated as the front street in the plat and the request for a building permit. In the case of lots bordering on a lake, river or canal, the water or shore line shall be designated as the front of such lots.

(2) *Rear lot line* means the 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.

(3) *Side lot line* means any lot lines other than the front lot lines or rear lot lines. 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.

*Lot of record* means a parcel of land, the dimensions of which are shown on a recorded plat on file with the county register of deeds, on June 1, 1966, or in common use by

municipal 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.

*Lot width* means the distance between side lot lines, with the specific location for measurement being governed by other provisions of this ordinance, including section 26-56, "Schedule of Regulations," specifying minimum lot width.

*Master plan* means the comprehensive plan including graphic and writing 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, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the township board.

*Nonconforming building* means a building or portion thereof, existing on June 1, 1966, or upon amendment hereto, that does not conform to the provisions of this chapter nor to the use regulations of the district in which it is located.

*Nonconforming use* means a use which lawfully occupied a building or land at the time the ordinance on June 1, 1966, or amendments thereto, became effective, and that does not conform to the use regulations of the district in which it is located.

*Nursery, plant material* means a space, building or structure, or combination thereof, for the storage of live **trees, shrubs** or plants offered for retail sale on the premises including products used for gardening or landscaping. Nursery does not include any space, building or structure used for the sale of fruits, vegetables or Christmas **trees**.

*Nursing or convalescent home* means a structure with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire, and is authorized and licensed by the state, county and local authorities.

*Off-street parking lot* means 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 two (2) automobiles.

*Open-front store* means a business establishment other than a restaurant, bank or gasoline station, so developed that service to the portion may be extended beyond the walls of the building, not requiring the patron to enter the building.

*Open storage.* See "Outdoor Storage."

*Outdoor storage* means the keeping outdoors of any goods, materials, merchandise, equipment, boats or vehicles.

*Outline tubing sign* means an arrangement of exposed gaseous tubes (i.e., neon tubes) that outline and call attention to the sign.

*Parking space* means an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

*Portable sign* means a sign and sign structure which is designed to facilitate the movement of the sign from one (1) location to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. Political-election and political signs are excluded from the definition of portable signs.

*Principal use* means the main use to which the premises are devoted and the main purpose for which the premises exist.



*Public utility* means any 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.

*Pylon sign* means a freestanding sign which is located more than five (5) feet but a maximum of twenty (20) feet above the ground.

*Real estate development sign* means a sign which offers for sale, rent or lease more than four (4) lots or parcels or dwelling units.

*Real estate sign* means a sign which offers for sale, rent or lease a single lot, parcel, residence or any other single building.

*Residential development identification sign* means a sign used to identify, by name, the complex of lots and/or residences within a specific development.

*Restaurant* means a public eating house where the food or beverage is served on nondisposable containers.

*Safety path* means an improvement located within public or private rights-of-way designed primarily for the use of pedestrians and bicyclists and as shown on the master safety path system plan.

*Setbacks* means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

*Senior housing.* A building or group of buildings containing dwellings intended to be occupied by elderly persons, as defined by the Federal Fair Housing Act, as amended. Housing for the elderly may include independent and/or assisted living arrangements but shall not include nursing or convalescent homes regulated by the State of Michigan.

Independent and assisted living housing are defined as follows:

*Senior independent living.* Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as security, housekeeping and recreational and social activities. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

*Senior assisted living.* Housing that provides 24-hour supervision and is designed and operated for elderly people who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.

*Shared elderly housing* shall mean a single dwelling structure specifically for a maximum of four (4) unrelated elderly individuals, with or without spouses. Each dwelling shall provide for separate bedrooms and sanitary facilities for each occupant (husband and wife shall constitute one occupant), together with a shared kitchen, dining and living space. Also, each dwelling within the development shall be provided with qualified management services to maintain the premises.

*Shopping center* means a structure or group of structures located on the same zoning lot or parcels which provide a variety of commercial uses and also provide common off-street parking facilities, pedestrian areas and vehicular movement areas.

*Sign* means any use of words, numbers, figures, devices, designs or trademarks visible to the general public.

*Sign, accessory* means a sign which is directly related to the principal use of the premises, such as the name and nature of the use and which does not advertise products or goods sold or produced on the premises.

*Sign, nonaccessory* means a sign which is either indirectly related or not related to the principal use of the premises, such as the advertising of products sold or produced.

*Sign, political-election sign* shall mean a sign relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body.

*Sign, political sign (other than election)* shall mean a sign which is displayed for the purpose of conveying a message which is a political expression unrelated to an election, and unrelated to a promotion for commercial purposes.

*Stable, private* means a stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding.

*Stable, public* means a stable other than a private stable, with a capacity for more than two (2) horses, and carried on with an unplatted tract of land of not less than forty (40) acres.

*Story* means that part of a building included between the surface of one (1) 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 level of the adjoining ground.

*Story, half* means an uppermost story lying under sloping roof, the usable floor area of which, at a height of four (4) feet above the floor, does not exceed two-thirds of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches.

GRAPHIC LINK (not available): Basic Structural Terms

*Street* means a public thoroughfare which affords the principal means of access to abutting property.

*Structure* means anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

*Swimming pool club, private (nonprofit)* means a private club incorporated as a nonprofit club or organization, maintaining and operating a swimming pool, with specified limitations upon the numbers of members, or limited to residents of a block, subdivision, neighborhood, community or other specified area of residence, for the exclusive use of members and their guests.

*Swimming pool, private* means a swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

*Temporary building or use* means a structure or use permitted by the board of appeals to exist during a specified period of time.

*Thoroughfare, major* means an arterial street which is intended to serve as a large volume trafficway for both the immediate township area and the region beyond. Major thoroughfares shall be considered to be those streets so designated in the master plan of the township.

*Thoroughfare, secondary* means an arterial street which is intended as a trafficway to serve primarily the immediate township area. Secondary thoroughfares shall be considered to be those streets so designated in the master plan of the township.

*Trailer coach (mobile home)* means any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof as a dwelling or sleeping space for one (1) or more persons.

*Trailer court* means any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

*Travel trailer* means a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

*Tree* shall mean a woody plant which attains the height of at least ten (10) feet at maturity and has a single main stem (trunk).

*Tree stand* shall mean a group of **trees** within a woodland at least one (1) acre in area, related in terms of common soils, common species, and related in terms of the size of **trees** within the overall group.

*Use* means the purpose for which land or a building is designed, arranged or intended, or for which land or a building is or may be occupied.

*Used or occupied* includes the words "intended, designed or arranged to be occupied."

*Vehicle* means a self-propelled device, or an apparatus or contrivance capable of being towed or otherwise placed in motion by any means, or a free-moving device used for transportation of people, animals, materials or goods of any type.

*Vehicle, commercial* means a vehicle licensed by the appropriate state agency as a commercial vehicle which has a gross vehicle weight of at least six thousand five hundred (6,500) pounds. Recreational vehicles with commercial license plates but not used for the transport of cargo or materials shall not be considered a commercial vehicle.

*Vehicle, recreational* means a vehicle without permanent foundation that is primarily designed as a temporary living accommodation for recreational, camping, and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Vehicles, junk or wrecked* means a vehicle that is damaged, deteriorated or with parts missing or that is in the process of being dismantled, destroyed, processed or salvaged and is in a condition that prevents the use of the vehicle for the purpose for which it was manufactured.

*Vehicle, inoperable* means a vehicle that is not operational and that cannot be used for the purpose for which it was manufactured or a vehicle, whether licensed or unlicensed, that has remained on public or private property and that has not been moved from the property for a period of at least thirty (30) consecutive days.

*Veterinary clinic* means a place where animals or pets are given medical or surgical treatment with use as a kennel limited to short-time boarding which is incidental to the medical use.

*Wall sign* means a sign visible to the general public through display from the exterior wall of a structure.

*Watercourse* means any waterway or other body of water having well-defined banks, including: (1) Rivers, streams, creeks and brooks, whether continually or intermittently flowing; (2) lakes and ponds; or (3) other watercourses as shown on the official township watercourse and wetland map, and the flood boundary-floodway map and flood insurance map which accompanies the flood insurance study for the township, dated September 2, 1982, as may be amended.

*Wetland* means 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 and is commonly referred to as a bog, swamp or marsh.

*Woodland* shall mean an area shown and identified as a woodland on the official woodland map of the township. (The criteria for identifying the mapped woodland areas are: at least three (3) contiguous acres and the existence of canopy coverage over more than one-half of the area or average tree density of thirty (30) square feet of tree trunk area per acre (basal area).)

*Woodland construction envelope* shall mean the area of direct disturbance in a woodland determined under section 26-47, anticipated to be caused by clearing or construction activities for buildings, driveways, parking, and/or other activities which cause disturbance to a woodland.

*Woodland disturbance configuration* shall mean the location of permitted clearing or construction activities causing disturbance within a woodland resulting from construction activities such as, but limited to, installation of buildings, roadways, driveways, parking areas, utilities, and retention basins.

*Woodland harvesting* is a term to describe the cutting of **trees** or removal of forest products from a woodland.

*Woodland preservation area* shall mean an area of **trees** required to be preserved in accordance with a decision of the township following application and review under section 26-47 of this chapter.

*Woodland tree cutting* means any act within a designated woodland area to cut down, remove all or a substantial part of a tree, or damage a tree or other vegetation that will cause the tree or other vegetation to be negatively impacted or die. (Such acts shall include, but shall not be limited to, damage inflicted upon the root system of the vegetation by any equipment and/or vehicles, by the placement of any materials, by changing the natural grade, or by any other alteration of natural physical condition.)

*Yards* means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

(1) *Front yard* means 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 line of the main building or structure.

(2) *Rear yard* means 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 line of the main building or structure.

(3) *Side yard* means an open space between a main building or structure 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 of the side lot line to the nearest point of the main building.

*Zoning exceptions and variances:*

(1) *Exception* means a use permitted only after review of an application by the board of appeals or the planning commission other than the administrative official (building inspector), such review being necessary because of the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation, and such review is required by the chapter.

(2) *Variance* means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three (3) elements are present in the case.

An "exception" differs from a "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this chapter 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 (1) 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 (1) 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.

(Ord. No. 56 (as amd.), §§ 2.1, 2.5, 2.10, 2.15, 2.20, 2.25, 2.30, 6-1-66; Ord. No. 56-K, 5-29-85; Ord. No. 56-R, § 1, 1-4-88; Ord. No. 56-T, § 1, 2-1-88; Ord. No. C-232, § 1, 10-16-89; Ord. No. C-271, § 1, 4-23-90; Ord. No. C-347, § 1, 3-2-92; Ord. No. C-354, § 1, 6-1-92; Ord. No. C-394, § 1, 5-3-93; Ord. No. C-398, § 1, 7-6-93; Ord. No. C-420, § 1, 1-17-94; Ord. No. C-426, § 1, 5-23-94; Ord. No. C-420-A, § 1, 8-7-95; Ord. No. C-483, § 1, 2-5-96; Ord. No. C-367, § 1, 9-9-96; Ord. No. C-494, § 1, 10-7-96; Ord. No. C-510, § 1, 6-2-97; Ord. No. C-541, § 1, 6-2-98; Amend. of 7-12-99)

**Cross references:** Definitions and rules of construction generally, § 1-2.