

CHAPTER 2 Rules of Use

Section 2.1 Rules of Instruction and Interpretation

- A. **Text:** In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.
- B. **Computation of Time:** Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekends days, holidays, and other non-business days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- C. **Delegation of Authority:** Whenever a provision requires the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer or the Township Board to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- D. **Technical and Non-Technical Words:** Words and phrases not defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. **Mandatory and Discretionary Terms:** The word “shall” is always mandatory, and the words “may” or “should” are always permissive.
- F. **Conjunctions:** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
1. “And” indicates that all connected items, conditions, provisions, or events shall apply; and
 2. “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- G. **Tense and Usage:** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
- H. **Interpretation of Zone District Boundaries:** Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:
1. Boundaries indicated as appearing to follow the center line of streets or highways shall be construed as following such center lines.

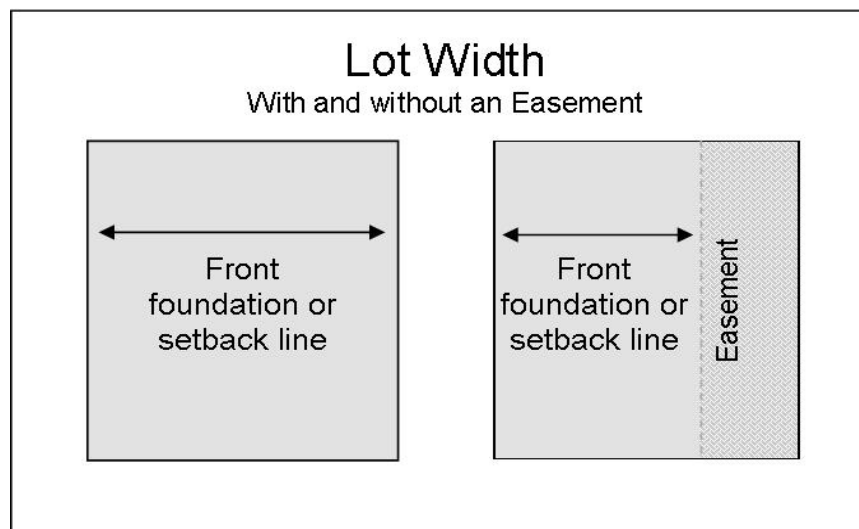
2. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such platted lot lines.
3. Boundaries indicated as appearing to follow Township boundary limits shall be construed as following Township boundary limits.
4. Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed as moving with the actual body of water and follow the centerline.
5. When there is disagreement over the location of Zoning District boundaries, a decision on the correct location shall be rendered by the Zoning Administrator with any appeal from such a decision being made to the Zoning Board of Appeals. In making his or her decision, the Zoning Administrator shall consider the rules set forth in this subsection, the text and Land Use Plan of the Master Plan, adjacent and surrounding land uses, and if deemed necessary, an inspection of the area in dispute.

Section 2.2 Minimum Standards

Unless noted otherwise, the standards in this Ordinance are minimum standards.

Section 2.3 General Rules of Measurement

- A. **Lot Area:** Lot area refers to the amount of horizontal land area within lot lines, excluding public road rights-of-way and land under lakes.
- B. **Lot Width:** The width of a lot is measured at the front foundation of the principal building. If there are no buildings on the lot, it is measured at the front setback line. Rights-of-way and public or private easements for ingress or egress are not included in the lot width measurement.

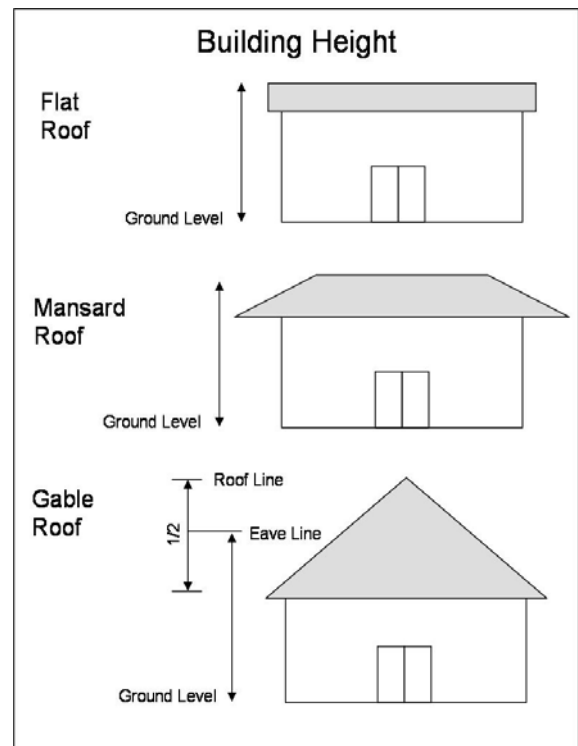


C. Setbacks:

1. *Measuring Setbacks:* Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except that the following building features may be located within required setbacks:
 - a. Bay windows, chimneys, awnings and architectural design embellishments of dwellings that do not project more than 2 feet into the required setback, provided they do not encroach on public easements;
 - b. Roof overhangs that do not project more than 2.5 feet into the required setback;
 - c. Unenclosed decks and porch steps.
2. *Front Setbacks on Corner Lots.* Corner lots on streets shall be deemed to have two (2) front yards.
3. *Front Setbacks in General.* For any lot abutting or having frontage on a public road right-of-way or private road or access easement, the front lot line is the outer edge of the public road right-of-way, private road easement, or access easement, and relevant setbacks shall be measured from the edge of such right-of-way or easement.

- D. **Height:** The maximum height limitations imposed on buildings and structures within the various zoning districts shall be the lesser amount between the maximum number of stories permitted and the height in feet that is permitted.

1. *Measuring Building Height:*
 - a. *Building Height Measured in Feet.* When measured in feet, building height shall be measured from the average of the finished ground level at the center of all walls of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
 - b. *Building Height Measured in Stories.* In measuring the height of a building in stories the following measurement rules shall apply:



- i. A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly below it.
 - ii. No story of a commercial or residential building shall have more than twenty-five (25) feet from floor to floor.
2. *Exemptions from Building Height Regulations:*

The following structures and features shall be exempt from the height requirements of this Zoning Ordinance:

- a. Chimneys, smokestacks or flues that cover no more than 5% of the horizontal surface area of the roof.
- b. Cooling towers, ventilators and other similar equipment that cover no more than 5% of the horizontal surface area of the roof.
- c. Elevator bulkheads and stairway enclosures.
- d. Water and fire towers.
- e. Utility poles and support structures.
- e. Belfries, spires and steeples.
- f. Monuments and ornamental towers.
- g. Solar energy systems.
- h. Parapet walls.

E. Density

1. *Gross Density* shall mean the number of dwelling units permitted per gross acre of land area contained in the development.
2. *Net Density* shall mean the number of dwelling units permitted per net acre of land. Net land area shall be the gross land area excluding street right-of-ways, easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for wetlands and other sensitive areas and private open space shall not be excluded in calculating net density.