

## ARTICLE 6

### GENERAL PROVISIONS

#### Section 6.1. Purpose.

In addition to the preceding district regulations the provisions shall be subject to the modifications, additions, exceptions, or limitations as provided by the supplementary regulations specified in this article.

#### Section 6.2. Accessory Structures

Except as otherwise permitted or regulated elsewhere in this Ordinance, accessory structures shall be subject to the following regulations:

6.2.1. GENERAL REGULATIONS. All attached and detached accessory structures shall comply with the following:

- A. Permits. An accessory structure shall not be constructed without the issuance of a valid building or zoning permit as required elsewhere in the ordinance. One story detached accessory structures, whether temporary or permanent, having a floor area that does not exceed 200 square feet for residential uses or 120 square feet for all other uses shall not require the issuance of a building permit but shall require the issuance of a Zoning Permit and compliance with the other requirements of the Zoning Ordinance.
- B. Attached Accessory Structures
  1. *Limitations.* Where an accessory building is structurally attached to a main building it shall be considered an integral part of the main building and shall conform to all regulations of the zoning ordinance applicable to the main building..
  2. *Size.* The total square footage of an accessory structure, attached to the primary residence, shall not exceed fifty (50%) of the total square footage of the 1<sup>st</sup> and 2<sup>nd</sup> floor of the residence to which it is attached.
- C. Detached Accessory Structures (DAS)
  1. *Limitations.* Each Detached Accessory Structure shall comply with all the requirements listed below and those listed in "Section 6.2.1.C.1. Schedule of Detached Accessory Structures Regulations".
    - a. The total square footage of all DAS structures on the parcel combined shall not exceed the Maximum Allowable Floor Areas as listed.
    - b. No detached accessory structure may be constructed prior to or apart from a permitted use currently in existence on the property unless specifically exempted under the exceptions listed below.
  2. *Occupancy.* No living quarters may be constructed or exist in any part of an existing or proposed detached accessory structure unless specifically permitted otherwise by the Zoning Ordinance.
  3. *Utilities.* No sanitary sewage or septic facilities shall be provided or allowed to be connected to a detached accessory structure unless specifically listed in the Zoning Ordinance as permitted in the district under Site Plan Review or Special Use Approval regulations and has received approval by the Planning Commission.
  4. *Use.* No uses or businesses may be established or exist in an accessory structure unless specifically listed in the Zoning Ordinance as a "Home Occupation" or permitted in the district under Site Plan Review or Special Use Approval regulations and has received approval by the Planning Commission.
  5. *Location.* In no instance shall an accessory building be located within a dedicated easement, right of way or front yard setback unless exempted under the exceptions listed below.
  6. *Separation.* All detached accessory structures shall comply with all current building code requirements and on all parcels zoned or used as residential, must maintain a minimum separation distance of 10' from all other structures on site.
  7. *Survey.* Where a particular boundary, property line or flood plain determination cannot be established or readily identified, the Building Official may require a survey and/or staking

of the property, by a licensed surveyor or engineer, to be paid for by the owner of the property, prior to the issuance of a building or zoning permit.

D. Exceptions.

1. *Simultaneous Construction.* A detached accessory structure may be erected in the RU-Rural District, prior to or simultaneously with the construction of the principal building, provided that compliance with the following are obtained:
  - a. The issuance of and payment for, of a valid building permit for the principal structure, which must be started within six (6) months of the issuance date.
  - b. The submittal of a performance guarantee, in an amount determined by resolution of the Township Board.
2. *Waterfront Lots.* Accessory structures may be constructed per the additional regulations that are allowed as regulated for lots located on waterfronts as listed in Section 6.11. Waterfront Lots.
3. *Agricultural Uses.* A detached accessory building may be erected in the RU-Rural Zoning District for agricultural uses, as the principle or secondary building or use, only with the proper documentation that the land and use are found to be in compliance with the definition of a "farm" as listed in Article 2.

6.2.2. MISCELLANEOUS STRUCTURES. For the purpose of this ordinance, structures such as, but not limited to, antennas, air conditioning units, emergency generators, or other similar structures, shall be subject to the following:

- A. Regulations. Structures measuring three (3) feet or less in height and width, and five (5) or less in length, may be located on any structure or grounds in any required yard setback, subject to approval by the Building Official and all applicable building, mechanical, electrical, plumbing and safety codes.
- B. Screening. All such structures on grounds, within 5 feet of a property line shall be screened from view by means of shrubbery or similar plantings that are maintained in a healthy manner.
- C. Location. No such structures shall be located closer than 3 feet to an adjacent property line or other similar units.

**Section 6.3. One Lot, One Building.**

In all RU, RS-2 and RS-1 districts, only one (1) principal building shall be placed on a single lot of record. No dwellings other than the main structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

**Section 6.4. Substandard Dwellings.**

Substandard basement or garage dwellings, as defined by the State Housing Law of Michigan, which have been heretofore erected or occupied, are hereby declared to be unlawful dwellings and shall be vacated within a period of one (1) year. No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined by this ordinance and in the building code of the Township. No garage or other accessory building, trailer, cabin, basement, partial structure, or other temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless a variance is granted by the Zoning Board of Appeals. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

**Section 6.5. Street Access.**

Any one lot of record created before the effective date of this chapter shall not be occupied without access to a public or private street as defined by the ordinance.

**Section 6.6. Moved structures.**

Any building or structure moved from within or into the Township shall comply or conform with the applicable provisions of the zoning district in which it is to be located and with the spirit and intent of this ordinance. Prior to moving a structure into or within the Township a building permit is required to be

obtained from the Building Inspector, after inspection, indicating any required conditions for compliance with the current building codes.

**Section 6.7. Dwellings in Non-Residential Districts.**

No residential dwelling shall be erected in a non-residential zoning district. However, the sleeping quarters of a watchman or caretaker may be permitted by the Planning Commission as a special approval use in any district.

**Section 6.8. Single Family Dwellings and Certain Mobile Homes.**

No single-family dwelling, mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- 6.8.1. **SQUARE FOOTAGE.** Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- 6.8.2. **DIMENSIONS.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) ft and shall comply in all respects with the Michigan State Construction Code Commission requirements, 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 Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- 6.8.3. **FOUNDATION.** Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- 6.8.4. **UNDERCARRIAGE.** In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- 6.8.5. **SEWAGE DISPOSAL OR WATER SUPPLY.** Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 6.8.6. **STORAGE AREA.** Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 sq ft, whichever shall be less.
- 6.8.7. **ARCHITECTURE.** In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; 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 and porches connected to said exterior door areas where a difference in elevation requires the same.
- 6.8.8. **COMPATIBILITY DETERMINATION.** The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks and within 2000 ft of the subject dwelling. At least 20 percent of the homes within the neighboring area shall be used for compatibility determination. Where said area is not so developed, the character, design, and

appearance of one or more residential dwellings located outside of mobile home parks throughout the Township shall be examined. 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.

- 6.8.9. ADDITIONS. Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- 6.8.10 CODE COMPLIANCE. Each such dwelling unit shall comply 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 to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- 6.8.11 BUILDING PERMIT. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- 6.8.12 EXCEPTIONS. 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 this Ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

### **Section 6.9. Home Occupations.**

Home occupations which are clearly incidental to the principal residential use are allowed in the Suburban Residential (RS), Multiple-Family Residential (RM), Rural (RU) and Mobile Home (MH) Districts subject to the following extra standards:

- 6.9.1. SALES. No article or service is to be sold or offered for sale on the premises, except such as is produced by such occupation.
- 6.9.2. SIGNAGE. No signage other than one non-illuminated name plate, not more than two (2) square foot in area, containing only the name and occupation of the resident of the premises shall be allowed.
- 6.9.3. EMPLOYEES. Only residents of the dwelling unit may be engaged in the home occupation.
- 6.9.4. PERCENTAGE OF USE. No more than twenty-five (25) percent of the total gross floor area of any one (1) story shall be utilized for the home occupation.
- 6.9.5. ACTIVITIES. All home occupation activities must be conducted indoors, except agricultural usage.
- 6.9.6. OUTDOOR STORAGE. No outdoor storage of equipment or materials shall be permitted.
- 6.9.7. CHARACTER. No home occupation shall be permitted or alteration made to the buildings which is injurious or changes the character of the residential district.
- 6.9.8. FIRE RATING. No use shall require alterations or equipment that would change the fire rating of the structure of the fire district in which the structure is located.
- 6.9.9. TRAFFIC. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the

conduct of such home occupation shall be met off the street and other than in a required front yard.

6.9.10. **EQUIPMENT.** Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.

6.9.11. **UTILITIES.** There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

6.9.12. **HOME OCCUPATIONS NOT PERMITTED.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations.

- A. Real estate office.
- B. Insurance office.
- C. House-to house salesman.
- D. Beauty Salon.
- E. Antique Shop.
- F. Barber Shop.
- G. Funeral home.
- H. Gift shop.
- I. Medical or dental clinic or hospital.
- J. Renting of trailers
- K. Restaurant
- L. Stables.
- M. Kennels.
- N. Tourist homes..
- O. Veterinary clinic or hospital.
- P. Dancing schools.
- Q. Mortuaries.
- R. Nursery schools
- S. Private clubs
- T. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras, or other similar small items.
- U. Auto repair, major or minor.
- V. Dental offices.
- W. Medical offices.
- X. Painting of vehicles, trailers or boats.

### **Section 6.10. Swimming Pools.**

All swimming pools erected in the Township shall comply with the following requirements:

6.10.1. **DEFINTION.** The definition of a "swimming pool" whether indoor, outdoor, above ground/on ground or consisting as a spa or hot-tub, including all similar uses and accompanying requirements and protection devices shall be as defined in the Building Code and the accompanying referenced codes and appendices, as adopted by the State of Michigan and/or the Federal Government.

6.10.2. **APPLICATION.** All swimming pools falling under the above definition and proposed for and/or erected in the Township shall submit the information required herein for review and issuance of a building permit. This shall include, but shall not be limited to, the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications, and plans to scale, of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the building inspector and as required in the Building Code.

6.10.3. **POOL LOCATION.** Pools located on lots used for single and two family dwellings or townhouses shall be setback a minimum of six (6) feet from all yard lot lines and adjacent building walls. Pools

located on lots utilized for uses other than single and two family dwellings or townhouses shall comply with the minimum yard setbacks as required for accessory structures in the Zoning Ordinance with a minimum setback of six (6) feet from all yard lot lines and adjacent building walls. Furthermore, no pool may be built within the required front yard as defined by the Zoning Ordinance without a variance from the Board of Zoning Appeals.

6.10.4 PROTECTION REQUIREMENTS. All swimming pools erected in the township shall comply with the minimum requirements of the Building Code and the accompanying referenced codes and appendices currently enforced by the Township as adopted through State of Michigan and/or the Federal Government.

**Section 6.11. Waterfront Lots.**

In all zoning districts, having frontage on the St. Clair River, a minimum waterfront setback shall be established for the construction of structures along the river. The Building Inspector and/or the Planning Commission, as noted elsewhere in the ordinance, shall review all proposed construction for compliance with the following:

6.11.1. WATERFRONT SETBACK. Those residential lots and/or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the river as an open, un-obscured yard, except that the following construction shall be permitted as listed herein:

A. *New Construction Setback Determination.* The minimum waterfront setback shall be established by rendering a straight line between the corners of the primary adjacent structures, that are closest to the river, on both sides of an individual lot proposed for construction, as follows: (If either adjacent lots are unimproved, then the dwelling on the next lot having river frontage shall be used.)

1. *Single adjacent corner.* In the case where an adjacent structure has only one corner that abuts both the waterfront side and that side lot line of the proposed new construction, then that corner shall be used for the Waterfront Setback Line.
2. *Multiple Setback Determination.* In the case where an adjacent structure has more than one corner that abuts both the waterfront side and that side lot line of the proposed new construction, then the following shall be used to determine the setback point of measurement:
  - a. If the new construction is proposed to be parallel with, or further from the river, than the existing adjacent structure, the corner closest to the river (of the adjacent structure) shall be used for the setback point of measurement. (See Diagram)
  - b. If the new construction is proposed to be closer to the river than parallel to the existing adjacent structure, then the averaged difference of the midway point, between the corners, (of the adjacent structure) shall be used for the setback point of measurement. (See 6.11.1. Waterfront Setback Diagram)

B. *Existing Setback Determinations.* Additions to existing structures may also be approved by the Building inspector, in compliance with the above regulations and the following:

- 1 *Line of Sight.* Existing structures that extend further toward the river than the waterfront setback line, as described above, may have additions constructed provided they comply with the following. They may not extend past the line of sight, from the river front of the existing structure to a point that is midway on that side of the adjacent structure, measured front to back, or the actual setback line, whichever is greater. (See 6.11.1. Waterfront Setback Diagram)
- 2 *New Stories.* New stories to existing structures may only be constructed if they comply with the New Construction Setback Determination listed above or if the average elevation of the height of the improvement shall be no higher than the elevation of the lowest floor of the adjacent structure of that abutting lot line.

6.11.2. WATERFRONT ACCESSORY STRUCTURES. The following accessory structures are permitted on waterfront lots subject to the requirements listed below.

- A. *Limitations.* Each Detached Accessory Structure, on a "Waterfront Lot", shall comply with the requirements listed in "Section 6.2. Accessory Structures and Uses." unless specifically restricted or exempted herein. The total square footage of all Detached Accessory Structures combined, on a "Waterfront" parcel, shall not exceed the Maximum Allowable Floor Areas listed in 6.2.1.C.1. Schedule of Detached Accessory Structures Regulations.
- B. *Front yard setback.* Accessory structures shall be permitted at any location in the setback between the abutting road right-of-way and the main building providing all other front and side yard setback requirements listed elsewhere in the ordinance are met.
- C. *Waterfront Improvements.* Additional accessory structures, such as fencing not exceeding a maximum visual impairment of thirty percent (30%) and not exceeding five (5) feet in height, as well as decks, unenclosed porches, balconies, patios, pools, and other similar improvements shall be permitted to project in the required yard abutting the river, subject to review, approval and the issuance of a building or zoning permit in compliance with the following:
1. *Building Department Review.* Should the proposed residential dwelling or improvement extend into the "Waterfront Setback" as listed above, the Building Official may approve the improvement in compliance with the other requirements listed above and subject to the following:
    - a. The improvement cannot exceed one story.
    - b. The average elevation of the height of the improvement shall be no higher than the elevation of the lowest floor of the adjacent dwellings.
  2. *Planning Commission Review.* All chain link and decorative fencing exceeding five (5) feet in height or a maximum visual impairment of thirty percent (30%), and all decks, unenclosed porches, balconies, patios, pools and other similar improvements that do not meet the requirements listed above, for approval by the Building Department, shall be subject to an "Improvement Review" by the Planning Commission, prior to construction taking place, in compliance with the following:
    - a. Improvements. Approval shall be granted to the above improvements that do not unreasonably impair access of adjacent dwellings to light and air, or to a view of the river.
    - b. Boathouses and Accessory Structures. A covered or uncovered boathouse or accessory structure shall be permitted subject to the above and the following requirements:
      1. Boathouses may be located abutting and extending over the watercourse.
      2. All structures shall be located a minimum of five (5) feet from the side property lines or ten (10) feet if docking is located on the side of the structure facing the property line.
      3. All such structures shall not exceed a maximum of ten (10) feet in building height as defined in this ordinance, measured from the adjacent average grade surrounding the structure on land.
      4. The total of all enclosed accessory structures on the water side of the parcel shall not exceed a total of one thousand (1000) square feet, of which no more than four hundred (400) square feet may be enclosed with a solid floor or located over land area.
      5. A second floor shall not be permitted in boathouse nor shall a boathouse have sanitary facilities that are self-contained or connected to a sanitary sewer system.
      6. A building permit for a boathouse shall not be issued unless and until the applicant has complied with all other applicable Federal, State and Local codes and agencies, including but not limited to the State Building Code, US Army Corp of Engineers, the DEQ and County Departments.

6.11.3. APPEALS. Appeals or variances for all items related to the above regulations of St. Clair Township, due to denial or restriction of such improvements shall be taken to the Zoning Board of Appeals unless specifically stated otherwise.

#### **Section 6.12. Livestock or Farm Animals.**

The keeping of livestock or farm animals shall conform to the following minimum requirements.

6.12.1. REGULATIONS. Raising of livestock or farm animals in the RU, RS-1 and RS-2 districts shall conform to the following regulations:

	5 - 6.99	7 - 8.99	9 - 9.99
Type of Animal	Acres	Acres	Acres

Horse	2	3	4
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The following numbers are equivalent to horses

Cattle(dairy, feeder, slaughter)	2	3	4
Swine	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying Hens	30	60	90
Ducks	5	10	15
Ostrich, emu, llama, alpaca	2	4	6

**Section 6.13. Visibility.**

No structure, wall, fence, sign, shrubbery or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection.

6.13.1. CORNERS. For residential corner lots this unobstructed area will be a triangular section of land formed by the two (2) street curb lines and a line connecting them at points twenty-five (25') feet from the intersection of said curb lines.

6.13.2. EXCEPTIONS. Shrubby and low retaining wall not exceeding two and one-half (2-1/2") feet in height above the curb level will be permitted. Shade trees will be permitted where all branches are not less than eight (8') feet above the street level.

**Section 6.14. Signs.**

All outdoor signs, including advertising structures, billboards, displays, and others which advertise a business, commercial venture or name of a person or persons shall be regulated as follows:

6.14.1. GENERAL REGULATIONS. All signs erected shall conform to the following regulations:

- A. Permits Required. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all signs shall be approved by the Zoning administrator if they conform to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
- B. Setback. All signs shall be set back at least five (5') feet from all public or private road right-of-way or easement lines and from all interior lot or property lines without ZBA approval. No sign shall overhang any public right-of-way unless approved by the Township Board.
- C. Height. No sign, unless otherwise permitted, shall exceed the maximum height limitations of the zoning district in which it is located.
- D. Maintenance. If the Code Enforcement Officer finds any sign which no longer advertises a bona fide business or product or which is found to be unsafe or properly maintained, or contains any obscene matter, or is constructed in violation of any provisions of the ordinance, he shall give written notice to the owner of the property to remove the sign. If the owner fails

to remove the sign within 10 days of the notice the Code Enforcement Officer may remove the sign at the expense of the owner. Any sign which is of immediate danger to person or property may be removed without notice at the expense of the owner.

- E. Temporary Signs. A temporary development sign not exceeding one hundred (100) square feet in area may be permitted subject to renewal, providing it conforms to conditions established by the Building Inspector in harmony with this Ordinance and that there are building or home sales continuing in the development being advertised.

6.14.2. SIGNS PERMITTED BY DISTRICT. The following signage is allowed only as listed and in the areas specified.

A. Residential District signage is permitted as follows:

1. No signs shall be illuminated by other than continuous indirect white light nor shall it contain any visible moving parts.
2. For permitted principal uses other than dwellings and for permitted uses after special approval, one (1) bulletin or announcement board not exceeding twelve (12) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half (1/2) the required front yard setback nor nearer the side lot line than the required side yard setback.
3. In the Multiple-Family areas, one (1) ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. Such sign indicating the name of the multiple housing development shall not exceed thirty-two (32) square feet in area.

B. General Business District outdoor signage is permitted as follows.

1. Freestanding, accessory signs or advertising pylons shall be no closer than one hundred (100') feet to any adjacent residential district and shall be no larger than one hundred (100) square feet in area.
2. Commercial billboard structures and signs are permitted subject to all limitations of the district, and shall be no closer than two hundred (200') feet to adjacent residential districts. Non-accessory signs shall be permitted but shall be spaced no closer than one thousand (1,000') feet between signs on the same side of the road right-of-way.

6.14.3. EXEMPTIONS. The following signs do not require the issuance of a permit provided they comply with the other requirements of the Ordinance.

A. Signage for essential services shall be permitted in any District as authorized and regulated by law and other ordinances of the Township.

B. Advertising signs for service clubs, churches, fraternal organizations and similar organizations are permitted in all zones provided they do not exceed 12 square feet. All other signage is subject to the approval of the Planning Commission, providing such signs conform to the conditions established by the Commission to secure harmony with this Chapter.

C. Signs advertising real estate for sale or directing the public to such real estate are permitted in all districts, provided they are used only during the construction of a building or buildings or the offering for sale of real estate and provided they are not larger than five (5) square feet in area.

D. Temporary Political Signs are allowed provided they are removed within 7 days after the election.

E. Professional Name Plates not exceeding 4 square feet in area.

F. One sign designating the architect, engineer or contractor in charge when placed on work under construction and not exceeding 12 square feet in area.

- G. For each dwelling unit, one (1) name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
- H. Professional nameplates or directional signage not exceeding 2 square feet in area.

**Section 6.15. Area, Height and Use Exceptions Permitted.**

The following exceptions to the ordinance are permitted subject to the regulations listed.

6.15.1. PATIOS. Paved terraces and patios shall be permitted to encroach upon the required yard area provided:

- A. The paved area is unroofed and without walls, parapets, or other forms of solid, continuous enclosure that so link the paved area to the principal building that an enclosed area is formed, appearing functionally a part of the principal building;
- B. The highest finished elevation of the paved area is not over three (3) feet above the average surroundings finished ground grade;
- C. No portion of the paved area is closer than four (4) feet from any lot line.

Exception. The paved areas may have an open railing or fence not over three (3) feet high, and may have non-continuous windbreak or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half of the perimeter of the paved area.

6.15.2. UNENCLOSED PORCHES. Unenclosed porches, roofed or unroofed, may project into a required yard area a distance not to exceed Ten (10) feet, provided:

- A. The porch is unenclosed, no higher than one story, and is erected on piers;
- B. The porch shall not be closer than four (4) feet at any point to any lot line;
- C. That no building shall have more than one (1) porch in any one yard.

6.15.3. ENCLOSED PORCHES. Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed, shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

6.15.4. ARCHITECTURAL FEATURES. Architectural features including bays, attached eaves, cornices, and gutters sills, belt-courses, chimneys and similar structural features, may project into any required yard area not more than two (2") inches for each one (1') foot of width of such yard area up to a maximum of three (3) feet, provided that the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall.

6.15.5. EXITS. Fire escapes, outside stairways, and balconies, if of open construction, may project into any one required yard up to a maximum of five (5) feet.

6.15.6. SUPPLEMENTARY HEIGHT REGULATIONS. The following structural appurtenances shall be permitted to exceed the height limitations for authorized uses in any district as allowed by this ordinance.

- A. Those purely ornamental in purpose such as church, spire, belfries, domes, cupolas, ornamental towers, flag poles, and monuments.
- B. Those necessary to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennae, electronic devices, heating and cooling units, and fire towers.

- C. Those necessary for proper building design such as cornices and parapet walls which shall not exceed the height limitations by more than five (5) feet and shall have no window openings.
- D. Commercial Broadcast Radio, Television, and Cellular Telephone Towers subject to the regulations set forth in other portions of the ordinance.

6.15.7. CARNIVALS, CIRCUSES, PUBLIC MEETING TENTS, AND SPECIAL COMMERCIAL OUTDOOR SALES EVENTS.

- A. Carnivals, circuses and public meeting tents shall be located on a site of sufficient size to safely accommodate the event, including its tents vehicles, structures, any areas needed for the keeping and caring of animals, setbacks and off-street customer and employee parking, and shall comply with the following requirements.
  - 1. At the discretion of the Building Official, all tents, vehicles and structures used in conjunction with a carnival, a circus or a public meeting tent may be required to meet the minimum applicable building setback requirements of the zoning district in which it is located, except when the site shall abut land that is occupied by a residential development, or by residential homes, all the minimum setback requirements of the district shall apply.
  - 2. Access to the site shall be from an arterial street as identified in the Township Master Plan.
  - 3. All parking shall be off-street and on site or on land directly abutting the site shall be laid out so as to permit safe and efficient access to all parking spaces by access lanes which shall be kept open at all times to facilitate an efficient flow of traffic. At the discretion of the Building Official, the event may be required to provide a sufficient number of persons on site to direct vehicles to designated parking areas.
- B. Special Commercial Outdoor Sales Events: A temporary permit issued by the Township Building Officials shall be required for any special short term outdoor sales event, or tent sales event involving the sale of merchandise by a commercial store or outlet, but not including the usual outdoor sales area of a motor vehicle or mobile home business, a bona fide flea market or auction. When reviewing an application for a temporary special commercial outdoor sales event, the Building Official, or when requested, the Planning Commission, shall find that the following conditions are met.
  - 1. The temporary permit shall be obtained not less than ten (10) days prior to the first day of such sale.
  - 2. All such sales shall be conducted on the same premises with the commercial outlet.
  - 3. If conducted on a public sidewalk located within a public right-of-way, permission shall first be gained in writing from the agency in control of the right-of-way and all applicable conditions and controls set forth by the agency shall apply.
  - 4. No such sale shall be conducted by any business more than two (2) times in one (1) calendar year.
  - 5. Each such sale be conducted on consecutive days but no such sale shall be conducted for more than four (4) consecutive days.
  - 6. No special sales event conducted by any business shall be conducted within ninety (90) days from the last day of the last sale conducted by the business.
  - 7. All special sales event items shall be placed inside a secured area at the end of each sale day.
  - 8. Food or beverage sold in conjunction with a special sales event shall comply with all applicable health codes. Trash containers shall be strategically located through out the sales event area.
  - 9. Temporary signs advertising the special sales event may be erected up to twenty four (24) hours before commencement of a special sales event. All such signs shall be removed within twelve (12) hours following the end of the last day of the special sales event.
  - 10. All flammable materials or liquids kept or used during a special sales event shall be

stored in approved containers.

11. The area of a special sales event shall not extend into any minimum required front yard or exterior side (street side) yard setback.
12. The area of a special sales event shall not cover more than twenty five (25) percent of the surface area of any parking lot and when located in a parking lot shall be set up in a manner that will allow convenient and safe access to the remaining parking spaces.

6.15.8. INTERPRETATION OF BUILDINGS OR STRUCTURES. Dog houses, birdhouses, tree houses and similar type buildings or structures including tents used exclusively for private enjoyment or outdoor recreational pursuits shall be exempt from the application of this Ordinance.

**Section 6.16. Temporary Use Approval For Construction Trailer Offices And Storage Trailers.**

Trailers used as a temporary construction office, or as a temporary residence of a watchman or foreman during construction, or for the secured storage of materials or equipment at a construction site or site improvement project during construction of site or site improvements, may be issued temporary permits for the time periods specified in this section by the Township Building Official.

- 6.16.1. Before issuing a temporary permit the Building Official shall find the request to be in compliance with the following conditions where applicable. Furthermore, during review of an application for a temporary permit, the Building Official may at his discretion, request the review and recommendation of the Township Planning Commission regarding a request for a temporary permit.
  - A. Construction Site: A temporary permit to bring trucks, truck trailers or trailers with or without wheels on a construction site for office use, to secure or store construction equipment or materials used in the construction project, or as a temporary office of a watchman or construction foreman, may be issued by the Township Building Official, subject to the following conditions.
    1. The truck, truck trailer or trailers with or without wheels are structurally sound and meet all applicable codes and ordinances.
    2. Any permit issued for a trailer used as an office, of a construction foreman or watchman shall be an annual permit that will terminate six (6) months after date of issuance by the Township; Except, one (1) month extensions may be granted by the Township upon application for an extension by the applicant at least thirty (30) days before the date of termination.
    3. Except as otherwise required in the subsection, the permit need not display a specific termination date, but shall automatically terminate fourteen (14) days after the date an occupancy permit is issued for the building or if not a building, the date on which the construction project is accepted by the entity for whom the project has been constructed. On or before the end of the automatic termination day all trucks, truck trailers or trailers for which any temporary permit was issued shall be removed from the site.
    4. Adequate areas shall be provided at any truck, truck trailer, or trailer or trailer that will be used as an office for off street parking. Parking shall be provided for each such use in accordance with the applicable numerical off-street parking requirements of this Ordinance Code and the parking spaces and any service drive(s) to the parking spaces shall be maintained in a manner that will permit access to be gained to the parking spaces.
    5. No truck, truck trailer or trailer shall be placed on the site in a manner will violate the restricted clear corner vision requirements of the Ordinance Code, or in anyway jeopardize the health, safety and general welfare of persons working at the construction site.