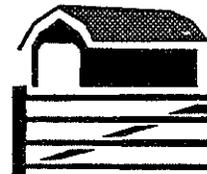
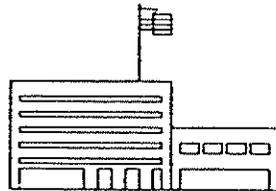
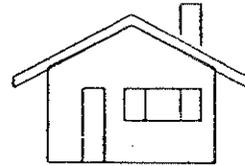
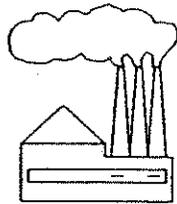


# BROCKWAY TOWNSHIP



# ZONING ORDINANCE

AS AMENDED 1-23-91

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ZONING ORDINANCE  
TOWNSHIP OF BROCKWAY  
ST. CLAIR COUNTY, MICHIGAN

TITLE

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Brockway, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

PURSUANT to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purposes of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township of Brockway by protecting and conserving the character and social and economic stability of the residential, commercial, agricultural, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan now therefore:

ENACTING CLAUSE

THE TOWNSHIP OF BROCKWAY ORDAINS:

ARTICLE I

SECTION 1.01    SHORT TITLE:

THIS Ordinance shall be known and may be cited as the Township of Brockway Zoning Ordinance.

## ARTICLE II

### SECTION 2.01    CONSTRUCTION OF LANGUAGE:

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

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

### SECTION 2.02    DEFINITIONS:    SEE APPENDIX.

ARTICLE III  
ZONING DISTRICTS AND MAP

SECTION 3.01    DISTRICTS ESTABLISHED:

For the purpose of this Ordinance, the Township of Brockway is hereby divided into the following districts:

Residential Districts

AG    Agricultural District  
R     Residential District  
RC    River Conservation District

Non-Residential Districts

B     General Business District  
I     General Industrial District

SECTION 3.02    DISTRICT BOUNDARIES:

THE boundaries of these districts are hereby established as shown on the Zoning Map, Township of Brockway Zoning Ordinance which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

THE Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of the Zoning Ordinance of the Township of Brockway (include date of adoption)". If, in accordance with provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Township Board, the following change(s) were made (brief description with reference number to Board proceedings)".

SECTION 3.03    DISTRICT BOUNDARIES INTERPRETED:

WHERE uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1. through 4. above, the Board of Zoning Appeals shall interpret the district boundaries.
6. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 3.04    DISTRICT REQUIREMENTS:

ALL buildings and uses in any district shall be subject to the provisions of ARTICLE XVI, "GENERAL PROVISIONS", and ARTICLE XVII, "GENERAL EXCEPTIONS".

ARTICLE IV  
AG, AGRICULTURAL DISTRICT

SECTION 4.01 STATEMENT OF PURPOSE:

The Agricultural District encourages farms on land resources needed for agricultural production, fosters rural life styles, and prevents encroachment from untimely suburban and urban development. Land uses commonly found within the Agricultural District include farming, woodland, rural estates, open space, outdoor recreation and similar extensive land uses. In the future, based upon the Township's Comprehensive Development Plan, Agricultural Districts may be converted to other zoning districts to accommodate expansion of urban and suburban areas.

SECTION 4.02 PERMITTED USES (defined in Section 16.23):

THE following uses are permitted in the Agricultural District:

1. Farms (definition #48) when located on a parcel of land greater than ten (10) acres in area located outside the boundaries of either a proprietary or supervisor's plat.

A farm shall be subject to the health and sanitary regulations of St. Clair County and the State of Michigan. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by State approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises).

The keeping of a horse, for the purpose of this ordinance, shall also constitute a farm and require at least ten (10) acres for the first two horses plus one (1) acre for each additional horse.

2. Farm buildings and greenhouses.
3. Sale of agricultural products raised or grown on the farm premises and agriculture-related items; when carried on entirely within the farm dwelling or accessory buildings (including roadside stands), and only when carried on as an accessory use to a farm.

In the case of roadside sales and roadside stands, the sale shall not extend for more than nine (9) months. The roadside stand shall be located not less than 10' from the road right-of-way; and an open area for patron's parking shall be provided subject to the same 10' set-back. All structures or buildings used for the sale shall be of portable construction, temporary, non-permanent, and not anchored to the site. Said structures must be removed from the front yard of the premises within thirty (30) days from the termination of the sale.

4. Single-family detached dwellings. Requirements that a single-family dwelling must meet to locate in this district are included in the definition of single-family dwelling (definition 42). Additional requirements related to area, height, and placements on a lot are given under Article XIII. A plot plan is required under Section 18.08.
5. State licensed residential care facilities for six (6) or fewer persons.
6. Garage sales, yard sales, or similar types of sales, provided that no such sale shall take place for a period of more than four (4) days and no residence shall be permitted more than three (3) such sales per year.
7. Home occupations as defined and as regulated in Section 2.02(62).
8. Public and Parochial elementary, intermediate and secondary schools.
9. Publicly owned and operated parks, parkways, and recreational facilities.
10. Accessory uses, buildings and structures (definition #1) customarily incidental to any of the above uses when located on the same property. (See note (R), Section 13.02).

**SECTION 4.03 SPECIAL APPROVAL USES (definition #130):**

SPECIAL APPROVAL USES are permitted subject to the procedures set forth in Article XIV (Sections 14.01 to 14.09), which include a public hearing. A site plan is required for all special approval uses (Section 18.06).

SECTION 14.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified (Sections 14.10 - 14.50 and in this section below).

The following uses are special approval uses in the Agricultural District:

1. Raising of livestock and farm animals (but not including feedlots) on parcels of ten (10) acres or less provided that no livestock buildings are located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition.
2. Feedlots and raising of fur bearing animals as provided in Section 14.20.
3. Summer housing and migratory labor camps used for seasonal labor, between April 1st and November 15th, provided that any such building or structure complies with the following regulations:
  - a. All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and with sewage disposal facilities which are no less than those required by the St. Clair County and State of Michigan Health Departments.

- b. All buildings or structures shall be so located so as to comply with regulations for structures in an Agricultural District as set forth Article XIII, with the exception that no building shall be located nearer than fifty (50) feet to any side property line.

4. Public and commercial-stables, kennels and animal clinics as provided in Section 14.27
5. Quarries, mining, and extraction as provided in Section 14.15.
6. Large scale outdoor recreational uses, as provided in Section 14.26.
7. Gun clubs, shooting and archery ranges as provided in Section 14.26
8. Combat game areas as provided in Section 14.41.
9. Cemeteries when located on sites of fifty (50) acres or more, as provided in Section 14.43.
10. Personal Use Aircraft Landing Fields as provided in Section 14.49.
11. Public Use Airports as provided in Section 14.50.
- 11A. A Pond greater than one (1) acre involving soil removal off-site or a pond in excess of three (3) acres, or multiple ponds, all subject to Section 16.24.

**Note:** The special approval uses listed below are also special approval uses in the Residential District.

12. Nursery schools, day nursery, and child care centers (definition #106) as provided in Section 14.28.
13. Hospitals as provided in Section 14.32.
14. Bed and Breakfast Establishments as provided in Section 14.18.
15. Boarding and Lodging Houses (definition # 22), Rooming Houses (definition # 124), Tourist Homes (definition # 142), as provided in Section 14.31.
16. Orphanage, foster home, homes for the aged, indigent, physically or mentally handicapped as provided in Section 14.30. (Note: State licensed residential care facilities for six (6) or fewer persons are a permitted use under Section 5.02 above.)
17. Churches and public buildings as provided in Sections 14.22 and 14.23.
18. Public and private colleges and universities as provided in Section 14.29.
19. Golf courses, not including driving ranges or miniature golf courses as provided in Section 14.24.
20. Private non-commercial recreational areas as provided in Section 14.25.
21. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, and gas regulator stations, but not

including storage yards; when operation requirements necessitate the locating within the district in order to serve the immediate vicinity as provided in Section 14.18.

22. High pressure gas or high voltage electric transmission lines as provided in Section 14.10.
23. Uses which, in the opinion of the Planning Commission after making findings of fact, are similar to the above Special Land Uses in this Section.
24. Accessory buildings, structures (definition #1), and uses customarily incident to the above uses. See note (R), Section 13.02.
25. A Pond greater than one (1) acre involving soil removal off-site or a pond in excess of three (3) acres, or multiple ponds, all subject to Section 16.24.

**SECTION 4.04**      **AREA, HEIGHT, AND PLACEMENT REQUIREMENTS:**

IN ACCORDANCE with the attached Schedule of Regulations, Article XIII.

**ARTICLE V  
RC, RIVER CONSERVATION DISTRICT**

**SECTION 5.01 STATEMENT OF PURPOSE:**

THE purpose of this district is to preserve the natural character and beauty of areas having high degree of environmental quality; to protect the clarity and purity of the watercourses by minimizing bank erosion and sedimentation; and to protect the economic value and the scenic quality of the stream banks and basins for the community and its property owners. The district regulations are designed to insure that land will be developed in a manner having the least possible impact on natural resources.

**SECTION 5.02 PRINCIPAL PERMITTED USES (defined in Section 16.23):**

1. Farms (definition # 48) when located on a parcel of land greater than ten (10) acres in an area located outside the boundaries of either a proprietary or supervisor's plat.
2. Sale of agricultural products, subject to requirements given under Section 4.02.3.
3. Single family detached dwellings (definition # 42), provided that all structures are set back fifty (50') feet from the edge of any embankment identified as an escarpment or a "Short Steep Slope" on the St. Clair County Soil Survey 1974. Additional requirements are given under Section 4.02.4.
4. Home occupations as defined and as regulated by Section 2.02 (62).
5. Garage sales, yard sales, or similar types of sales, provided that no such sale shall take place for a period of more than four (4) days and no residence shall be permitted more than three (3) such sales per year.
6. Boat and canoe liveries.
7. Forest and game management areas, hunting preserves, and wildlife refuges.
8. Publicly owned and operated parks, parkways, and recreational facilities.
9. Accessory uses, buildings, and structures (definition # 1) customarily incident to any of the above uses when located on the same property. (See note (R), Section 13.02).
10. A Pond of up to three (3) acres, subject to Section 16.24, except that no soil removal off-site shall be permitted.

**SECTION 5.03      SPECIAL APPROVAL USES (definition 130):**

SPECIAL approval uses are permitted subject to the procedures set forth in Article XIV (Sections 14.01 to 14.09), which include a public hearing. A site plan is required for all special approval uses (Section 18.06). Section 14.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in Sections 14.10 - 14.50 and in this section below.

The following uses are Special Approval Uses in the River Conservation District:

1. Raising of livestock and farm animals (but not including feedlots) on parcels of land ten (10) acres or less provided that no livestock or animals' buildings are located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings shall be kept in a well maintained condition.
2. Golf courses as provided in Section 14.24. Miniature golf courses and golf driving ranges as provided in Section 14.33.
3. Large scale outdoor recreational uses, such as provided in Section 14.26. Campground and travel trailer park lots shall be set back fifty (50') feet from the edge of any embankment identified as an escarpment or a "Short Steep Slope" on the St. Clair County Soil Survey 1974.
4. Public and commercial stables, kennels and animal clinics as provided in Section 14.27.
5. Gun clubs and shooting and archery ranges as provided in Section 14.42.
6. Tourist homes (definition #138), and bed and breakfast establishments as provided in Section 14.31.
7. Private non-commercial recreation areas as provided in Section 14.25.
8. Cemeteries when located on sites of fifty (50) acres or more as provided in Section 14.43.
9. Uses which the Planning Commission determines are similar to and compatible with the intent of this Section and the Special Land Uses in this Section, based upon findings of fact regarding the specific standards that shall apply.
10. Accessory buildings, structures (definition #1), and uses customarily incident to the above uses. (See note (R), Section 13.02.)
11. A Pond in excess of three (3) acres, or multiple ponds, or a pond involving soil removal off-site, all subject to Section 16.24.

SECTION 5.04    REQUIRED CONDITIONS:

1. No structure shall be erected or maintained within fifty (50') feet from a stream bank or from any embankment identified as an escarpment or a "Short Steep Slope" in the 1974 St. Clair County Soil Survey, whichever is greater. Before issuance of a building permit, the proprietor shall submit a plot plan (Section 18.08) or site plan (Section 18.06) to the Zoning Administrator or Planning Commission, as applicable, showing the proposed location of any dwelling unit or other structure in relation to the stream bank, escarpment, steep slope, woodland and/or floodplain boundaries where applicable.
2. Any land owner or developer who contracts for, allows, or engages in an earth change in this district shall obtain a permit from the St. Clair County Department of Public Works prior to commencement of an earth change which is within five hundred (500') feet of a lake or stream of this County, or, said owner or developer shall otherwise comply with Michigan's Soil Erosion and Sedimentation Control Act.
3. The part of the lot which lies within fifty (50') feet of the stream bank shall be maintained in its natural condition and shall not be filled or excavated except as needed for underground utilities. No change shall be made in the natural grade. A lot shall be regarded as maintained in its natural wooded condition at any time when there is at least one (1) tree or shrub having the height of at least fifteen (15') feet for each five (5') feet of stream frontage or fraction thereof on the same side of the stream and within fifty (50') feet of the stream bank.

SECTION 5.05    AREA, HEIGHT, AND PLACEMENT REQUIREMENTS:

IN ACCORDANCE with the attached Schedule of Regulations,  
Article XIII.

**ARTICLE VI  
R, RESIDENTIAL DISTRICT**

**SECTION 6.01 STATEMENT OF PURPOSE:**

THE Residential District encourages the construction of and the use of the land for, dwellings at a density without overcrowding, where public facilities can be provided at reasonable cost to the owner or developer

THE Residential District seeks to protect an environment conducive to the enjoyment of home and family living by discouraging heavy traffic on local residential streets; by not allowing new commercial, industrial and other uses which interfere with residential uses; and by phasing-out already existing non-conforming uses.

IN the Residential District special provision is made for uses that, because of their character or size, create a need for public facilities and services that are significantly different from that anticipated from single-family developments. Such needs include: fire and police protection, water supply, wastewater collection and treatment, streets.

**SECTION 6.02 PERMITTED USES (defined in Section 16.23):**

1. THE permitted uses in a Residential District are those permitted in the Agricultural District under Section 4.02, excluding Ponds
2. A Pond of less than one (1) acre with soil removal off-site or a pond of three (3) acres or less without soil removal off-site.

**SECTION 6.03 SPECIAL APPROVAL USES (definition #130):**

SPECIAL approval uses are permitted subject to the procedures set forth in Article XIV (Sections 14.01 to 14.09), which include a public hearing. A site plan is required for all special approval uses (Section 18.06). Section 14.06 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in Sections 14.10 - 14.50 and in this section below.

1. Two-Family Dwellings (definition #43) and as provided in Article XIII and Section 14.45.
2. Multiple-Family Dwellings (definition # 43) and as provided in Article XIII and Section 14.47.
3. Mobile Home Parks (definition # 95) as provided in Article XIII and Section 14.48.
4. Additional special approval uses as listed and as regulated under Section 4.03 (#12 - #23).

**SECTION 6.04 AREA, HEIGHT AND PLACEMENT REQUIREMENTS:**

IN accordance with the attached Schedule of Regulations, Article XIII.

ARTICLE XIII  
B, GENERAL BUSINESS DISTRICT

SECTION 8.01 STATEMENT OF PURPOSE:

THE General Business District, as established in this Article, is intended to be that district permitting a wide range of business activities. Permitted within the General Business District are the kinds of businesses associated with planned shopping centers as well as "downtowns" or city central business areas. The permitted uses may serve nearby residential areas, as well as customers from a much larger market area.

THE location of General Business Zoning Districts is appropriate at the intersection of highways, since the permitted uses generate vehicular and pedestrian traffic, and some establishments have a tendency to cluster together and can be served by a common parking area. Alternately, such districts may also be located along state or county highways, which create business sites easily accessible to customers. General Business Districts are intended to be isolated and buffered from adjacent residential areas where noise and traffic could be disturbing or a hazard.

THE mapped General Business Districts in the Township recognize established highway business uses and proposed business concentrations based on the Township's Comprehensive Development Plan. Such districts are proposed to meet future needs for a variety of business sites; to accommodate growth in the region's economy; and to serve a community of households and people increasing in numbers and purchasing power.

SECTION 8.02 PERMITTED USES:

IN the General Business District, no building or land shall be erected or used except for one or more of the following uses listed below.

NEIGHBORHOOD-TYPE BUSINESSES

1. Hardware store (525).
2. Variety store (533).

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Notes:

- The parenthetical number (000) listed by each use is taken from the Standard Industrial Classification (SIC) Manual, 1972, published by the U.S. Dept. of Management and Budget and is given for precision in identification.
- Special Land Use Approval shall be required (under Section 8.03) where it is determined by the Planning Commission that effects of a particular use of the land may tend to extend beyond the site.

3. Grocery store (541), except supermarkets.
4. Candy, nut and confectionary store (544), except popcorn stands.
5. Dairy product store (545).
6. Retail bakery (5463), except pretzel stands.
7. Drug stores and proprietary store (591).
8. Beauty shop (723).
9. Barber shop (724).
10. Coin-operated laundries and dry cleaning (7215).
11. Branch offices of banks and savings and loans, and credit unions (602-603).
12. Florists (5992).
13. Miscellaneous retail stores:
  - a. Liquor store (5921).
  - b. Sporting goods store and bicycle shop (5941).
  - c. Book store (5942).
  - d. Stationery store (5943).
  - e. Jewelry store (5944).
  - f. Hobby, toy and games shop (5945).
  - g. Gift, novelty and souvenir shop (5947).
  - h. Luggage, and leather goods store (5948).
  - i. Sewing, needlework and piece goods store (5949).
- 13.1 Bed and breakfast establishments subject to requirements given in Section 14.51.

OFFICE AND RELATED USES

14. Office buildings for any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales.
15. Medical office, including clinics, but not animal clinics.
16. Banks, credit union offices, savings and loan associations, stock brokerage, and similar uses.
17. Art shops and photographic studios (except those defined as adult entertainment uses), and interior decorating studios.
18. Publicly owned buildings, telephone exchanges, and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
19. Personal service establishments including barber shops, beauty shops, and health salons (except those defined as adult entertainment uses).

GENERAL BUSINESS USES

20. Paint, glass and wallpaper store (523).
21. Retail nurseries, lawn and garden supply store (526).
22. General merchandise store (539).
23. Meat and fish market (542).
24. Fruit store and vegetable market (543).
25. Retail bakery (546).
26. Food store (549).
27. Apparel and accessory store (56).
28. Furniture, home furnishings and equipment store (57).
29. Eating and drinking places (58) except drive-in, fast food, or carry out restaurants, and except those adult-oriented entertainment uses permitted after special approval as provided in Section 8.03(7).
30. Retail store (59), except secondhand automobile accessories and parts, used brick, lumber, and building materials, used tires and (5963) and (598).
31. Real estate and developer office.
32. Personal services (72), except (7216) through (7218), escort services, massage parlors, and tattoo parlors.
33. Business services (73), except (7312) and (7397).
34. Passenger car rental (7512)
35. Automobile parking for fee (7523).
36. Electrical repair shops (762).
37. Watch, clock, and jewelry repair (763).
38. Re-upholstery and furniture repair (764).
39. Small repair shop (7699), except blacksmith, boiler repair, cesspool cleaning, brick cleaning, horseshoeing, motorcycle repair, replating, septic tank cleaning, and tractor repairing.
40. Videotape, and phonograph record rental shop, except rental of adult motion pictures as defined in Section 2.02.
41. Dance halls, studios and schools (791).
42. Theatrical producers (792).

43. Museums and art galleries (8411).
44. Membership organizations (86)(definition #89), including community service clubs.
45. Miscellaneous services (89).
46. Flea Markets (definition #50).
47. Mobile Home and Manufactured Home Dealerships (527).
48. Temporary Outdoor Sales: The temporary outdoor display and sale of live plants, cut flowers, or Christmas trees, which are not part of an otherwise approved open-air business (see definition #109, Section 8.03 and Section 14.40), provided such display or sale is for a period of not more than sixty (60) days per year.
49. Open Air Business Uses (see definition #109) except those permitted by under Section 8.03(3) as special approval uses provided that:
  - a. Outdoor display of merchandise shall be kept back at least eighty (80) feet from the centerline of all roads.
  - b. Outdoor storage shall be limited to the side or rear yard and totally enclosed with view-obscuring screening as specified by the Planning Commission based on Section 16.14, when adjacent to any residential district or open to public view.
50. Other similar uses, not permitted elsewhere, as determined by the Planning Commission provided that:
  - a. All establishments shall be business or service establishments dealing directly with consumers.
  - b. All business, servicing, processing, or fabrication except for off-street parking, loading, and those open-air uses permitted under special approval, shall be conducted within completely enclosed buildings.
51. Accessory uses, buildings and structures (see definition #1 and Sections 13.01 and 16.20). Included: Off-Street Parking and Loading (Section 16.19) and Accessory Signs.
52. Accessory signs customarily incidental to the above permitted uses only when they pertain to the sale, rental, or use of the premise on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed two hundred and fifty (250) square feet in area and be located not closer than one hundred (100') feet measured along the same side of the street to any residentially zoned district. Signs shall conform to the requirements of Section 16.26.
53. Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their constitution.

SECTION 8.03    SPECIAL APPROVAL USES:

THE following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan and subject to the procedures and provisions of Article XIV.

1. Nursery school, day nursery, and child care center as provided in Section 14.28.
2. Lumber and other building materials dealers (5211) as provided in Section 14.14.
3. Open air sale of recreational vehicles, motorcycles, or other motor vehicle sales areas (555 thru 559) other than, trucks, automobiles and homeowners' gardening equipment, etc. as provided in Section 14.40.
4. Department stores (5311).
5. Gasoline service stations (554) as provided in Section 14.35.
6. Drive-in, fast food, or carry out restaurants as provided in Section 14.39.
7. Adult bookstores (definition #2), adult motion picture theatres (definition #3), massage parlors (definition #87), nude modeling studios (definition #104), premises for nude entertainment (definition #115), and saunas or open bath houses (definition #126) all subject to the following regulations.

Intent: Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent area. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Regulations:

- a. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio, sauna or open bath house, or premises for nude entertainment except in the General Business District.
- b. No such uses may be permitted in the General Business District within one thousand five hundred (1,500') from any dwelling, church, school, playground, public park or youth center as measured from the lot line of the location of the proposed use.
- c. Any of the above stated adult entertainment uses shall not be located within a one thousand five hundred (1,500') foot radius of any other such use.
- d. Public display of merchandise for sale or viewing shall be prohibited.

- e. Additional requirement for advertising signs: No sign shall include language or graphics referring to either specified anatomical areas or specified sexual activities.
  
- 8. Direct selling establishments (5963).
- 9. Hotels (definition # 64), motels (definition # 99) and tourist courts (701) as provided in Section 14.19.
- 10. Personal services not previously described as a permitted use in this district (72). This includes mini-warehouses as provided in Section 14.44
- 11. Motor vehicle repair and service facilities not previously described as permitted uses in this district (75), except (7542) as provided in Section 14.36.
- 12. Repair services not previously described as permitted uses in this district (76).
- 13. Motion picture theaters (783), except drive-in theaters (7833).
- 14. Outdoor theaters (7833) as provided in Section 14.11.
- 15. Amusement and recreation centers and services not previously described as permitted uses in this district (79), except racing (7948) as provided in Section 14.33.
- 16. Gas or electrical transmission lines as provided in Section 14.10.
- 17. Telephone exchanges, and static transformer stations, gas regulator stations and other public utility buildings as provided in Section 14.18.
- 18. Motor vehicle washing, conveyor, or non conveyor type (7542) as provided in Section 14.34.
- 19. New automobile and truck agency sales and showrooms (551) as provided in Section 14.37.
- 20. Used automobile and truck sales (552) as provided in Section 14.38.
- 21. Veterinary clinics as provided in Section 14.27.
- 22. Junkyards, auto salvage or wrecking yards, waste or scrap recycling operations, and refuse transfer stations as provided in Section 14.16.
- 23. Particular uses (that may be listed under Section 8.02 above as Permitted Uses) where it is determined by the Planning Commission that the effects of the particular use will extend beyond the site.
- 24. Accessory buildings and accessory uses (see definition # 1 and Sections 13.01 and 16.20), including Off-street Parking & Loading (Section 16.19) and Accessory Signs (See Section 8.02.51 and Section 16.26).
- 25. Ponds.

SECTION 8.04 REQUIRED CONDITIONS: (Reserved for future use).

SECTION 8.05 AREA, HEIGHT AND PLACEMENT REQUIREMENTS:

ARTICLE XIII. IN accordance with the attached Schedule of Regulations,

ARTICLE XI  
I, GENERAL INDUSTRIAL DISTRICT

SECTION 11.01 STATEMENT OF PURPOSE:

THE General Industrial District is established as a district in which the principal uses allowed are wholesale activities, warehousing, manufacturing, fabrication or processing. For the General Industrial District, in promoting the general purpose of this Ordinance, the specific intent of this Article is:

- To control nuisance effects of warehousing, wholesale activities, and industry such as smoke, noise, odor, dust, dirt, glare, vibrations and other adverse effects so that such uses will be compatible with other land uses such as commercial or residential.
- To encourage industrial uses to locate on major highways so that traffic generated by these uses will not utilize local residential streets.
- To provide areas for industrial uses, which, because of the nature of their operation cannot control nuisance effects to the extent that they would be compatible with residential or commercial land uses.
- To provide areas in the Township where industrial uses requiring outdoor storage could locate.

SECTION 11.02 PERMITTED USES:

THE following uses are permitted in the General Industrial District:

1. Any of the following uses conducted wholly within a completely enclosed building.
  - a. Warehousing and wholesale establishments, and storage buildings (other than those accessory to an adjoining retail use). Mini-warehouses subject to standards under Section 14.44.
  - b. The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
  - c. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood or yarns.
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas.

- e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other small molded rubber products.
- f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stamping).
- g. Laboratories - experimental, film or testing.
- h. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- i. All commercial radio, television, and other transmitting or relay antenna towers, provided that the setbacks for such towers from all abutting streets or adjacent property shall be a distance of at least fifty (50') feet greater than the height of such tower.

Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform to the performance standards of the Township of Brockway governing noise, smoke, and other factors.

Electric power generating facilities together with all necessary uses.

- 2. Off-street parking and loading as required in Section 16.19.
- 3. Publicly-owned buildings, public utility buildings with service yards; water and sewage pumping stations.
- 4. Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises.

SECTION 11.03 SPECIAL APPROVAL USES:

THE following uses may be permitted by the Planning Commission after public hearing and review of the proposed site plan subject to the specified standards for each particular land use hereinafter itemized and subject to the general standards to guide the actions of the Planning Commission as specified in Section 14.06.

- 1. Lumber and building material dealers as provided in Section 14.14.
- 2. Gas or electrical transmission lines as provided in Section 14.10.
- 3. Outdoor theaters (except adult motion pictures theaters) as provided in Section 14.11.
- 4. Auto race tracks as provided in Section 14.12.
- 5. Horse and dog tracks as provided in Section 14.13.
- 6. Quarries as provided in Section 14.15.

7. Junkyards, auto salvage or wrecking yards, waste or scrap recycling operations, and refuse transfer stations as provided in Section 14.16.
8. Telephone exchanges and static transformer stations, gas regulator stations and other public utility buildings as provided in Section 14.18.
9. Public use airports as provided in Section 14.50.
10. Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises.
11. Ponds.

**SECTION 11.04     AREA, HEIGHT AND PLACEMENT REQUIREMENTS:**

**IN accordance with the attached Schedule of Regulations, ARTICLE XIII**

ARTICLE XIII

SECTION 13.01 SCHEDULE OF DISTRICT REGULATIONS LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT (A)\*

District	Minimum Lot Area (in acres)	Minimum Lot Size Width (in feet)	Minimum Yard Setbacks (B) (per lot in feet)			Rear Side (F)	Maximum Height of Structures (E) Stories	Maximum Lot Coverage By Buildings	Minimum Floor Area Per Unit
			Front (C)	Minimum Side (D)	Total of Two				
Farms	10.0	200(C)	(F)	(F)	(F)	2(G)	-	-	
Single-Family Dwellings (R)	1.00(C2)	200(C)	100	20	40	2	30%	840	
R, RESIDENTIAL: (R)									
Single-Family Dwellings:	1.00(C2)	200(C)	100	20	40	2	30%	840	
Two-Family Dwellings (H)	2.00	200(C)	100	20	40	2	30%	840	
Multiple Family Projects:	(I,J)	200(C)	100	25	50	2	30%	(K)	
Mobile Home Park Developments (L)	-	-	-	-	-	2	-	-	
B, GENERAL BUSINESS:			20(M,Q)	10(N)	20(N)	2	-	-	
I, GENERAL INDUSTRIAL:			30(O,P,Q)	15(P)	30(P)	2	50%	-	

\*FOOTNOTES TO THIS SCHEDULE ARE FOUND IN SECTION 13.02.

ARTICLE XIII  
SCHEDULE OF DISTRICT REGULATIONS

SECTION 13.02    NOTES TO SCHEDULE OF DISTRICT REGULATIONS:

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the building area, placement and height regulations of the district in which the building is located; and except in conformity with the lot area, width and coverage regulations of the district in which the building is located.
- B. For lots adjacent to any street or highway, the yard setbacks shall be measured from the right-of-way line for such street or highway to the building or structure on a lot.
- C. Frontage Requirements and Road Requirements.
1. (a) Frontage on Public Highway. Every lot or parcel of record created after the effective date of this Ordinance shall front upon an approved public road for the required width of the lot as provided in Section 13.01 of this Ordinance, except as provided in subparagraph (b) herein. Lot width shall be measured as defined in the definition of lot width in Article II of this Ordinance.
- (b) Every lot or parcel of record shall front upon either an approved public street or road, or an approved private road, except that where there is a lot or parcel of record that does not front upon such public or private street or road, one such lot or parcel may front upon a private drive, provided the lot shall be utilized only for purposes of one single family dwelling per lot or parcel and the private drive complies with the following:
- SEE INSERT**
2. Corner Lots, Frontage Requirements. Corner lots (see definition # 75) shall maintain not less than the minimum required front yard on all road frontages. Because of this requirement, corner lots shall not be less than two (2) acres in area and shall have a lot width of not less than two-hundred ninety - five (295) feet along all road frontages.
- D. Side Yards. In the case of a rear yard abutting a side yard, or where a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. (See illustration "Side Yards Abutting a Street".)
- E. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of "elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, individual, domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be

1. Such private drive has a permanent public road frontage of at least sixty-six (66) continuous feet for the driveway.
2. Such private drive has an aggregate or hard-surface driveway which is a minimum of twelve (12) feet wide and unobstructed between the road and the main building with a minimum canopy height of fifteen (15) feet, and which has a sixty-six (66) foot width which is reasonably capable of being converted to a public or private road.
3. Such private drive has a cul-de-sac or turn-around area with at least a seventy (70) foot radius.
4. Any lot must have a minimum of two hundred sixty-six (266) feet of frontage on an approved public road in order to designate a sixty-six (66) foot wide easement/driveway to serve a separate lot or parcel and no more than one (1) such sixty-six (66) foot driveway serving a separate lot or parcel shall be permitted on any parcel with the public road frontage.
5. A maximum of one (1) lot or parcel of record shall be permitted to be on or served by such sixty-six (66) foot private drive. Two (2) or more lots or parcels of record must be served by a public road or a private road meeting the private road requirements of Brockway Township.
6. For purposes of building setbacks and lot dimensions for a lot or parcel being served by a private drive, and other such requirements, the private drive shall be required to comply with the provisions applicable to public roads, except as otherwise set forth in this subparagraph C(1).

**INSERT**

**Revised January 10, 2006**

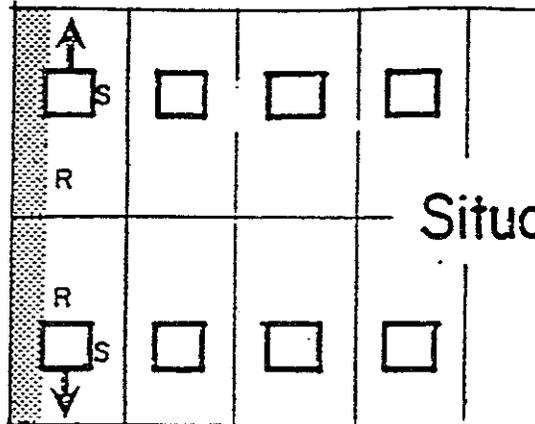
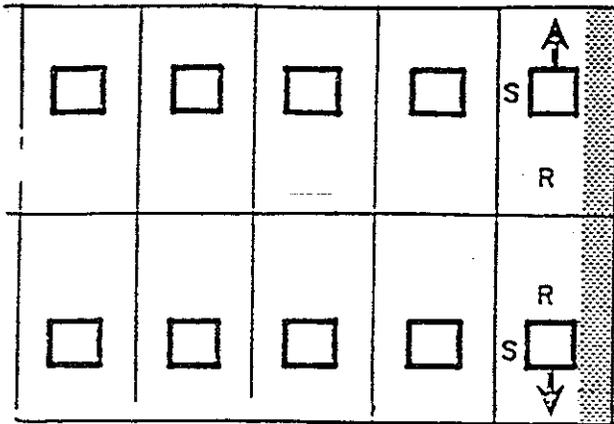
erected to exceed by more than fifteen (15') feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10%) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of commercial radio and television transmitting, relay, or other types of antenna towers, where permitted, shall abide by the regulations set forth in Article XVI. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be established by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency.

- F. Setbacks for Farm Buildings. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100') feet from any dwelling and not less than twenty-five (25') feet from any lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred fifty (150') feet from the front property line. (These requirements shall not apply to the alteration or addition of an existing barn or other farm buildings, which existed prior to the adoption of this Ordinance.)
  
- G. Height of Farm Buildings. In the Agricultural District, silos are permitted to a maximum height of ninety (90') feet and storage barns are permitted to a maximum height of forty (40') feet.
  
- H. Two-Family Dwellings. See Section 14.46 for additional requirements for two-family dwelling projects.
  
- I. Multiple-Family Dwelling Projects. In multiple-family dwelling projects, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by sixteen hundred (1,600). All units shall have at least one living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency type, and not more than twenty (20) percent one (1) bedroom units. In the case of an apartment complex intended specifically for senior citizens, the Planning Commission may allow the twenty (20) percent limitation on one (1) bedroom apartments to be increased to a maximum of ninety (90) percent.

For multiple-family dwellings projects, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

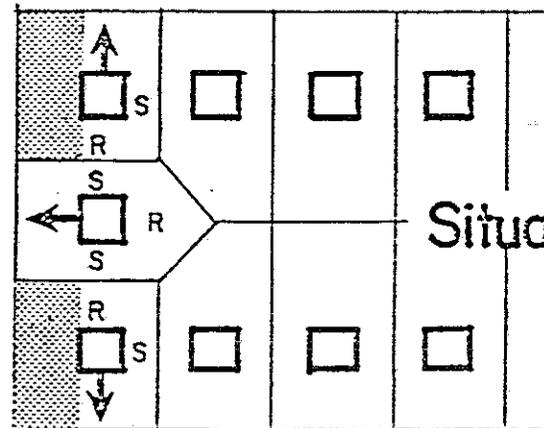
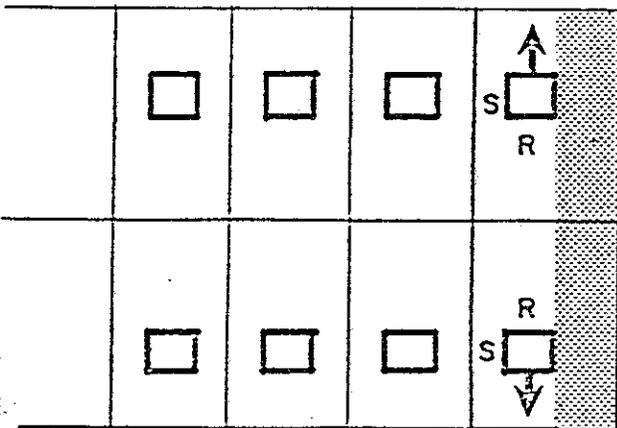
Efficiency .....	1 room
One Bedroom .....	2 rooms
Two Bedrooms .....	3 rooms
Three Bedrooms .....	4 rooms

Plans presented showing one, two or three-bedroom units and including a den, "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.



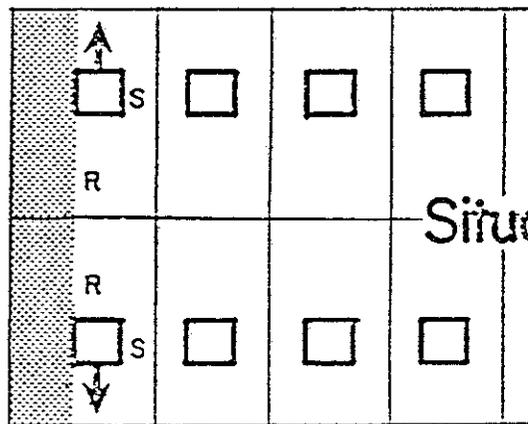
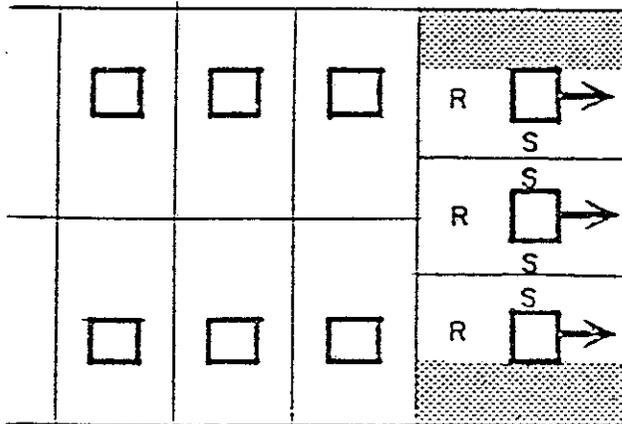
Situation A

← DEPTH EQUAL TO REQUIRED SIDE YARD



Situation B

← DEPTH EQUAL TO REQUIRED FRONT YARD



Situation C

-  REQUIRED SETBACKS - CORNER LOT
-  FRONT YARD
- R REAR YARD
- S SIDE YARD

# SIDE YARDS ABUTTING A STREET

In multiple-family dwelling projects the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way, either interior or bounding roads.

- J. Multiple-Family Dwelling Projects. In multiple-family dwellings projects, front, side or rear yards need not refer to spacing between buildings for a planned development for two (2) or more buildings on the same parcel. In such cases the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30') feet. (See following formula.)

In multiple-family projects, areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than thirty (30%) percent of the area of any required yard or any required minimum distance between buildings.

In a Multiple-Family District the maximum horizontal length of any one building shall be one hundred and eighty (180') feet, measured along any single front, side, rear or other exterior wall elevation.

In a Multiple-Family District the formula for regulating the required minimum distance between two (2) buildings is as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

$L_A$  = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

$L_B$  = Total length of building B.

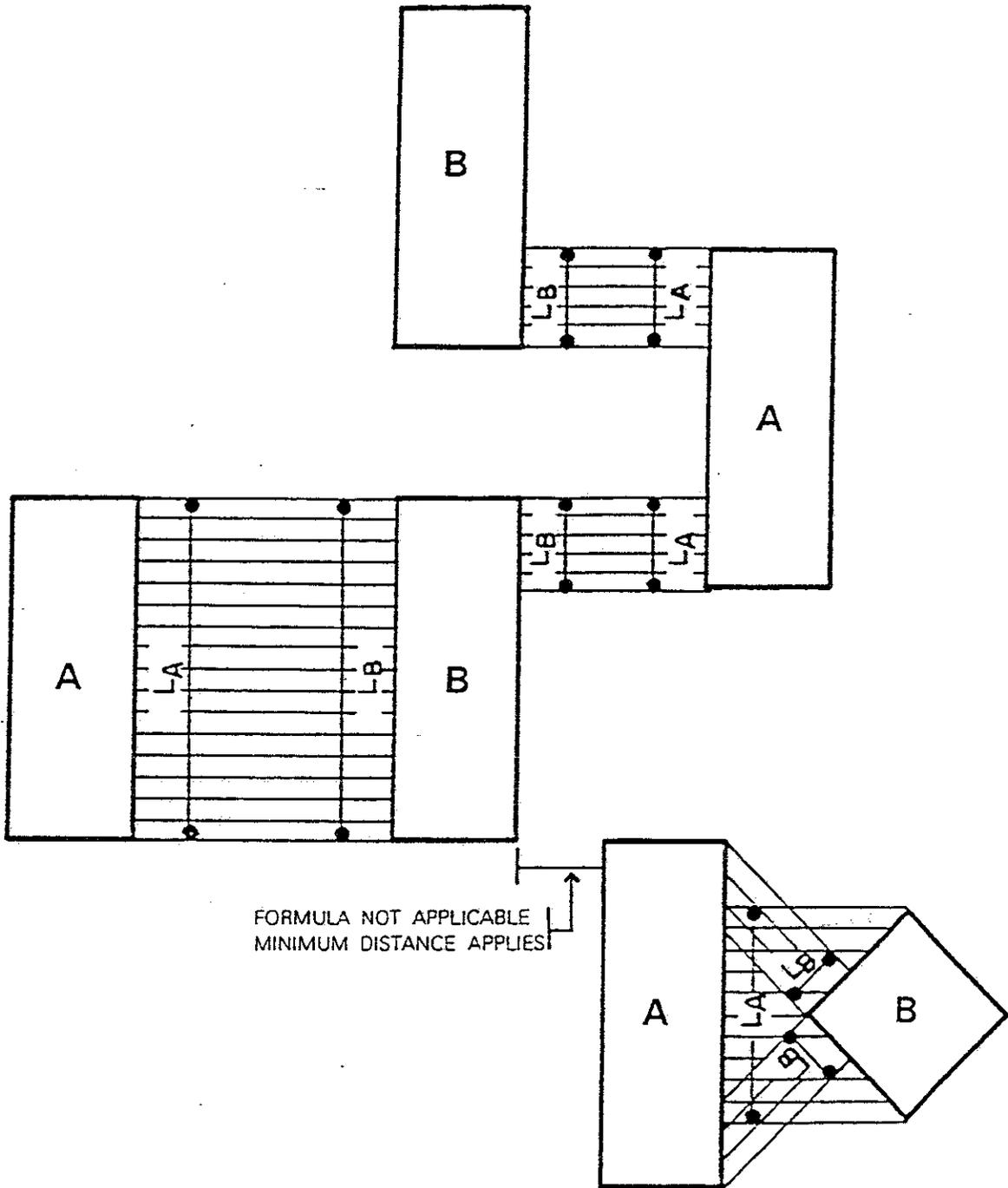
The total length of building B is the length of that portion or portions of a wall or walls of building B of which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

$H_A$  = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

$H_B$  = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



MIN. DISTANCE BETWEEN BUILDINGS  

$$= \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

**DISTANCE SPACING FOR MULTIPLE DWELLINGS**

- K. Multiple-Family Dwelling Projects. Minimum floor area per dwelling units in square feet for multiple-family dwellings are as follows:

Efficiency Unit	.....	500 sq. ft.
One Bedroom Unit	.....	600 sq. ft.
Two Bedroom Unit	.....	800 sq. ft.
Three Bedroom Unit	...	1,000 sq. ft.
Four Bedroom Unit	....	1,200 sq. ft.

See Section 14.47 for additional requirements for multiple-family dwelling projects.

- L. Mobile Home Park/Developments. There is no Township minimum lot width or setbacks for mobile home park or mobile home condominium project. Those are subject to the control of the State Mobile Home Commission regulations. See Section 14.48 for additional township requirements.

- M. Business Uses. Off-street parking shall be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest planned right-of-way. Said landscaped area shall conform to the provisions of Sections 16.14 and 16.15 of this Ordinance.

- N. Business Uses. The Planning Commission may waive one or both side yard requirements of buildings in the General Business District provided that adequate access to the rear of the property is provided by one of the following manners:

1. There shall be provided on every lot in a General Business District on which is located a permitted building at least one side yard not less than twenty (20') feet wide for access to the rear yard. If the permanent building is not placed on the property line of the remaining side to allow for a common wall, then a setback of at least three (3') feet is required for maintenance; or
2. A dedicated alley or service aisle or permanent easement of access to the rear of the property is provided; or
3. An overall master site development plan is presented to the Planning Commission, agreed upon by all affected property owners; which plan includes building elevations for said commercial center, adequate off-street parking and loading area, access to all buildings and the rear of the property for police and fire vehicles.

Side yard requirements for the General Business District shall not be waived if any of the following conditions exist:

1. Where side yards are adjacent to a public right-of-way.
2. Where side yards abut property zoned Residential or Agricultural.

3. Where the continuous development of stores exceeds five hundred (500') feet.

O. Industrial Uses. Off-street parking may be permitted in a portion of the required front yard provided that such off-street parking is not located within fifty (50') feet of the front lot line. Any portion of a required front yard not used for off-street parking shall be planted in lawn, and landscaped and shall be maintained in a healthy growing condition.

P. Industrial Uses. No building shall be located closer than fifty (50') feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

For appearance of industrial buildings see Section 16.04.

Required side or rear yards may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for fire fighting or other emergency type equipment.

A heavily planted, completely obscuring, year-round greenbelt not less than twenty (20') feet wide, an obscuring wall or a landscaped earth berm (as approved by the Planning Commission) shall be provided on those sides of the property used or planned for open storage, parking or service drives, loading, unloading or servicing, and abutting land zoned Residential or Agricultural. The extent of such greenbelt, wall or berm may be determined by the Planning Commission on the basis of usage. Such wall shall not be less than six (6'-0") feet in height and may, depending upon land usage, be required to be eight (8') feet in height. Said greenbelt, wall or berm shall be subject further to the requirements of ARTICLE XVI, Section 16.14 and 16.15

Q. Commercial and Industrial Uses. Access to commercial or industrial uses shall not be through property zoned residential.

For Greenbelt, Wall, Berm requirements see Section 16.14.

For Fences and Walls requirements see Section 16.12.

For Offstreet Parking requirements see Section 16.19.

R. Accessory Buildings, Structures and Uses.

Accessory Buildings to Residential Dwellings (See Section 16.02).

Ponds (See Section 16.24)

Swimming Pools (See Section 16.28)

Open Parking and Storage of Recreation Vehicles, etc. (See Section 16.29)

Offstreet Parking (See Section 16.19)

Radio and Television Towers, Wind Energy Conversion Systems (See Section 16.20)

Satellite Dish Antenna (See Section 16.30)

Signs (See Section 16.26)

Fences and Walls (See Section 16.12)

Greenbelts, Walls, Berms (See Section 16.14)

LIST OF SPECIAL APPROVAL USES

<u>Name of Use</u>	<u>Section of Ordinance</u>	<u>Districts Where Use May Be Allowed</u>
<b>Airports:</b>		
- Public Use Airports	14.50	AG & I
- Personal Use Aircraft Landing Fields	14.49	AG
Amusement & Recreation Services .....	14.33	B & RC
Auto Race Tracks .....	14.12	I
Bed & Breakfast Establishments.....	14.18	R & AG
Boarding & Lodging Houses .....	14.31	R, AG & RC
Cemeteries .....	14.43	AG & RC
Churches .....	14.22	R & AG
Colleges & Universities .....	14.29	AG & R
Combat Game Areas .....	14.41	AG
Feedlots & Raising of Fur		
Bearing Animals .....	14.20	AG
Gas or Electrical Transmission Lines.	14.10	All Districts
Gasoline Service Stations .....	14.35	B
Golf Courses .....	14.24	AG, R & RC
Government Buildings .....	14.23	R & AG
Gun Clubs, Shooting & Archery Ranges.	14.42	AG & RC
Horse & Dog Race Tracks .....	14.13	I
Hospitals .....	14.32	R & AG
Hotels & Motels .....	14.19	B
Junkyards, Auto Salvage/Wrecking Yards		
Waste or Scrap Recycling Operations		
& Refuse Transfer Stations .....	14.16	I & B
Large Scale Outdoor Recreational Uses	14.26	AG & RC
Lumber & Building Material Dealers ..	14.14	B & I
Mini-Warehouses .....	14.44	B
Mobile Home Park .....	14.48	R
Motor Vehicle Repair		
& Service Facilities .....	14.36	B
Motor Vehicle Washes .....	14.34	B
Multiple Family Dwellings .....	14.47	R
New Auto & Truck Sales & Showrooms ..	14.37	B
Nursery School, Day Nursery, & Child Care Center .....	14.28	R, AG & B
Open-Air Display & Sales of Mobile Homes, Motorcycles, Etc. ....	14.40	B
Orphanage, Foster Home, Home for Aged, Indigent, Physically or Mentally Handicapped .....	14.30	R & AG
Outdoor Theaters .....	14.11	B & I
Private, Non-Commercial Recreational Areas .....	14.25	R, AG & RC
Public, Private, or Commercial Stables Kennels, & Veterinary Clinics...	14.27	AG & RC
Restaurants: Drive-In, Fast Food & Carry-Out .....	14.39	B
Quarries .....	14.15	I & AG
Telephone Exchange & Static Trans- former Stations, Gas Regulator Stations, & Other Public Utility Buildings .....	14.17	All Districts
Two-Family Dwellings .....	14.45	R
Used Auto & Truck Sales .....	14.38	B

ARTICLE XIV  
SPECIAL LAND USE APPROVAL REQUIREMENTS

SECTION 14.01 INTENT:

THE formulation and enactment of this Ordinance is based upon the division of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

SECTION 14.02 AUTHORITY TO GRANT PERMITS:

THE Planning Commission, as hereinafter provided, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for all special approval uses specified in the various provisions of this Ordinance.

SECTION 14.03 APPLICATION AND FEE:

APPLICATION for any special approval use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township.

SECTION 14.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION:

AN application for a special approval use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Section 18.06 and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

SECTION 14.05 PUBLIC HEARINGS AND NOTICES:

UPON receipt of a application for a special land use which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property which is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the date, time and place where the public hearing on the special land use will be held.

SECTION 14.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS:

THE Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
  - a. Will be consistent with maintenance of the public health, safety, and welfare.
  - b. Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.

2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service.

Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

3. Will be compatible with adjacent uses of land and the natural environment.
  - a. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
  - b. Will be designed such that the location, size, intensity, site layout and periods of operation of any such proposed use shall eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
  - c. Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.
  - d. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. Will promote the use of land in a socially and economically desirable manner.

Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

SECTION 14.07     DETERMINATION AND IMPOSITION OF CONDITIONS:

IF the facts in the case establish that the findings and standards set forth in this Ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

THE conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

#### SECTION 14.08 APPROVAL AND APPEAL PROCEDURES:

1. Approval, Grant of Permit. Upon holding a public hearing, and findings that the requirements of this Article have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days grant special approval. The Planning Commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel. The statement of conditions will be recorded in the County Register of Deeds.

2. Appeal to Township Zoning Board of Appeals. A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Article XIX, especially sections 19.03 and 19.02)

#### SECTION 14.09 VOIDING OF SPECIAL APPROVAL USE PERMIT:

ANY approval given by the Planning Commission, under which premises are not used or work is not started within eighteen (18) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect. The Planning Commission may grant the applicant one (1) or more six (6) month extensions of time if good cause is shown.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to suspend such special approval use permit until review by the Planning Commission. The Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it determines is necessary to bring conformance with this Ordinance, or the Planning Commission shall cancel the special approval use permit in question.

SECTION 14.10 GAS OR ELECTRICAL TRANSMISSION LINES:

HIGH pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any district subject to the following regulations:

1. General Regulations.

- a. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- b. The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.
- c. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- d. Non-compliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
- e. Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.
- f. The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the Township.
- g. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

2. Requirements for High Voltage Electric Transmission Lines of 120kV or Greater:

- a. High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500') feet to occupied residences. Existing 345kV lines shall not be energized at a higher voltage level when located closer than five hundred (500') feet to occupied residences.
- b. Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
- c. Where operating voltages will exceed 345kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
- d. The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the corridor right-of-way.
- e. No such line or system shall cause radio or TV interference within residential dwellings in the Township, and if such happens it will be considered a public nuisance, subject to abatement.
- f. "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission, may require fencing at those road crossings which it determines are in need of additional protective measures.
- g. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
- h. Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Sound Level</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
40dBA	Open Space/ Recreational	Common Property Line
40dBA	Residential	Common Property Line
40dBA	Agricultural	Common Property Line
60dBA	Commercial	Common Property Line
75dBA	Industrial	Common Property Line

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

- i. During the construction or repair of any facilities approved hereunder, the following shall be required:
- (1) All internal roads shall be kept dust free by chemical treatment.
  - (2) Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
  - (3) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
  - (4) All construction operations shall be confined to daylight hours - Monday through Saturday - unless permitted in writing by the Planning Commission.
- j. At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. The Planning Commission, may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the Township from any claims arising out of the construction or operation of a project approved herein.
- k. When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.
- l. If any Court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission.
- m. The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
- n. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

SECTION 14.11    OUTDOOR THEATERS:

OUTDOOR theaters are allowed in the General Business or General Industrial Districts subject to the following extra standards:

1. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a non-residential district.
2. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.
3. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
4. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.
5. The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.
6. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

SECTION 14.12    AUTO RACE TRACKS:

AUTO race tracks (including midget, auto, motorcycle and go-kart tracks) are allowed in the General Industrial District subject to the following extra standards:

1. Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

SECTION 14.13    HORSE AND DOG RACE TRACKS:

HORSE and dog race tracks are allowed in the General Industrial District subject to the following extra standards:

1. Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

SECTION 14.14    LUMBER AND BUILDING MATERIAL DEALERS:

LUMBER and building material dealers shall be permitted in the General Business and General Industrial Districts, after special approval subject to the following special standards:

1. The site shall abut only land zoned General Business or General Industrial.
2. All storage of building materials shall be within enclosed buildings, or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six (6') feet nor more than eight (8') feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.

SECTION 14.15    QUARRIES:

BECAUSE the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use shall be permitted only in the General Industrial or Agricultural Districts and shall further be subject to the following extra standards:

1. There shall be not more than one (1) entrance way from a major thoroughfare to said lot for each five hundred (500') feet of street frontage.

2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.
3. On said lot, no digging or excavating shall take place closer than one hundred (100') feet to any lot line or public right-of-way.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100') feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to the Township Ordinance "Performance Standards"
6. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or water body outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100') feet from any lot line and five hundred (500') feet from any residential zoning district, by that in the event the zoning classification of any land within five hundred (500') feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100') feet from any lot line or right-of-way.
9. If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six (6') feet in height, shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

11. The operator shall file with the Planning Commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5') feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans for restoration shall be included with said plans.
12. The operator shall file with the Township of Brockway a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.

SECTION 14.16     JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS AND REFUSE TRANSFER FACILITIES:

THESE uses are permitted in the General Industrial District subject to the additional requirements set forth in the Township Junkyard Ordinance.

SECTION 14.17     TELEPHONE EXCHANGE AND STATIC TRANSFORMER STATIONS, GAS REGULATOR STATIONS, AND OTHER PUBLIC UTILITY BUILDINGS:

THESE uses will be allowed in all districts subject to the following extra standards:

1. There is no public business office nor any storage yard or storage building operated in connection therewith.
2. The exchanges, transformer stations or transformer mats are located not less than fifteen (15') feet from any interior side property line, twenty-five (25') feet from its front property line, and thirty (30') feet from its rear property line.
3. All required yards are to be landscaped and maintained.

SECTION 14.18     BED AND BREAKFAST ESTABLISHMENTS:

BED AND BREAKFAST ESTABLISHMENTS (definition #19.1) are allowed as a special approval use in Residential and Agricultural Districts and as a permitted use in the General Business District provided the following requirements are met:

1. The rooms utilized are not specifically constructed for rental purposes. Each bed and breakfast establishment shall contain not less than two (2) bedrooms for rent. A structure shall not be eligible for bed and breakfast use unless it is at least eighteen hundred (1,800) square feet of gross floor area. Adequate living space must be preserved for the owner/innkeeper quarters; this must include a separate bedroom for owner/innkeeper and bedrooms for other family members residing on the premises.
2. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.
3. Parking, driveway, and maneuvering area shall be provided in accordance with Section 16.19.
4. Off-street parking is provided as follows: Two spaces for the primary residential uses, plus one-half per single bed equivalent, plus one space for each employee on the largest shift.
5. Parking must be screened from residential uses as specified in Section 16.14.
6. Lighting must be directed away from residential uses.
7. Rooms for sleeping shall have a minimum size of ninety (90) square feet for single occupancy rooms, one hundred (100) square feet for double occupancy rooms, one hundred fifty (150) square feet for triple occupancy rooms, and two hundred (200) square feet for four person rooms. There shall be a maximum of four (4) occupants per room. Each sleeping room shall have one wall dimension of not less than seven (7') feet in length.
8. Toilet, lavatory, and bathing facilities shall be available to all persons. There shall be the equivalent of one (1) full bath for each six (6) occupancies.
9. There shall be no exterior display other than one (1) non-illuminated, non-animated sign, not to exceed eight (8) square feet in area, nor to exceed twelve (12') feet in height.
10. Because many older, single family homes are larger and represent sizable maintenance and energy cost, it is feared that restrictions only to single family use may foster inadequate maintenance and /or even abandonment. The possible consequence may be a general appearance of blight which, if allowed to proceed in a downward trend, could erode the stability of the neighborhood. Based on the above, some areas may be regarded as conducive for limited bed and breakfast purposes; but only when certain conditions as may be required by the Planning Commission in order to preserve the character as well as the health, safety and welfare of the neighborhood are met.

11. The main structure must have been constructed prior to 1930, or alternatively, structures may be eligible if they are significant prototypes or examples of a period, style, architectural movement, or method of construction, or if they are the most notable work of the best surviving work in a given region of a pioneer architect or master builder, or if they are associated with an individual who had a profound influence on the history of the area, region, or state. Birth place, place of death, or interment shall not be considered unless something of historical importance is connected with his or her birth or death.
12. Food may be served in a bed and breakfast establishment only to those persons renting a room and only during their stay at the bed and breakfast establishment.

SECTION 14.19    HOTELS AND MOTELS:

THESE uses will be permitted in the General Business District subject to the following standards:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least one hundred twenty (120') feet in width.
2. No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.
3. Each unit shall contain no less than two hundred fifty (250) sq. ft. of floor area.
4. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

SECTION 14.20    FEEDLOTS AND RAISING OF FUR BEARING ANIMALS:

1. The raising of fur bearing animals including mink and rabbit, shall be permitted upon special approval in the Agricultural District when located on a continuous parcel of land five (5) acres or more in area with all buildings and outdoor runs setback one hundred (100') feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four (4') feet in height and setback from all property lines a minimum distance of four hundred (400') feet.
2. Feedlots (see definition) shall be permitted upon special approval in the Agricultural District subject to the following conditions:

- a. The raising of fowl or their by-products shall be conducted within an adequately fenced area or an enclosed building. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.

SECTION 14.21    RESERVED FOR FUTURE USE:

SECTION 14.22    CHURCHES:

CHURCHES and other facilities normally incidental thereto are allowed in the Residential and Agricultural Districts subject to the following requirements:

1. The site is so located as to have at least one (1) property line abutting a public thoroughfare of not less than sixty-six (66') feet of right-of-way width, and all ingress and egress to the site shall be directly onto said public thoroughfare, provided however that no site shall be accessed from a local residential street within a recorded plat.
2. The subject property contains a minimum of two (2) acres.
3. Front and side yards shall be equal to at least one and one-half (1-1/2) the height of the main building. The height limitations set forth in Article XIII shall not apply to churches.
4. Off-street parking shall be provided in accordance with the provisions of Section 16.19. No off-street parking area may occupy a required front yard.
5. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for up to two (2) regular employees of the church and their families. Any such dwelling units or quarters shall comply with the minimum requirements for dwellings in the District in which located.
6. Accessory structures shall not exceed one story or fourteen (14) feet in height.

SECTION 14.23    GOVERNMENT BUILDINGS:

GOVERNMENT buildings and uses are allowed as special approval uses in the Residential and Agricultural Districts provided:

1. The depth of the front and rear yard and the width of each side yard shall not be less than fifty (50') feet.
2. Off-street parking shall be provided in accordance with the provisions of Section 16.19.
3. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land. Said screen shall comply with the provisions of Sections 16.14 and 16.15.

SECTION 14.24    GOLF COURSES:

GOLF COURSES are allowed as special approval uses in the Agricultural and Residential Districts provided:

1. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereof.
2. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200') feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.

3. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
4. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turnstile.
5. Off-street parking shall be provided in accordance with the provisions of Sections 16.19.

SECTION 14.25 PRIVATE RECREATIONAL AREAS:

PRIVATE recreational areas not open to the general public; institutional community or neighborhood recreation centers; and neighborhood association swimming pools are allowed as special approval uses in the Residential and Agricultural Districts provided that:

1. The subject property; is so located as not to hinder the natural and presumed residential development of the area.
2. The depth of the front and rear yards and the width of each side yard shall not be less than fifty (50') feet.
3. Off-street parking shall be determined on the basis of one (1) parking space for each five hundred (500) square feet of land area devoted to these uses. Off street parking shall be in accordance with the provisions of Sections 16.19.
4. Whenever an off-street parking area is located within fifty (50') feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches (4'6") in height, but not more than six (6') feet in height, shall be provided along the sides of the parking area adjoining such residentially zoned land. Said screen shall comply with the provisions of Sections 16.14 and 16.15.

SECTION 14.26 LARGE SCALE OUTDOOR RECREATIONAL USES:

LARGE SCALE OUTDOOR RECREATIONAL USES, including recreational fields (football, softball, baseball, soccer and similar activities), tennis courts, basketball courts, ice skating rinks, music concert pavilions and bandshells, downhill ski facilities, picnic grounds, miniature golf courses, golf driving ranges, campgrounds, riding stable, hay rides, small boat rental, swimming facilities, kiddie type rides, and tracks for off-road vehicles or similar uses for physical and outdoor exercises are allowed as special approval uses in the Agricultural District provided that the following standards are met.

NOT included under "large scale outdoor recreational uses" and regulated elsewhere in this Ordinance are the following: motorcycle and auto race tracks, horse or dog tracks, combat game areas, gun clubs, golf courses, outdoor theatres, amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions.

1. The subject property is at least twenty (20) acres or more in area and is located on a major thoroughfare having an existing or proposed right-of-way of not less than 120 feet.
2. All development features including the principal building and spectator seating facility shall not be closer than two hundred (200) feet to a public street or land zoned Residential except, where natural topographical conditions are such that the development features would be screened from view, this requirement may be modified.
3. No activity shall take place within thirty (30) feet of the perimeter of the recreational area. All such activities shall be screened from abutting land zoned Residential, by means of a protective screening device as determined by the Planning Commission meeting the requirements of Sections 16.14, and 16.15 of this Ordinance.
4. Exterior lighting shall be installed in such a manner that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent roads.
5. Adequate trash containers shall be provided on the site. The site shall be periodically cleared of debris so that wind blown litter does not accumulate on adjacent properties.
6. In order to insure that the recreational use is compatible with adjacent land uses, the Planning Commission may require such items as landscaped buffer strips with berms, off-site street improvements, fencing security facilities, and other improvements in order to insure that excessive dust, noise, traffic, lighting glare, and trespassing re not inflicted on adjacent properties.
7. Related accessory commercial uses such as refreshment stands, concession counters, and sit-down restaurants which may include the sale of alcoholic beverages, retail shops selling or renting sport and recreational items such as a "pro shop" or rental equipment store, office buildings relating to the management of the recreational use, spectator seating, and service areas including locker rooms, showers, restrooms, and similar facilities may be permitted in conjunction with the recreational uses when it is clearly incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
8. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turnstile.

9. Off-street paved parking shall be constructed in accordance with Section 16.19 except that the Planning Commission may waive requirements for paved parking areas, maneuvering lanes, and drives for campgrounds, parks, riding stables, and other similar outdoor recreational uses where because of their rural or rustic nature hard surfaced parking in the opinion of the Planning Commission would detract from the nature of the recreational facility.
10. Permitted accessory uses which are generally of a minor commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreational use itself, such as a maintenance garage, may be located in a separate building.

NOT INCLUDED "large scale outdoor recreational uses" and regulated elsewhere in this Ordinance are the following: motorcycle and auto race tracks, horse or dog tracks, combat game areas, gun clubs, golf courses, outdoor theatres, amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions.

#### **SECTION 14.27 PUBLIC OR COMMERCIAL STABLES, KENNELS AND VETERINARY CLINICS:**

PUBLIC or commercial stables containing three (3) or more horses; kennels and veterinary clinics are allowed as special approval uses in the Agricultural, Residential and River Conservation Districts provided:

1. The subject property is so located as not to hinder the natural and presumed residential development of the area.
2. The subject property contains a minimum of five (5) acres.
3. The stable, barn or kennel is located one hundred (100') feet from any adjacent property line. All runs or breeding areas shall be enclosed by a chain link fence not less than six (6') feet in height.
4. If the use is of a commercial nature, that off-street parking be provided in accordance with the provisions of Sections 16.19 of this Ordinance.

VETERINARY clinics shall also be allowed as a special approval use in the General Business District provided that there are no outdoor runs for animals, and that there be no boarding, no noise, and no odor.

#### **SECTION 14.28 NURSERY SCHOOL, DAY NURSERY, AND CHILDCARE CENTERS:**

NURSERY schools, day nurseries, and child care centers are allowed as special approval uses in the Residential, Agricultural and General Business Districts provided:

1. That for each child cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.
2. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district, and shall be completely enclosed by a masonry wall or chain link fence of not less than four (4') feet in height.
3. Any such use will not be encouraged in the interior of any Residential or Agricultural District but will be encouraged adjacent to a non residential district and shall be located on a lot fronting a major thoroughfare or collector street having an existing or proposed right-of-way of not less than eighty-six (86) feet.
4. Sufficient area shall be provided for automobiles waiting to pick up children so that they are not forced to wait or stand on a public street.
5. No building, use or activity shall be located closer than thirty (30') to any property line of residentially zoned property.

SECTION 14.29 PUBLIC AND PRIVATE COLLEGES AND UNIVERSITIES:

PUBLIC and private colleges and universities, and other similar institutions of higher learning are permitted in the Agricultural and Residential Districts subject to the following special standards:

1. All ingress and egress shall be directly to a paved public road having a planned right-of-way of not less than one hundred twenty (120') as indicated on the Township's Thorofare Plan.
2. The subject property contains a minimum of five (5) acres.
3. The depth of the front and rear yard and the width of each side yard shall not be less than seventy five (75') feet.
4. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks where yards abut land zoned for residential purposes, are increased by not less than eighteen (18') feet for each yard, for each twelve (12') of fraction thereof by which said building exceeds the maximum height requirements of the zone.
5. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
6. The quantity of parking spaces shall be such as to adequately service the faculty, students, and maintenance staff of the institution and provide properly for access to public streets.
7. All off-street parking shall be paved and constructed to the standards of this ordinance.

SECTION 14.30    ORPHANAGE, FOSTER HOME, HOME FOR THE AGED, INDIGENT,  
OR PHYSICALLY OR MENTALLY HANDICAPPED:

AN orphanage, foster home, or a home for the aged, indigent, physically or mentally handicapped, a rest or convalescent home is allowed as a special approval use in the Residential and Agricultural Districts when the following conditions are met:

1. All vehicular ingress and egress from the site shall be directly onto a public road, maintained by the County Road Commission.
2. The maximum extent of development and occupancy shall not exceed the recommendations of the St. Clair County Health Department.
3. No building other than a structure for strictly residential purposes shall be closer than sixty (60') feet to any property line.

SECTION 14.31    BOARDING AND LODGING HOUSES:

BOARDING and lodging houses (definition #22), rooming houses (definition #124), and tourist homes (definition #142), are allowed as a special approval use in Residential and Agricultural Districts provided the following requirements are met:

1. Not more than 5 sleeping-rooms for the development.
2. Adequate parking shall be available on-site.
3. Maximum density of persons for the development shall not exceed the recommendations of the St. Clair County Health Department.

SECTION 14.32    HOSPITALS:

HOSPITALS are allowed as special approval uses in the Residential and Agricultural Districts when the following conditions are met:

1. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, and all development features including the principal building and any accessory buildings, open spaces, and service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.
2. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
3. The proposed site shall have at least one property line abutting a major thoroughfare having an existing or proposed right-of way of not less than 120 feet, and vehicular ingress and egress to the site shall be directly onto said thoroughfare.

SECTION 14.33    AMUSEMENT AND RECREATION SERVICES:

1. Indoor Recreation. Recreation centers similar to bowling alleys, skating rinks, racquet sports, archery ranges, amusement areas, arcades and similar forms of recreation or amusement are allowed in the General Business District provided they are conducted wholly within a completely enclosed building.
2. Amusement Oriented Outdoor Recreation. Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions, miniature golf courses, and golf driving ranges are permitted in the General Business District subject to the following special standards:
  - a. Site shall not abut directly or across a street, any Residential District.
  - b. Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches (4'-6") in height.
  - c. No loud speaker of public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.

SECTION 14.34    MOTOR VEHICLE WASHING, CONVEYOR OR NON-CONVEYOR TYPE:

MOTOR vehicle washing, conveyor or nonconveyor type, is allowed in the General Business District when completely enclosed in a building, excepting points of ingress and egress, and subject to the following extra standards:

1. All cleaning operations shall be completely enclosed within a building.
2. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the washrack.
3. The driveway so provided shall be not less than ten (10') feet wide for a single lane and not less than ten (10') additional feet in width for each additional lane.
4. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the washrack. All lanes provided shall be suitably protected from interference by other traffic.
5. The total length of the required lane or lanes so provided for a conveyor type washrack shall be determined by the overall length of the building, including areas having side walls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is eighty (80') feet or less in overall length, the total required lanes shall be not less than four hundred (400') feet in length. Where the building exceeds eighty (80') feet in length, the length of the required lane or lanes shall be increased fifty (50') feet for each ten (10') feet or fraction thereof by which the building exceeds eighty (80') feet in overall length.

6. For a non-conveyor type auto wash, five (5) waiting spaces, each twenty (20') feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
7. The site shall be designed in such manner that no operations are conducted off the parcel.
8. A building setback of at least sixty (60') feet must be maintained from the proposed or existing street right-of-way.
9. Ingress and egress points shall be located at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
10. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
11. Gasoline sales shall be permitted on the property provided there is compliance with Section 14.34, paragraph 4, and Section 14.35, paragraphs 1-12, of this Ordinance.

SECTION 14.35    GASOLINE SERVICE STATIONS:

GASOLINE service stations are allowed in the General Business District subject to the following extra standards:

1. One hundred and fifty (150') feet of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.
2. The lot shall contain not less than twenty-two thousand five hundred (22,500) square feet in area.
3. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines.
4. Driveway widths entering the gasoline station shall have a width of thirty (30') feet.
5. Any driveway approach shall enter the property not less than twenty-five (25') feet from the intersection formed by the existing or proposed right-of-way lines as set forth in the Official Thoroughfare Plan, and not less than ten (10') feet from any adjoining non-residential property line nor less than twenty-five (25') feet from any abutting residential district. The angle of intersection of any driveway along the principal street(s) shall not be more than sixty (60) degrees.

6. Curbs, in accordance with standard Township specifications, shall be constructed on all streets adjacent to the gasoline station site.
7. Signs and lighting shall be shielded from residential property.
8. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
9. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station for retail sale during the hours of operation of the gasoline station.
10. There shall be no parking of damaged or disabled motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
11. Automobile, truck or trailer renting and leasing may be permitted in connection with a gasoline service station subject to the provision that the number of automobiles, trucks, or trailers on the site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
12. Prohibited activities include, but are not limited to: motor vehicle body repair; undercoating; painting; tire recapping; engine and transmission rebuilding; motor vehicle dismantling; upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

SECTION 14.36 MOTOR VEHICLE REPAIR AND SERVICE FACILITIES:

MOTOR vehicle repair and service facilities are allowed in the General Business District subject to the following extra standards:

1. All activities shall be conducted in an enclosed building.
2. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
3. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
4. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.
5. There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

6. Parking shall be provided on the site at a ratio of one (1) parking space for each one hundred (100) square feet of site area.
7. Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities subject to the provisions that the number of automobiles, trucks or trailers on site that are available for lease shall not exceed one (1) automobile, truck or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
8. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

SECTION 14.37     NEW AUTOMOBILE AND TRUCK AGENCY SALES AND SHOWROOMS:

NEW automobile and truck agency sales and showrooms are allowed in the General Business District subject to the following extra standards:

1. The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred and twenty (120') feet and an area of not less than two (2) acres.
2. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
3. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
4. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
5. The outside display of new and used automobiles and trucks shall be permitted and such storage area shall occupy no more than thirty-five (35%) percent of a lot which is used for vehicle sales.
6. A fifteen (15') foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.
7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
8. No outside loud speaker or outside public address system shall be used.

SECTION 14.38     USED AUTOMOBILE AND TRUCK SALES:

USED automobile and truck sales are allowed in the General Business District subject to the following provisions:

1. The used automobile and truck sales must be located on a site having a frontage on a major thoroughfare of not less than one hundred (100') feet and an area of not less than ten thousand (10,000) square feet.
2. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
3. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
4. A fifteen (15') foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of used automobiles or trucks.
5. All lighting shall be shielded from adjacent residential districts and the use of open or bare bulbs shall be prohibited.
6. No outside loud speaker or outside public address system shall be used.

SECTION 14.39 DRIVE-IN, FAST FOOD, OR CARRY-OUT RESTAURANT:

DRIVE-IN, fast-food, or carry-out restaurants are allowed in the General Business District subject to the following extra standards:

1. Ingress and egress points shall be located at least thirty (30') feet from the intersection of any two (2) streets measured from the intersection of the street right-of-way to the nearest end of the curb radius and shall be directly from a major thoroughfare having an existing or proposed right-of-way of at least 120 feet.
2. The minimum distance of any driveway to the property line shall be seven (7') feet. The minimum distance between driveways on the site shall be sixty-five (65') feet measured from the two (2) closest driveway curbs.
3. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet from a elementary, intermediate, or secondary school, and not less than three hundred (300') feet from a church, nursing home, or a home for the aged.
4. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
5. Concrete curbing six (6") inches in height shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways so as to prevent vehicular encroachment onto or over the adjoining property or vehicular damage to buildings.

6. All outside trash receptacles (except those intended for use by the customer) shall be located within a six (6') foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two (2) trash receptacles for use by the customer shall be placed in a manner reachable by the customers from their car windows at each point where exit drives empty onto a public street; said receptacles shall be emptied as often as is necessary necessary to insure their efficient and continued use by the customer.

SECTION 14.40    OPEN-AIR DISPLAY AND SALE OF RECREATIONAL VEHICLES, MOTORCYCLES, OR OTHER MOTOR VEHICLE SALES AREAS OTHER THAN TRUCKS, AUTOMOBILES, AND HOME OWNERS' GARDENING EQUIPMENT, ETC.:

OPEN-AIR display and sale of recreational vehicles, motorcycles or other motor vehicle sales areas other than trucks and automobiles, home owners' gardening equipment, etc. are allowed in the General Business District provided that said vehicles are displayed on a paved surface complying with the provisions of Section 16.19, there is no outside storage, and further provided that there be no display in areas that are required for parking, aisles, loading or sidewalks. Ingress and egress to the site shall be at least twenty-five (25') from a street intersection or adjacent residential district.

SECTION 14.41    COMBAT GAME AREAS:

COMBAT game areas in which participants use air-guns or other similar devices which are intended only to "mark" participants and not injure them are permitted in the Agricultural District subject to the following special standards:

1. The site shall contain a minimum of forty (40) acres per game field. The site shall not abut directly or across a street any Residential District. The site shall have direct access to a public road.
2. A three hundred (300') foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.
3. A four hundred fifty (450') foot buffer zone shall be established and clearly marked on the sides between the subject parcels and adjacent existing residences.

4. No trespassing signs shall be placed in prominent locations approved by the Building Inspector around the boundary of the property.
5. The hours of operation shall not exceed 9:00 a.m. to one-half hour before sunset.
6. A plan for emergency medical facilities and treatment shall be provided to the County Emergency Preparedness Officer for his approval prior to commencement of the use.
7. A liability insurance policy which protects participants, visitors and others, including potential trespassers, shall be provided to the Township Attorney for his approval prior to commencement of the use.
8. The applicant shall provide off-street parking to standards established in the ordinance for at least fifty (50) vehicles.
9. No more than fifty (50) people shall be permitted to participate on game fields at any one time.
10. Toilet facilities shall be provided and shall be approved by the County Health Department.
11. Safety rules, supplied by the applicant with his application, shall be strictly enforced at all times.

SECTION 14.42 GUN CLUBS, SHOOTING AND ARCHERY RANGES:

GUN clubs, shooting and archery ranges are allowed in the Agricultural and River Conservation Districts subject to the following extra standards:

1. It must be located on a parcel of five (5) acres or more in area.
2. The said parcel must be located at least two hundred and fifty (250') feet from a lot line of any adjacent residential district.
3. All ingress and egress from said parcel must be directly from a public road.
4. Off-road parking must be provided.
5. No on-road parking shall be permitted.
6. All new gun clubs, shooting and archery ranges and any additions to such uses shall be designed by an Engineer or Architect licensed by the State of Michigan.
7. All new shooting ranges shall meet the design standards of the National Rifle Association.
8. Operations shall not begin before 8:00 am nor continue beyond 9:00 pm. Noise levels at the property lines shall not exceed 40dba. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Dept. of Standards.

SECTION 14.43    CEMETERIES:

CEMETERIES are allowed in the Agricultural and River Conservation Districts subject to the following extra standards:

1. The location of a cemetery shall be permitted in the quarter section of an Agricultural District when the quarter section does not have more than fifty-one (51%) percent of its land area in recorded plats.
2. All access shall be provided from a public road having a planned right-of-way of not less than sixty-six (66') feet.
3. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer.
4. Any crypt, mausoleum, or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than twenty-five (25%) percent of the total lot area.
5. No part of any crypt, mausoleum, or other building containing bodies or remains, other than a subterranean grave shall be less than one hundred (100') feet from the nearest lot line.
6. The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the State of Michigan.

SECTION 14.44    MINI-WAREHOUSES:

MINI-WAREHOUSES shall be permitted as a special land use in the General Business District and as a permitted use in the General Industrial District in all cases subject to the requirements of this Ordinance and the following special standards:

1. The site shall be at least two (2) acres in size and shall have access (either directly or via a business or industrial street) to a paved "major thoroughfare" as defined on the Township Thoroughfare Plan, and shall not directly abut a Residential District.
2. All storage on the site shall be kept within enclosed buildings, except that up to fifty percent (50%) of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles, and automobiles. The "open front" of such buildings shall face the interior of the complex.

3. All driveways, parking, loading, and vehicular circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, or gravel. All one-way driveways shall provide for one ten (10') foot parking lane and one fifteen (15') foot travel lane. All two-way driveways shall provide for one ten (10') foot parking land and two twelve (12') foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles. When no parking is provided within the building separation areas, said building separation need only fifteen (15') feet. There shall be at least one (1) parking space for each ten (10) cubicles. At the office, one (1) parking space shall be provided for each twenty-five cubicles. Two (2) spaces shall be provided for the caretaker's residence, if any.
4. All lighting shall comply with Section 16.11 of this Ordinance.
5. No business activities, manufacturing, or garage sales shall be conducted on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.
6. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.
7. The area shall be properly policed by the owner or operator for removal of trash and debris and for compliance with public and private restrictions.
8. Signs shall be limited to one (1) per arterial street frontage and shall comply with the requirements of Section 16.26 of this Ordinance.
9. No explosive, hazardous, or radioactive materials shall be stored on the premises.
10. Buildings shall be constructed of decorative, pre-finished concrete block or other material approved by the Planning Commission which is durable, decorative, and low-maintenance in nature.
11. The complex shall be entirely surrounded by a rust proof chain link security fence no less than eight (8') feet in height.

SECTION 14.45    TWO-FAMILY DWELLINGS:

1. Two-family dwellings shall be permitted upon special approval in the Residential District.
2. Additional Conditions. In a subdivision, provided that not more than 50% of the lots are already developed for single-family dwellings.

SECTION 14.46    RESERVED FOR FUTURE USE:

SECTION 14.47    MULTIPLE-FAMILY DWELLINGS:

1. Multiple-family dwellings shall be permitted upon special approval in the Residential District. Sites for multiple-family dwellings shall front upon had have direct access to a paved county primary road or a state highway. No access to the site shall be permitted from subdivision streets or from roads having a planned right-of-way of less than eight-six (86) feet.
2. For greenbelt, wall, berm requirements see Section 16.14.

SECTION 14.48    MOBILE HOME PARKS AND MOBILE HOME CONDOMINIUM PROJECTS:

1. Mobile home parks and mobile home condominium projects shall be permitted upon special approval in the Residential District and shall be serviced by water supply and sewage disposal systems which have been approved by the Michigan Department of Public Health.

2. Additional Township Requirements.

- a. Township review of a project site plan as required under Section 18.06, subsection 5, of this ordinance. (State requirements calling for review of a preliminary plan by the Township, Rule 904, and Rule 908 as to the contents of a site plan are sufficient to meet Township requirements for project site plan review.)
- b. The mobile home park shall be accessible from a paved public highway without the necessity of travelling over gravel or unpaved roads.
- c. There shall be two (2) two-way entrance-exits, or a separated one-way entrance and one-way exit.
- d. Greenbelt, wall, berm requirements as given under Section 1614 of this Ordinance.

3. State Requirements.

- a. Act No. 96 of the Public Acts of 1987, being 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA).
- b. Department of Commerce, Mobile Home Commission, General Rules (dated 3/87). Mobile Home Code, being R125.1101 et seq. and R325.331 et seq. of the Michigan Administrative Code (MAC).
- c. Act No. 419 of the Public Acts of 1976 as amended. (Act 96 of 1987 amends Act 419 of 1976.)
- d. Act 243 of the Public Acts of 1959 as amended, Sections 35-43. Mobile home parks or condominium projects shall comply with the requirements of Act 419 of 1976, as amended.

SECTION 14.49 PERSONAL USE AIRCRAFT LANDING FIELDS:

LANDING fields for the personal use of the property owner are allowed in the Agricultural District subject to the following provisions:

1. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township.
2. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said Commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.

3. All landing fields shall have a runway with an eighteen hundred (1,800') foot landing length in each direction from a clear approach slope of 20:1 and a one hundred (100') foot usable width with an additional fifty (50') foot minimum width on each side which is free of obstructions. The approach slope with a width of now less than two hundred (200') feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15') feet or seventeen (17') feet over an interstate highway, a railway clearance of twenty-three (23') feet, and a clearance at the property line of twenty-five (25') feet. The landing area shall be marked in accordance with Michigan Aeronautical Commission standards.
4. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property.
5. Hazards to Navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.
6. Yard and Placement Regulations.
  - a. The site shall not abut directly or across a street any Residential District.
  - b. Landing fields shall be located on a contiguous parcel of land not less than twenty-five (25) acres in area. The parcel shall have a width of not less than four hundred fifty (450') feet. The parcel shall have a depth of not less than eighteen hundred (1,800') feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease.
7. The property owner shall construct a residence within two (2) years or be required to obtain a two (2) year renewable license from the governing township authority.
8. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.
9. Prohibited Uses.
  - a. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
  - b. Use of a personal use aircraft landing field is limited solely to the single owner. No commercial activity or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except for aircraft owned by and for the personal use of the property owner), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public shall be permitted on the premises.

**SECTION 14.50 PUBLIC USE AIRPORTS:**

PUBLIC use airports and other facilities involved with aircraft operations are permitted in the Agricultural District and the General Industrial District subject to the following conditions and standards:

1. Said airport is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission, which agencies shall approve the preliminary plans submitted to the Township. All airports shall contain a certificate of approval with the Michigan Aeronautics Commission and shall be registered annually by said Commission.
  
2. Site, Yard, and Placement Requirements.
  - a. No building or structure or part thereof shall be erected closer than sixty (60') feet from any property line.
  - b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned Agricultural or Residential.
  - c. Airports must be located on a contiguous parcel of land of not less than sixty (60) acres.
  - d. No part of the site shall abut either directly or across a street of any Residential District.
  
3. All layout and design and construction of runway and other facilities shall meet or exceed the standards set by the Michigan Aeronautics Commission for Class C airports.
  
4. Performance Requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
  
5. Prohibited Uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.
  
6. Off-Street Parking Requirements. One (1) parking space shall be required for every three (3) airplanes stored on the site. All off-street parking shall be constructed to the standards of this Ordinance.

**SECTION 14.51 PONDS.**

Ponds shall comply with Section 16.24, and any pond that involves removing soil or material off-site or in excess of three (3) acres may be required to comply with the Soil Removal Ordinance.

ARTICLE XVI  
GENERAL PROVISIONS

SECTION 16.01    SCOPE:

NO building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

SECTION 16.02    ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS:

IN Residential and Agricultural Districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
2. An accessory building not exceeding one (1) story or fourteen (14') feet in height, may occupy not more than twenty-five (25%) percent of a required rear yard, plus forty (40%) percent of any non-required rear yard; provided, that in no instance shall the accessory building exceed the ground floor area of the main building.
3. A detached accessory building shall be located only in a rear yard, provided further that in no instance shall a building be nearer than three (3') feet to any adjoining lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
4. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.

In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or on adjacent blocks.

5. No accessory building shall be located closer than ten (10) feet from any main building.
6. By definition an accessory building is clearly incidental to the principal building housing the main use; therefore, the Building Inspector shall not issue a Building Permit for an accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.

SECTION 16.03 RESERVED FOR FUTURE USE.

SECTION 16.04 APPEARANCE OF INDUSTRIAL BUILDINGS:

IN any case where a building or accessory building in the General Industrial District is erected or placed within two hundred (200') feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200') feet shall be constructed of stone, face brick, or approved ornamental material, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified. Open storage uses shall be permitted only in the General Industrial District.

SECTION 16.05 ESTABLISHING GRADES:

IN establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

1. Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of existing development or subdivision.
2. All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
3. For types of construction other than single-family dwellings and farm buildings, where the grade on a site is in any way to be increased above existing grade, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that conditions set forth in items 1 and 2 are met.

This certification shall be accompanied by a drawing which contains at least the following information:

- a. A property line survey showing lot shape and dimension, drawn to a scale of at least 1 inch = 10 feet on lots eighty-five (85') feet in width or less and 1 inch = 30 feet on lots greater than eighty-five (85') feet.
- b. A topographic map shall be drawn (may be superimposed on item a. above) at a contour interval of not greater than one foot. Elevations of abutting properties and the crown of abutting road pavement shall be shown.

- c. Proposed changes in grade shall be shown through the use of proposed contour lines.
  - d. The first floor elevation of the proposed construction shall be shown.
5. Fees for inspection of the new grade shall be paid at the time of application for a permit and the amount of such fees shall be established by a resolution of the Township Board and shall cover the cost of the inspection.

SECTION 16.06    BUILDINGS TO BE MOVED:

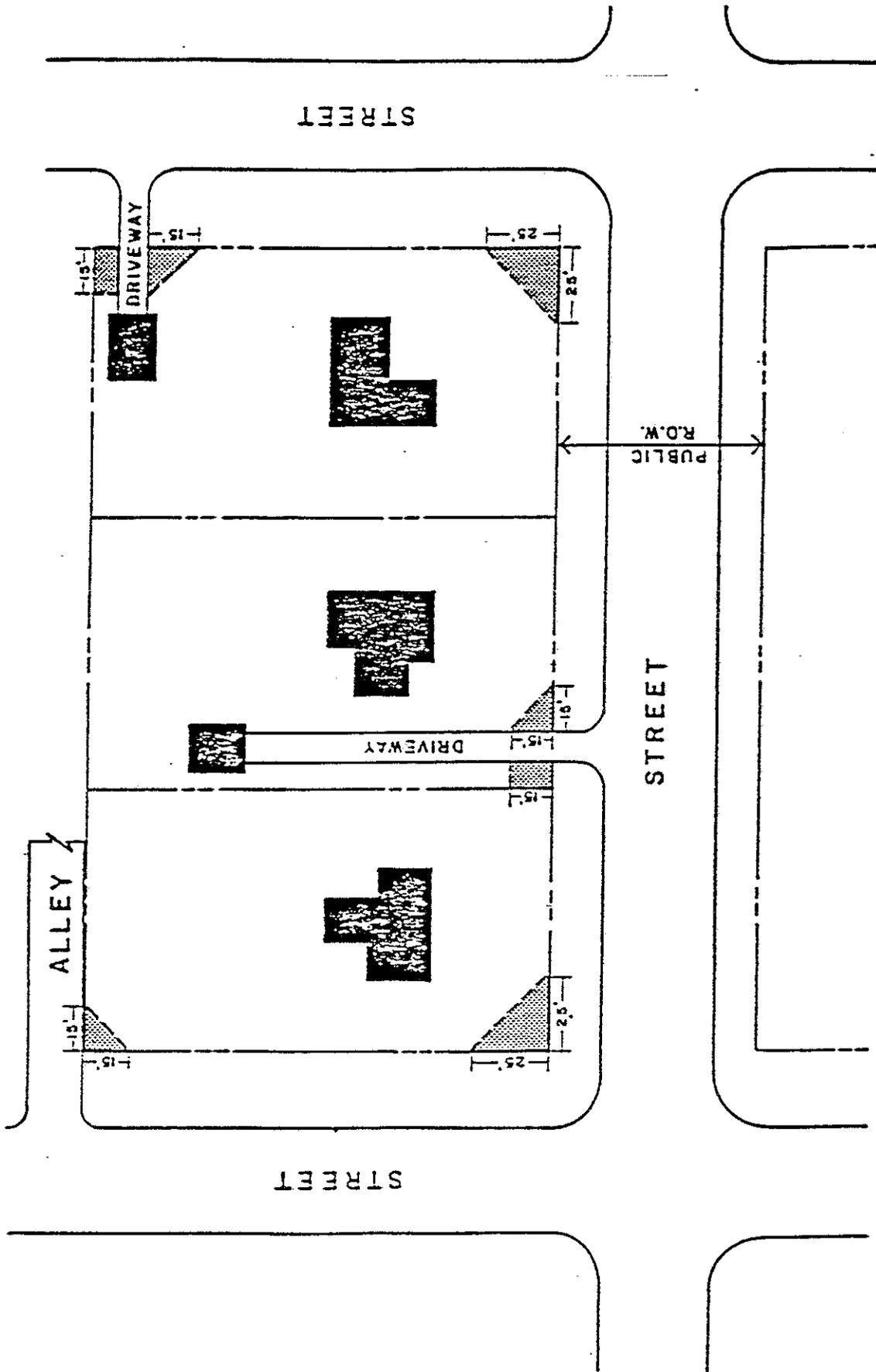
ANY building or structure which has been wholly or partially erected on any premises located within the Township shall not be moved to and placed upon any other premises in this Township until a government permit for such removal shall have been secured from the Building Inspector. Any such building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

SECTION 16.07    CONFLICTING REGULATIONS:

WHENEVER any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

SECTION 16.08    CORNER CLEARANCE:

So as not to obstruct the view of a driver of a vehicle approaching the intersection, no fence, structure, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30") inches from the established street grades shall be permitted within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended, excepting that shade trees shall be permitted where all branches are not less than eight (8') feet above the road level.



**CORNER CLEARANCE**

SECTION 16.09      CORNER LOTS:

THE following shall apply to the Agricultural District and the Residential District. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback. This shall apply whether the side yard is on the same side of the street or across the street from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. (See Section 13.02, footnote "A".)

SECTION 16.10      EXCAVATIONS OR HOLES:

THE construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and, provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, St. Clair County, the Township, or other governmental agency.

SECTION 16.11      EXTERIOR LIGHTING:

1. All outdoor lighting in General Business and General Industrial Districts used to light the general area of a specific site shall be a fully shielded light fixture to reduce glare and shall be so arranged as to reflect lights away from all adjacent districts or adjacent residences.
2. All outdoor lighting in General Business and General Industrial Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in non-residential districts used for the external illumination of buildings, so as to feature said building, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. There shall be no flashing, oscillating or intermittent type of illuminated sign display in any residential district or within one hundred (100) feet of any residential district, street intersection or railroad with a street.

SECTION 16.12 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS:

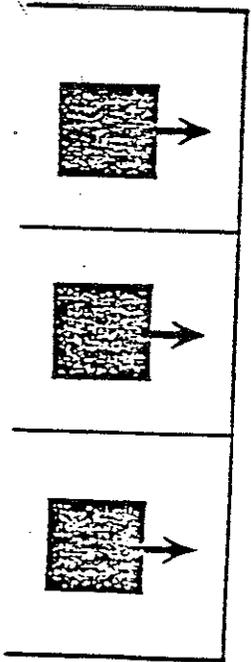
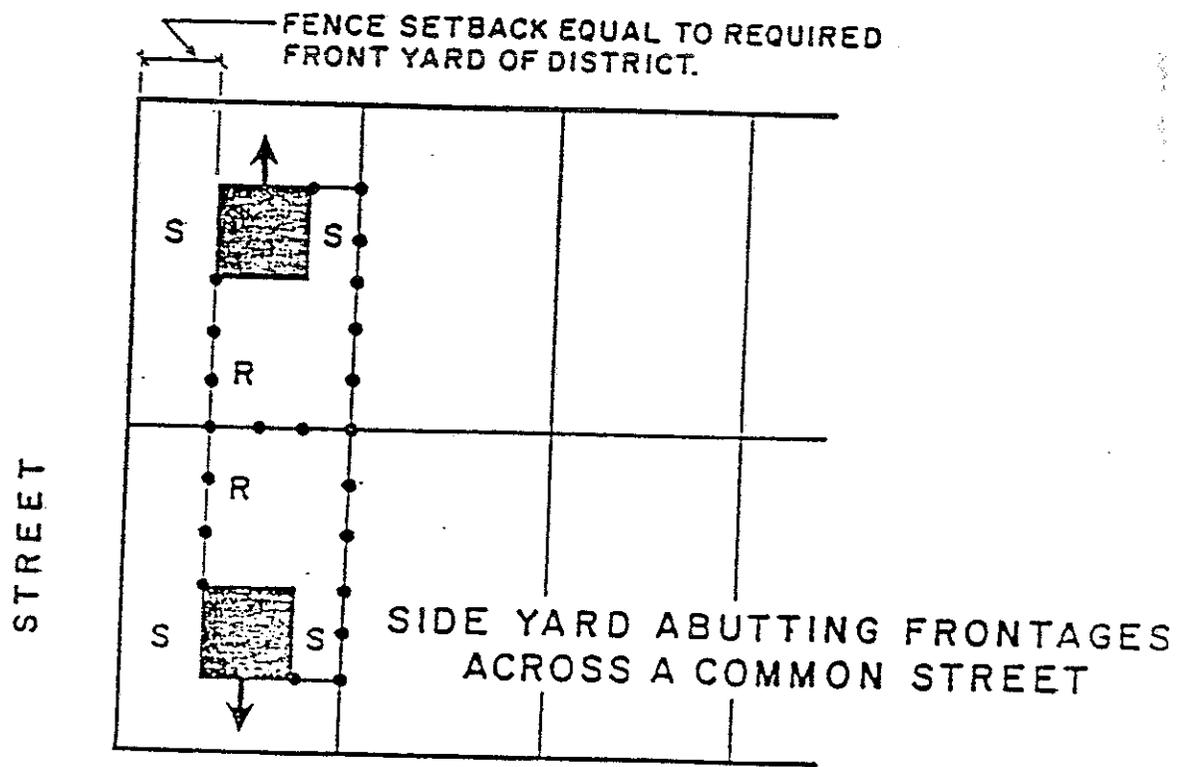
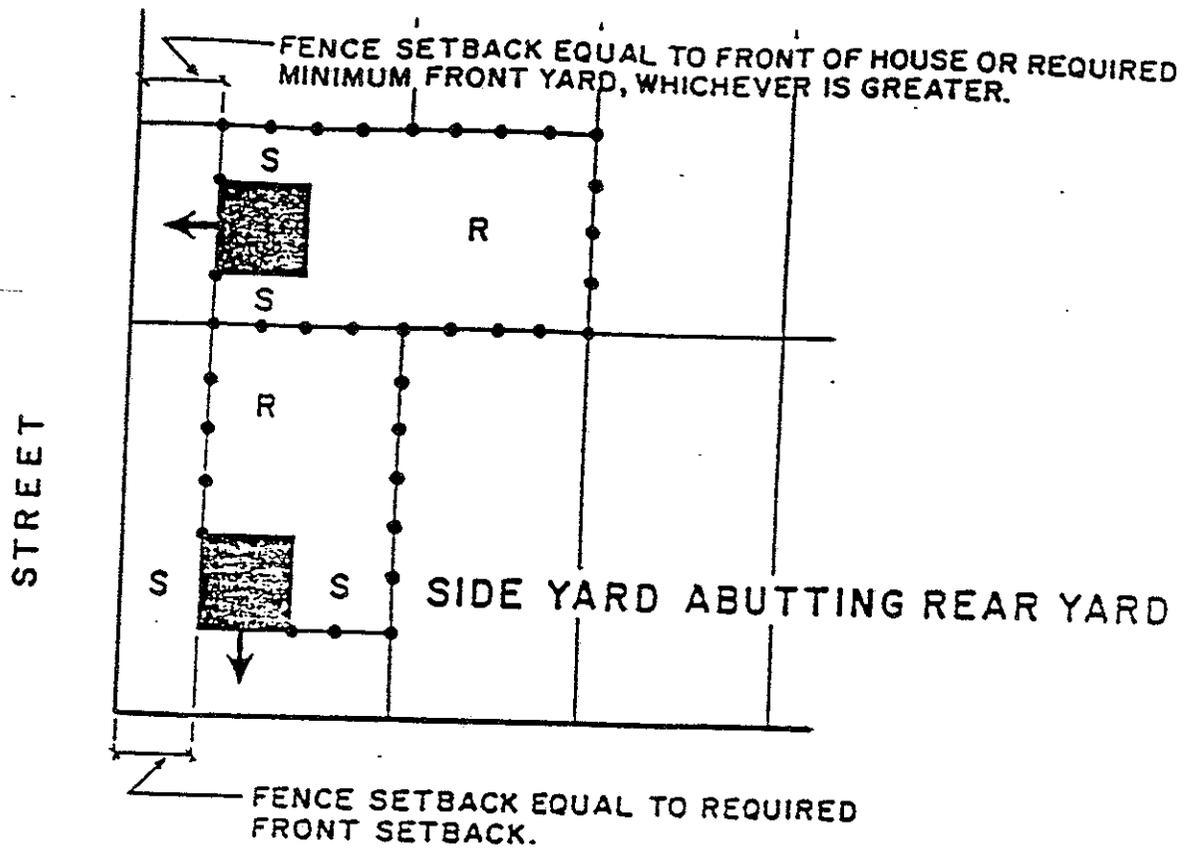
ALL fences of any nature, type or description including hedges (but not including planted greenbelts approved by the Planning Commission) located in the Township shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to the requirements of the zoning district wherein they are required because of land use development, and to the requirements of this Section.
2. Fences in the Agricultural District and fences for agricultural uses in other districts may be located on all property on road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
3. Fences in other than Agricultural Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
  - a. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required rear yard in excess of six (6') feet, or less than three (3') feet in height above the grade of the surrounding land and no fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side yard in excess of five (5') feet, or less than three feet in height above the grade of the surrounding land.
  - b. No fence shall hereafter be located in the required front yard or yard adjacent to the street of the lots or parcels in question more than forty two (42") inches in height.
  - c. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of the fence, or electric current or charge in said fences is prohibited, except as permitted in Section 16.12(3). Barbed wire cradles may be places on top of fences enclosing public buildings or wherever deemed necessary in the interests of public safety.

SECTION 16.13 RESERVED FOR FUTURE USE

SECTION 16.14 GREENBELTS, OBSCURING WALLS, BERMS:

1. For those use districts and uses listed hereinafter, there shall be provided and maintained, on those sides abutting or adjacent to a residential district, an obscuring masonry wall required as follows (USE **bold type**/MINIMUM REQUIREMENTS = following in light type):



- ➔ FRONT YARD
- R REAR YARD
- S SIDE YARD
- FENCE LINE

# RESIDENTIAL FENCE SETBACKS

- a. **Multiple-Family Dwelling Uses**  
6'- 0" high masonry wall, except that no wall is required when adjacent property is also multiple-family or mobile home park.
  - b. **General Business District**  
6'- 0" high masonry wall
  - c. **General Industrial District**  
6' high masonry wall
  - d. **Off-street Parking Lot**  
6'- 0" high masonry wall
  - e. **Hospital Ambulance and Delivery Areas, Funeral Home Loading and Unloading Areas**  
6' high masonry wall
  - f. **Utility Buildings, Stations and/or Substations**  
6' high masonry wall
2. For those use districts and uses listed in Section 16.14(1), the Planning Commission may permit, in lieu of an obscuring masonry wall: an obscuring landscaped earth berm (earth mound); or landscaped greenbelt of at least fifteen (15') in width. Where such earth berm is provided in lieu of a wall, the berm shall be landscaped and maintained in a clean, orderly, and growing condition and shall meet the following minimum design standards: (See also sketches on following pages)
- a. Continuous earth berms shall be provided with undulating horizontal and vertical tops and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or masonry walls or a combination of both as long as the minimum required height of the earth berm, plantings, wall or combinations thereof are provided.
  - b. Berms shall be landscaped earth mounds possessing a maximum slope ratio of three (3) to one (1) (three (3) feet of horizontal plane for each one (1) foot of vertical height). Side slopes shall be designed and planted to prevent erosion. The berms shall have a nearly flat horizontal area at their crests of at least two (2) feet in width.
  - c. Berm or earth mounds shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net which is specifically designed to control erosion. The berm area shall be kept perpetually free of weeds, refuse, debris and general clutter and shall be planted with shrubs, trees or lawn and shall be continuously maintained in a healthy growing condition. Failure to maintain the earth berm in accordance with these requirements shall constitute a violation of this Ordinance.

- d. In those instances where the Planning Commission permits and earth berm or landscaped greenbelt in lieu of a wall, a detailed drawing of the proposed berm or greenbelt shall be submitted in addition to the site plan.
3. Required walls, earth berm or greenbelt shall be located as near as possible to the lot lines, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.

When vehicles or open air display generally exceed a five (5') foot height, said wall shall be increased to a height not exceeding ten (10') feet, as determined by the Planning Commission.

4. Such walls, earth berm and or greenbelt shall have no openings for vehicular traffic or other purposes except as otherwise provided in Section 16.14(4)a. and Section 16.14(8).

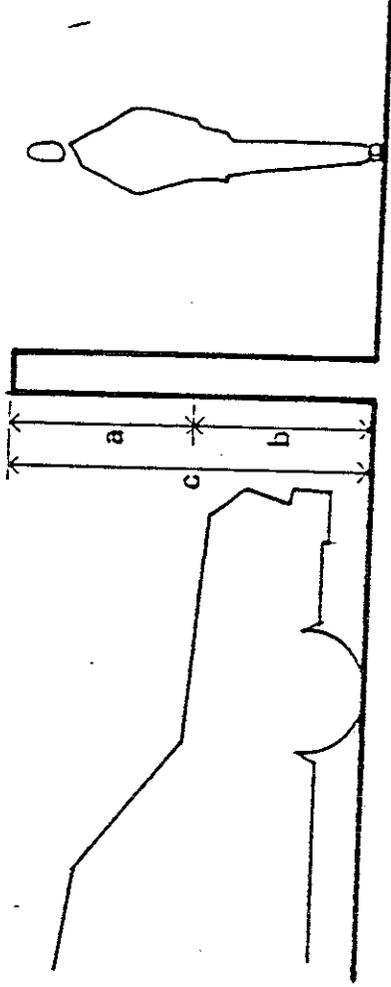
All walls herein required shall be constructed of face brick or other approved materials as shown in the illustrations accompanying this Section. All materials shall be approved by the Planning Commission to durable, weather resistant, rustproof and easily maintained; wood or wood products shall be specifically excluded.

Masonry walls or earth berm may be constructed with openings which do not, in any square section (height and width) exceed twenty (20) percent of the surface. Where walls or earth berms are so pierced, the openings shall be spaced so as to maintain the obscuring characteristic required and shall not reduce the minimum height requirement. The arrangement of openings shall be reviewed and approved by the Planning Commission.

5. Upon review of the site plan, the Planning Commission may waive any part or all of the wall, earth berm or greenbelt requirements, if it is determined that the intended screening effect of the wall, earth berm or greenbelt would serve no useful purpose.
6. If the Planning Commission should determine that a residential district may be a future nonresidential area, temporary waiver of the requirements of Section 16.14, for an initial period not to exceed one (1) year may be granted, provided that escrow money or surety bond in the amount of the estimated cost for erection of the wall or earth berm is filed with the Township for a period not to exceed five (5) years. Granting of waivers, subsequent to the first waiver may be permitted.
7. Residential Property Across Alley.
- a. Any General Commercial or General Industrial District which a drive-in business, open air display, parking lot or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than twenty (20') feet wide, by either a building housing a permitted use or by a solid decorative masonry wall five (5') feet in height above grade located, preferably on the residential side of said public alley as provided in paragraph b below. Greater wall height may be required as determined by the Planning Commission.

REQUIRED WALLS SHALL BE CONSTRUCTED OF FACE BRICK OR COMPARABLE NON POROUS FACING MATERIALS ON THE EXTERIOR SIDES FACING THE RESIDENTIAL DISTRICT AND SHALL BE APPROVED BY THE BUILDING INSPECTOR TO BE DURABLE, WEATHER RESISTANT, RUSTPROOF, AND EASILY MAINTAINABLE. WOOD AND WOOD PRODUCTS SHALL BE SPECIFICALLY EXCLUDED.

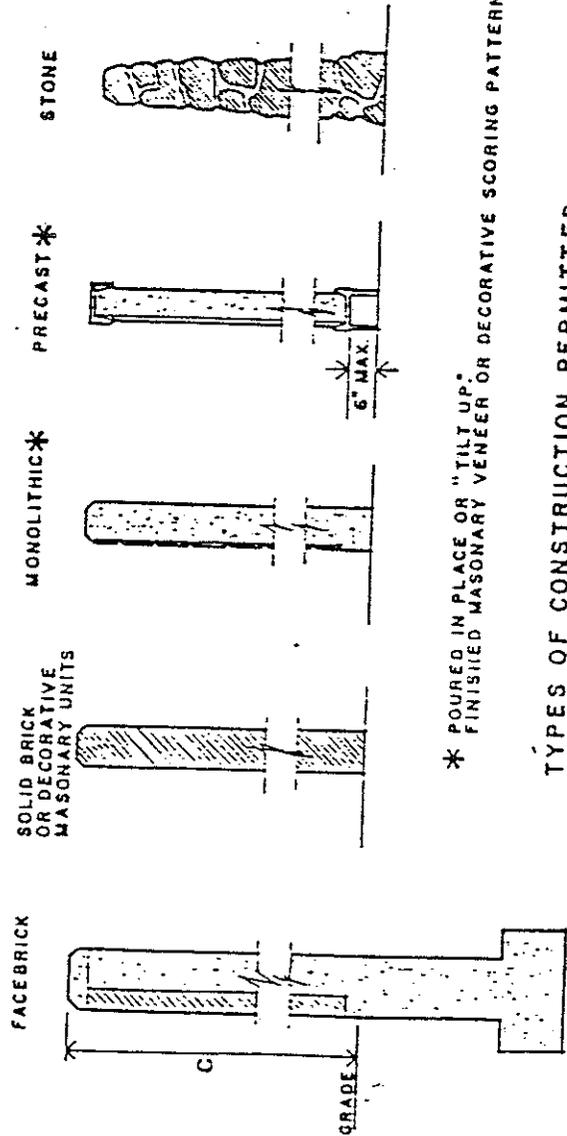
MASONRY WALLS MAY BE CONSTRUCTED WITH OPENINGS WHICH DO NOT, IN ANY SQUARE SECTION (HEIGHT AND WIDTH) EXCEED 20% OF THE SURFACE.



a - MAY BE CONSTRUCTED WITH OPENINGS NOT TO EXCEED 20% OF THE WALL SURFACE.

b - TOTAL OBSCURING EFFECT REQUIRED TO HEIGHT 3'0".

c - TOTAL HEIGHT REQUIRED VARIES BETWEEN 4'6" AND 8'0".



\* POURED IN PLACE OR "TILT UP." FINISHED MASONRY VENEER OR DECORATIVE SCORING PATTERN ON RESIDENTIAL SIDE.

TYPES OF CONSTRUCTION PERMITTED

**NOTE:**

THE SELECTION, SPACING, AND SIZE OF PLANT MATERIAL SHALL BE SUCH AS TO CREATE, WITHIN A FIVE (5) YEAR PERIOD FROM THE DATE OF PLANTING, A HORIZONTAL OBSCURING EFFECT FOR THE ENTIRE LENGTH OF THE REQUIRED GREENBELT AREA, AND A VERTICAL OBSCURING EFFECT OF SUCH HEIGHT AS IS DETERMINED ADEQUATE BY THE PLANNING COMMISSION FOR PROPER SCREENING BETWEEN LAND USES.

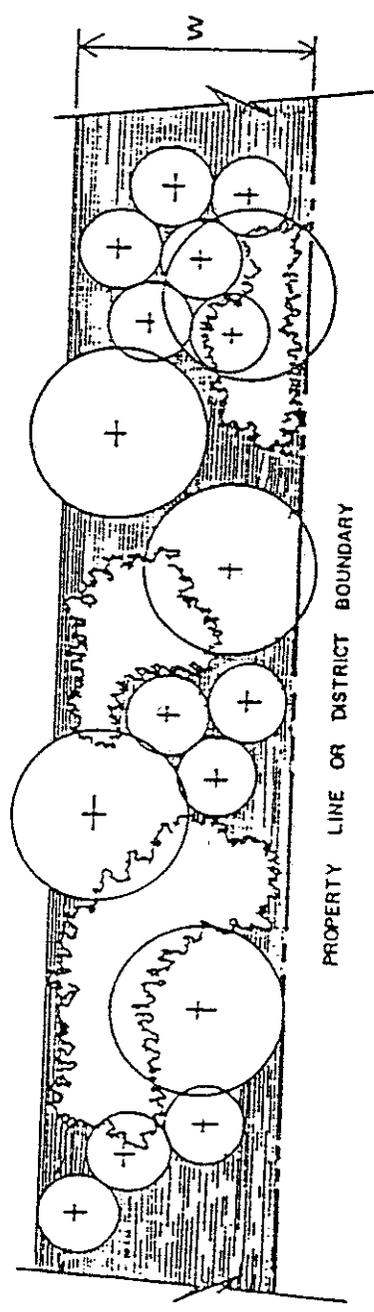
a - BERM HEIGHT

b - PLANT MATERIAL HEIGHT

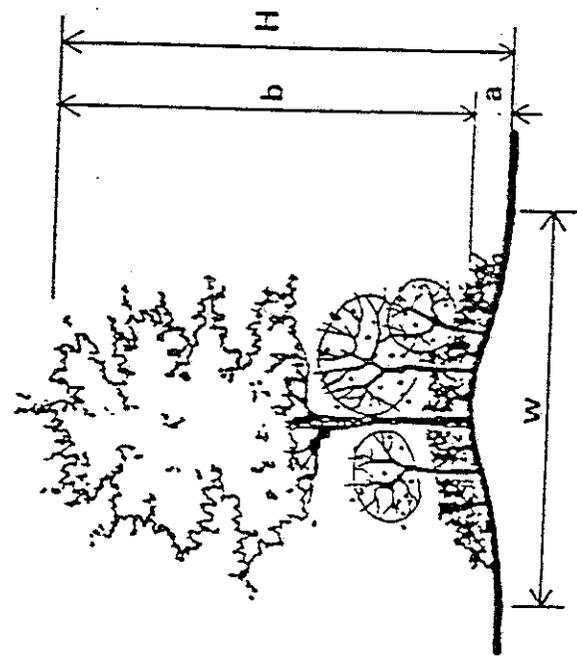
H - MINIMUM HEIGHT OF SCREENING AT INITIAL INSTALLATION

W - MINIMUM WIDTH OF GREENBELT AS SET FORTH BY ORDINANCE FOR RESPECTIVE USES AND DISTRICTS

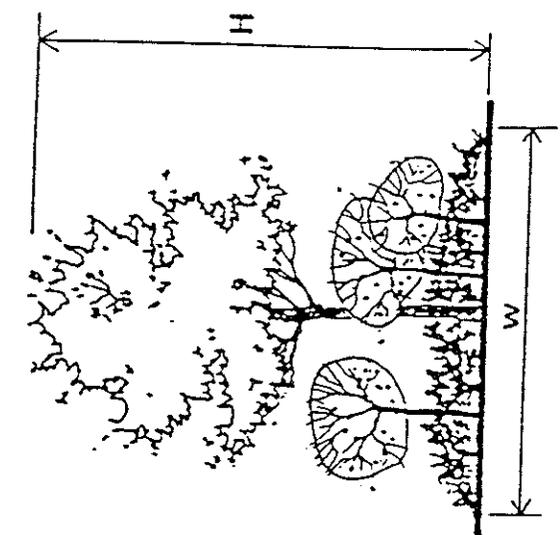
USE TO BE SCREENED



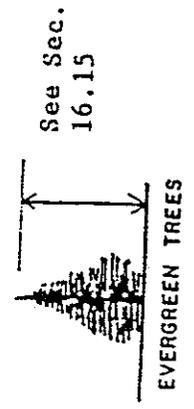
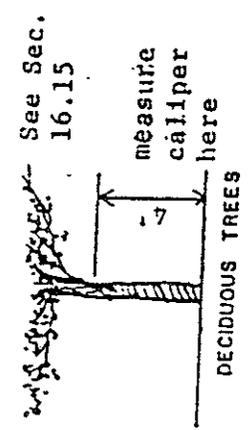
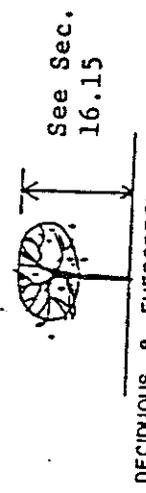
PLAN



COMBINATION BERM/GREENBELT SCREEN



GREENBELT SCREEN



SECTION

SECTION



- b. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right of way from a nonresidential zone that abuts a residential zone upon agreement with affected property owners. Such agreements shall be indicated on the site plan and recorded as a covenant upon the land. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such requests.
8. Openings in Walls, Berms, Greenbelts. Where required walls, berms, or greenbelts are provided on the business side of public alleys, requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided approval is secured from the Planning Commission as to suitability of width and location of such openings.
9. Bond.
- a. A bond or cash in an amount equal to the cost of construction of the required wall, earth berm, or greenbelt shall be deposited with the Township Clerk until such time as the screening device is constructed and/or planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said screening device or the Township shall be authorized to use said funds to install said screening device.
- b. In the case of a earth bern or a greenbelt, the Township shall be authorized to withhold twenty (20%) percent of the bond or cash for a period of two (2) years from the date of issuance, to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

SECTION 16.15 PLANT MATERIALS:

1. Whenever in this ordinance a landscaped greenbelt or earth berm is required, it shall be planted prior to the issuance of a Certificate of Occupancy. If the development is not completed within a growing season, a temporary Certificate of Occupancy shall be issued for a one (1) year period and a bond posted of sufficient amount to ensure that the earth berm or greenbelt will be completed in accordance with Ordinance provisions.
2. Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing as required shall be provided.
- a. Plant Material Spacing
- (1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- (2) Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
- (3) Evergreen trees shall be planted not more than thirty (30) feet on centers.

- (4) Narrow evergreens shall be planted not more than three (3) feet on centers.
- (5) Deciduous trees shall be planted not more than thirty (30') feet on centers.
- (6) Tree-like shrubs shall be planted not more than ten (10') feet on centers.
- (7) Large deciduous shrubs shall be planted not more than four (4') feet on centers.

3. Approved Plant Materials. Minimum Height

- a. Evergreen Trees Five (5') feet
  - (1) Juniper
  - (2) Hemlock
  - (3) Fir
  - (4) Pine
  - (5) Spruce
  - (6) Douglas Fir
  
- b. Narrow Evergreens Five (5') feet
  - (1) Column Honoki Cypress
  - (2) Blue Columnar Chinese Juniper
  - (3) Irish Yew
  - (4) Pyramidal Red-Cedar
  - (5) Swiss Stone Pine
  - (6) Douglas Arbor-Vitae
  - (7) Columular Giant Arbor Vitae
  - (8) Pyramidal White Pine
  
- c. Tree-like Shrubs Six (6') feet
  - (1) Flowering Crabapple
  - (2) Mountain Ash
  - (3) Dogwood
  - (4) Redbud
  - (5) Rose of Sharon
  - (6) Hornbeam
  - (7) Hawthorn
  - (8) Magnolia
  - (9) Russian Olives
  
- d. Large Deciduous Shrubs Six (6') feet
  - (1) Honey Suckle
  - (2) Viburnum
  - (3) Mock Orange
  - (4) Forsythia
  - (5) Lilacs
  - (6) Ninebark
  - (7) Cotoneaster
  - (8) Hazelnuts
  - (9) Evonymus
  - (10) Privet
  - (11) Buckthorn
  - (12) Sumac

- e. Large Deciduous Trees 3" - 4" caliper
- (1) Oaks
  - (2) Hard Maples
  - (3) Ash
  - (4) Hackberry
  - (5) Sycamore
  - (6) Birch
  - (7) Beech
  - (8) Ginkgo
  - (9) Honeylocust
  - (10) Sweet Gum
  - (11) Hop Hornbeam

4. Trees not Permitted.

- a. Box Elder
- b. Soft Maples (Red-Silver)
- c. Elms (American)
- d. Poplars
- e. Ailanthus (Tree of Heaven)
- f. Catalpa
- g. Horse Chestnut (nut bearing)
- h. Willows

5. Additional Regulations.

- a. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- b. Whenever a greenbelt or earth berm is required under the provisions of this Ordinance, or when the Planning Commission allows the substitution of same in lieu of a wall, a detailed planting plan shall be submitted to the Planning Commission for approval prior to the issuance of a Zoning Compliance Permit. The planting plan shall indicate, to scale, the location, spacing, starting size, and description for each unit of plant material proposed for use within the required greenbelt or bermed area, together with the finished grade elevations proposed therein.
- c. The Planning Commission shall review said planting plan relative to:
  - (1) The Proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved.
  - (2) The choice and selection of plant materials so as to insure that root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within the public right-of-way, or to abutting property owners.

- (3) The proposed relationship between deciduous and evergreen plant materials so as to insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- (4) The size of plant material (both starting and ultimate) to insure adequate maturity and optimum screening effect of proposed plant materials.

SECTION 16.16    LOT AND SUBDIVISION LIMITATIONS:

- A. Only one single family detached dwelling or one two-family dwelling shall be placed on a lot (definition #74).
- B. No building or structure shall be erected on land subdivided in violation of the Subdivision Control Act, Act 288, Public Acts of 1967.

SECTION 16.17    LOTS, YARDS, AND OPEN SPACES:

NO space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this ordinance, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 16.18    NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING CHARACTERISTICS OF USE:

1. Applicability. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance.

2. Lawfully Existing Nonconforming Lots.

- a. The intent of this Section is to allow reasonable development of lawfully existing nonconforming lots.
- b. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area of width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Board of Zoning Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

3. Definition and Classification of Nonconforming Uses and Structures

- A. Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Building Inspector upon findings that (a) continuance thereof would not be contrary to the public health, safety or welfare, (b) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (c) that the use or structure was lawful at the time of its inception, (d) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform, and (e) that there are no nuisance factors or the same do not cause any substantial effect on the surrounding area, including aesthetics.
- B. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures, provided however, a Class B nonconforming use which would otherwise be terminated because of fire or other casualty may apply for a Class A designation within 60 days of such casualty occurring.

*Class B  
Can not be  
changed Class A  
may be changed*

4. Procedure for Obtaining Class A Designation, Conditions

- A. A written application shall be filed with the Building Inspector setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and

reasons on which it is based.

- B. Conditions may be attached, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.
  - C. No vested interest shall arise out of a Class A designation.
5. Revocation of Class A Designation. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.
6. Regulations Pertaining to Class A Nonconforming Uses and Structures
- a. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period.
  - b. A Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Zoning Appeals at the time of its designation.
7. Regulations Pertaining to Class B Nonconforming Uses
- A. Intent. It is the purpose of this Ordinance to eliminate Class B nonconforming uses as rapidly as is permitted by law without payment of compensation.
  - B. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least eighteen (18) months or if it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75 percent of the reproduction cost of such structure.
  - C. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than

used at the time of becoming nonconforming.

- D. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
- E. No Class B nonconforming use shall be permitted to continue in existence if it was unlawful at the time of its inception.
- F. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- G. Ordinary repair and maintenance work may be done on any Class B nonconforming structure which is used for a nonconforming use, including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.

8. Regulations Pertaining to Class B Nonconforming Structures

- A. Intent. It is the purpose of this Ordinance to eliminate Class B nonconforming structures as rapidly as is permitted by law without payment of compensation, except as otherwise provided herein.
- B. The use of a Class B nonconforming structure shall not be resumed if it has been discontinued for a continuous period at least eighteen (18) months or if it has been changed so as to use it for a conforming use for any period or if it is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75 percent of the reproduction cost of such structure, except that a structure which is used for single family dwelling purposes, and is nonconforming because it does not comply with area regulations such as set backs, may be rebuilt provided it is otherwise a permitted use, but it shall be subject to having the area regulations, such as set backs, modified by the ZBA so as to

reasonably reduce all or part of its nonconforming aspects, if the ZBA deems a modification necessary based upon the same standards as are set forth in Section 3(A).

- C. No Class B nonconforming structure shall be enlarged or structurally altered, except that a structure which is used for single family dwelling purposes, and is nonconforming because it does not comply with area regulations, may be structurally enlarged or altered without regard to values or the cost thereof, provided it is otherwise a permitted use and provided the structural enlargement or alteration does not cause the structure to make the nonconforming aspect of the structure greater, such as by adding an addition to a side of the dwelling that already violates the set back for that particular side.
- D. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
- E. No Class B nonconforming structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- F. No Class B nonconforming structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except as provided by (B) and (C) above.
- G. If a Class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved, except as provided by (B) and (C) above.
- H. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be

increased, except as provided by (B) and (C) above.

9. Repairs and Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof which is used for a nonconforming use declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
10. Change of Tenancy or Ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

increased, except as provided by (B) and (C) above.

9. Repairs and Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof which is used for a nonconforming use declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
10. Change of Tenancy or Ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 16.19 OFF-STREET PARKING:

THE off-street parking and loading requirements of this Ordinance are established to prevent congestion on the public streets, remove the hazard to all beings of emerging from between parked vehicles onto a public street, to facilitate proper storm water run-off, prevent the generation of dust into the air and make clear the availability and arrangement of spaces to all users.

1. Off-Street Parking Facilities. It shall be the duty of both the owner and occupant of any premises to provide off-street parking space as required in this Section. Whenever the off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

a. Any existing off-street parking facilities being used upon the effective date of this Ordinance shall not hereafter be reduced below the requirements hereof for the use or a similar structure or land use. Whenever a use or an activity requiring off-street parking is created or increased in floor area, intensity of activity in some other manner, the number of off-street parking spaces shall be provided and maintained as required in this Ordinance.

b. When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one(1) parking space.

c. All spaces shall be laid out in accordance with the following schedule, plans for the layout of off-street parking facilities must be approved by the Planning Commission and shall be in accordance with the following minimum requirements, except that the dimension of spaces for the handicapped shall be as set forth by the Building Code:

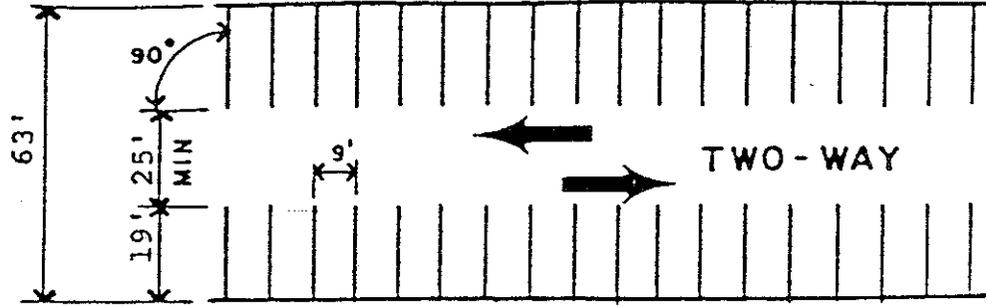
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width Of Two Tiers of Spaces Plus Maneuvering Lane</u>
0 (Parallel)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 - 53	12 ft.	8.5 ft	20 ft.	32 ft.	52 ft.
54 - 74	15 ft.	8.5 ft	20 ft.	37 ft.	58 ft.
75 - 90	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

(1) All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.

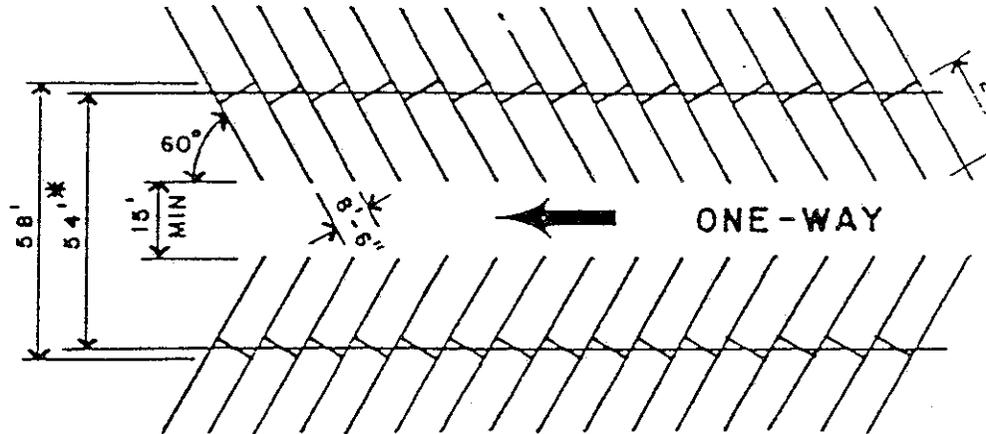
(2) Parallel parking spaces shall be twenty (20') feet in length with a six (6') feet maneuvering space for each two (2) parking spaces.

(3) All parking lots shall have access from a clearly limited and defined driveway not less than fifteen (15') feet wide for a one-way and twenty-four (24') feet wide for a two-way traffic. In no case shall a driveway exceed thirty (30') in width.

90 DEGREE

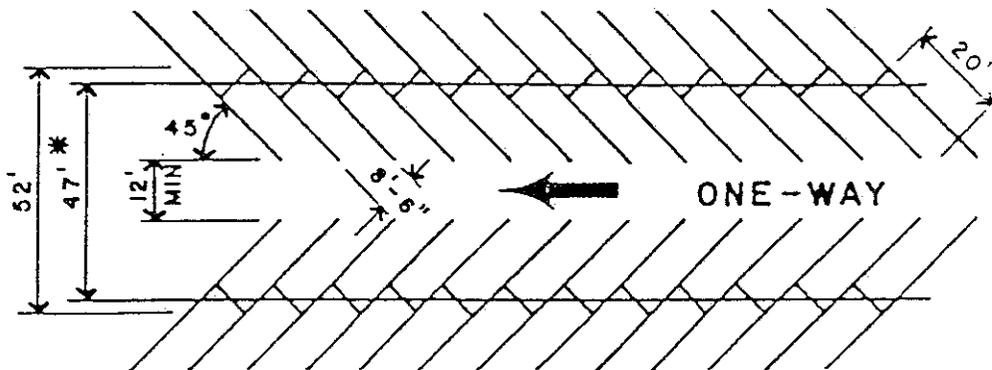


60 DEGREE



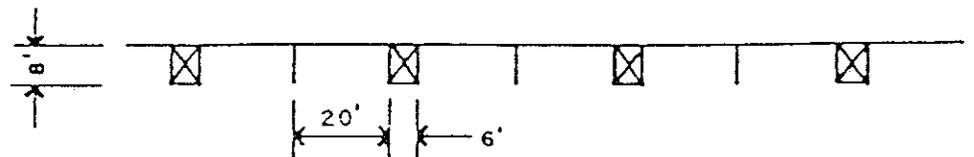
\* OVERLAPPING DIMENSION

45 DEGREE



\* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL



# PARKING LAYOUTS

- (4) All parking spaces shall have access from an aisle on the site to minimize backing onto a street and having a potential traffic hazard.
  - (5) Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.
- d. For the purpose of meeting off-street parking requirements for offices, merchandising, service or industrial uses, floor area shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients, employees, or as tenants, including areas occupied for storage and fixtures and equipment used for display or sale of merchandise. Where parking is required for both floor area and employees, the area used exclusively by employees may be deducted from gross floor area used to determine the parking required to meet the floor area (square foot) requirement.
  - e. In the case of hospitals, bassinets shall not be counted as beds. In the case of stadia, sports arenas, churches and other uses where spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating shall be considered as one seat for the purpose of determining off-street parking requirements.
  - f. Parking plans shall be submitted for review and approval of layout and points of access by the Planning Commission.
  - g. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for such use shall be that for a listed use which is most similar as determined by the Planning Commission.
  - h. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking shall be set forth in a recordable instrument and recorded in the Register of Deeds, describing the lands affected by this agreement or easement.
  - i. The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with this Ordinance, and the space so required shall be stated in the application for a building permit and shown on the plot plan or site plan and shall be irrevocably reserved for such use.
  - j. The off-street parking facilities required for all uses shall be located on the lot or on property within three hundred (300) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by a Major Thoroughfare as may be designated in the Township Master Plan.

- k. Except for single family detached dwelling units or farm uses located in the residential or agricultural districts, all parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with plans approved by the Building Inspector. Such concrete pavement shall be of a minimum thickness of 6 inches and any bituminous paving shall be of a minimum thickness of 2 inches and shall be placed upon a base of gravel of a minimum thickness of 4 inches. The Zoning Board of Appeals may grant a variance to this requirement where upon recommendation of the Planning Commission a more imaginative paving solution is presented using brick, paving blocks, or other similar material of adequate load bearing nature.
  - l. All spaces shall be provided adequate access by means of paved maneuvering lanes.
  - m. The Planning Commission may require an access easement to provide for vehicle access to adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.
  - n. Parking may be permitted in a required front yard except as provided in paragraph 2e. below provided that a landscaped area ten (10') feet in width extending the full width of the lot shall be provided between the parking lot and any lot line abutting a public street. The landscaped area shall be continuous except where pierced by approved access drives. The landscaped area shall be continuously maintained in good condition. The design and plant materials utilized shall be approved by the Planning Commission.
2. Off-Street Parking Development Regulations. An approved off-street parking area as permitted under this Section shall be subject to the following regulations:
- a. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.
  - b. All advertising signs shall conform to the requirements of this Ordinance.
  - c. All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district.
  - d. When lighting facilities are used, reflectors shall be installed to reflect the light away from residential areas and uses and the public right-of-way.

- e. Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses on any block in any given residential area shall be continued and made applicable to parking space if located adjacent to such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier specified in the next succeeding section shall be located in the setback line as herein required.
- f. Whenever such parking area adjoins residential property and/or residential street or alley, a protective wall or greenbelt shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, advertising whatsoever. Bumper guards, comprising either a curb at least six (6) inches high or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be provided to prevent vehicles striking said wall or shrubbery.
- g. Entrance to such parking areas shall be only from adjoining principal use or adjoining alley or street.
- h. A building permit shall be required for the construction of any parking area whether or not such parking area is in conjunction with the construction of a structure or is a separate land use not connected with any structure. The applicant shall submit a written plan to the enforcing officer along with application for a building permit. Such plan shall show in detail at a scale of not more than fifty (50) feet to the inch, the boundary lines of the property involved, the location and size of any structures or proposed structures thereon, parking spaces, entrances and exits, drainage structures, if any required, boundary walls ;and landscaping, if required, and the proposed use of the property.
- i. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this sub-section for a period of longer than 18 hours, it being the purpose and intent of this provision that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles. Exempt from this provision is the parking of vehicles accessory to the principal use.
- j. No charge for parking shall be made in an off-street parking area permitted under this sub-section.
- k. The use of any loud noise producing device or public address system shall be prohibited.
- l. All Parking serving other than one-family dwellings shall be side-by-side and tandem parking shall be prohibited.

3. Paving Schedule.

- a. All paving required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
- b. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the complete installation of the paving required is prevented by inclement weather or acts of nature beyond the control of the owner, then, in that event the owner may obtain a temporary occupancy permit for a period not exceeding six (6) months from the Building Inspector, after review and approval of the Planning Commission, upon written request therefor, provided said owner shall:
  - (1) Deposit security with the Township Treasurer in the form of cash or a corporate surety bond in an amount equal to the cost of the complete installation of the paving (the cost being determined by the Township Engineer) plus an additional ten percent (10%) thereof. The additional sum of ten percent (10%) is hereby determined to be a reasonable expense incurred by the Township in causing the complete installation of the paving as may be required and as provided in Sub-section 3(b)(3) below, and
  - (2) Complete the installation of the required paving in the time required by the terms of the temporary occupancy. Upon complete installation in that event, the security deposit required hereunder shall be cancelled and returned to the depositor upon demand. Upon failure to completely install the paving as required herein, the security deposit required above shall be forfeited as liquidated damages, the same hereby being declared to be reasonable in view of the difficulty of more exact ascertainment of the damage incurred as a result of such failure.
  - (3) If the security deposit is forfeited as provided in Sub-paragraph (2) above:
    - (a) The Township Engineer after specific authorization by the Township Board shall expend such amount as has been authorized by the Township Board not exceeding the total amount of the security deposit to cause the required paving installation to be made.
    - (b) The building inspector shall not issue a regular occupancy permit until the paving required is completely installed, and
    - (c) Use or occupancy of the premises after the expiration of the temporary occupancy permit and before the issuance of a regular occupancy permit shall be unlawful and a violation of this Ordinance.

4. Location and Design of Driveways. All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit in the case of a one way traffic flow system shall be at least fifteen (15') feet in width, and may in the case of a two way traffic flow system be combined as one which shall in no event be less than twenty-four (24') feet in width. Provided, however, in no case shall there be more than one separate exit and one separate entrance to and from a single street. The location of each such entrance and exit shall be submitted for approval of the County Road Commission or the Michigan State Highway Department, as the case may be, and the Township Planning Commission.
5. Off-Street Waiting Area For Drive-Through Facilities. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay, or similar arrangement, there shall be provided six (6) off-street waiting spaces for each service window or service bay not blocking parking spaces, in addition to the use requirement. A waiting space shall be twenty-three (23') feet long by ten (10') feet wide.
6. Minimum Number of Off-Street Parking Spaces. The minimum number of off-street parking spaces by type of use for the storage or parking of motor vehicles for the use of owners, occupants, employees, customers, or visitors of buildings or uses shall be irrevocably provided and maintained on the premises occupied by such structure on the basis of the following schedule:
  - a. Residential Use
    - (1) The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building they are intended to serve and shall consist of a parking strip, parking apron, carport, and/or garage on the basis of two parking spaces for each dwelling unit.
    - (2) Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one bedroom dwelling unit. For each additional bedroom over two per unit, one-half (1/2) additional parking space shall be provided.
    - (3) Housing for the Elderly. Two (2) for each three (3) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided and space shown on the site plan to accommodate such requirement.
    - (4) Mobile Home. Two (2) for each mobile home. In a licensed Mobile Home Park a secured storage area for recreation vehicles shall be provided buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time except within a covered building or the enclosed storage area. No motorized recreation vehicles or boats shall be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with 0.15 foot candle of illumination.

b. <u>Institutional Uses</u>	<u>Number of Spaces</u>
(1) Churches or temples	One (1) for each three (3) seats in the main unit of worship
(2) Golf courses open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole & one (1) for each one (1) employee
(3) Hospitals	One (1) for each 600 SF of gross floor area, plus one (1) for each two (2) employees
(4) Homes for the aged & convalescent homes	Two (2) for each three (3) beds or occupants & each two (2) staff members
(5) Elementary & junior high schools	One (1) for each one (1) teacher, employee and administrator, in addition to the requirements of the auditorium
(6) Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by township, county or state fire, building or health codes.
(7) Private golf clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals
(8) Private parks	One (1) for each two (2) individual members
(9) Public recreation	One (1) for every two (2) users at maximum capacity plus one (1) space for each employee
(10) Senior high schools	One (1) for each one (1) teacher, employee, & administrator, plus one (1) for each ten (10) students in addition to the requirement of the auditorium
(11) Stadium, sports arena or similar places of outdoor assembly.	One (1) for each three (3) seats or sixty (60) inches of benches
(12) Theaters & auditoriums (includes commercial theaters & movie houses)	One (1) for each three (3) seats plus one (1) for each two (2) employees. If no seats, one for each fifty (50) SF of floor area.

c. Business/Commercial

- |   |   |
|---|---|
| (1) Agricultural sales, greenhouses & nurseries, fish farm operations | One (1) for each one (1) employee plus one (1) for each one hundred (100) SF of actual permanent or temporary area devoted primarily to sales.  |
| (2) Airports, runways and the like                                    | One (1) for every three (3) airplanes to be stored on the site plus one (1) for each employee   |
| (3) Automobile repair   | One (1) for each one hundred (100) SF of floor area. No wrecked vehicles to be stored outside.  |
| (4) Automobile Service stations                                       | Two (2) for each lubrication stall, rack, or pit & one (1) for each gasoline pump.  |
| (5) Auto wash   |   |
| (a) Self-service  | Four (4) spaces for each establishment plus four (4) waiting spaces for each washing stall.   |
| (b) Other than self-service   | Four (4) spaces for each establishment plus twenty (20) waiting spaces for each washing stall or line. A properly drained drying lane fifty (50) feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street & thereby creating a traffic hazard.   |
| (6) Beauty parlor or barber shop                                      | Three (3) spaces for each of the first two (2) beauty or barber chairs, & one and one-half (1-1/2) spaces for each additional chair.  |
| (7) Boat berthing, in-and-out storage, & in-water storage             | One (1) space for every two (2) boat berths & one (1) off-street parking space for each boat available for rent. Where launching from a boat trailer is permitted, adequate space shall also be provided for the storage of boat trailers as part of any parking plan. Launching shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers at such location. |
| (8) Bowling alleys  | Six (6) for each one (1) bowling lane.  |

- (9) Dance halls, arcades One (1) for each two (2) persons allowed  
pool or billiard within the maximum occupancy load as  
parlors, roller or established by the township, county or  
ice skating rinks, state fire, building or health codes  
indoor tennis facil-  
ities, exhibition  
halls & assembly halls  
without fixed seats
- (10) Dry cleaners One (1) parking space for each two (2)  
employees, with a minimum of three (3)  
spaces.
- (11) Establishments for One (1) for each one hundred (100) SF of  
sale & consumption floor area or one (1) for each two (2)  
on the premises of persons allowed within maximum occupancy,  
beverage, food or whichever is greater.  
refreshments
- (12) Fast food, drive- One (1) space for each two (2) employees,  
in & carry-out plus one (1) parking space for each two  
restaurants (2) seats intended for patrons within the  
restaurant building, & one (1) space for  
each twenty (20) SF of building floor  
area available in the order-waiting area.
- (13) Furniture & appli- One (1) for each five hundred (500) SF of  
ance, household floor area. For that floor area used in  
equipment, repair processing or storage, one (1) additional  
shops, showroom of space shall be provided for each two (2)  
a plumber, decora-, persons employed therein or each 1,000  
tor, electrician, or SF, whichever is greater  
similar trade, shoe  
repair & other  
similar uses
- (14) Laundromats & coin One (1) for each two (2) machines  
operated dry cleaners
- (15) Miniature, "par 3" Three (3) for each one (1) hole, plus one  
golf courses (1) for each one (1) employee
- (16) Mortuary establish- One (1) for each fifty (50) SF of  
ment assembly room floor space, parlors, &  
slumber rooms
- (17) Motel, hotel or One (1) for each one (1) occupancy unit  
other commercial plus one (1) for each one (1) employee,  
lodging estab- in addition to the requirements for  
lishments ancillary facilities such as restaurants,  
ballrooms, etc.
- (18) Motor vehicle sales One (1) for each three hundred (300) SF  
& service establish- of floor space of sales room & one (1)  
ment for each one (1) auto service stall in  
the service room.

- (19) Museum or art gallery One (1) for each four hundred (400) SF of floor space
- (20) Open air businesses One (1) for each five hundred (500) SF of lot area for retail sales, uses & services
- (21) Planned centers
  - (a) Office buildings One (1) for each one hundred fifty (150) SF of floor space
  - (b) Retail business One (1) for each one hundred (100) SF of floor space
- (22) Retail stores except as otherwise specified herein One (1) for each one hundred fifty (150) SF of floor space
- (23) Specialty shops One (1) for each two hundred (200) SF of floor space.

d. Offices

- (1) Banks & post offices One (1) for each one hundred (100) SF of gross floor space, plus one (1) space for each two (2) employees
- (2) Business offices or administrative offices except as indicated below One (1) for each two hundred (200) SF of floor space
- (3) Clinics, medical, dental, veterinary One (1) space for each employee, plus one (1) space for each one hundred fifty (150) SF of floor space
- (4) Professional offices of doctors, dentists, or similar professions One (1) for each one hundred (100) SF of floor area or one (1) for each twenty-five (25) SF in waiting rooms, and one (1) for each examining room dental chair, or similar use area, whichever is greater

e. Industrial

- (1) Industrial, whole-sale or warehouse establishments (except for (2) below) Five (5) plus one (1) for every one & one-half (1-1/2) employees in the largest working shift, or one (1) for every four hundred (400) SF of floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
- (2) Mini-warehouses Unobstructed parking area equal to one (1) spaces for every ten (10) door openings.

6. Off-Street Loading Requirements. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area in Square Feet</u>	<u>Spaces Required</u>
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 SF
100,001 - 500,000	Five (5) spaces plus one (1) space for each 40,000 SF in excess of 100,000 SF
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 SF in excess of 500,000 SF

SECTION 16.20 RADIO, TELEVISION TOWERS; WIND ENERGY CONVERSION SYSTEMS:

1. Radio and Television Towers. Commercial radio, television and other transmitting or relay antenna towers shall be permitted in any agricultural, commercial, or industrial zoning district subject to compliance with applicable Federal, State, and Township Ordinances. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, with no zoning ordinance restrictions on tower height. The structural plans must be approved by the Building Inspector.
2. Wind Energy Conversion Systems.
  - a. Definitions
    - (1) Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device which converts wind energy to mechanical or electrical energy.
    - (2) Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

- (3) **Tower Height:** The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
- (4) **Survival Wind Speed:** The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
- b. **Permitted Zones.** In any zoning district, the Planning Commission shall have the power to grant a special permit to allow wind energy conversion systems, subject to the restrictions contained within this Ordinance. Any special permit denied by the Planning Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special permit.
- c. **Applicability of Ordinance.** The standards which follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/ operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.
- d. **Standards for and Regulation of WECS**
- (1) **Construction:** Tower construction shall be in accordance with the latest edition of the Township Building Code, and any future amendments and/or revisions to same.
- (2) **Electric-Magnetic Interference (EMI):** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
- (3) **Setbacks:** The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one (1) to one and one-half (1-1/2) ratio with tower height.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5') feet of utility lines.

- (4) **Maximum Height:** The maximum height permitted (without variance from the Zoning Board of Appeals) shall be fifty (50') feet unless otherwise prohibited by any state or federal statutes or regulations.
- (5) **Minimum Blade Height:** The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.
- (6) **Labelling Requirements:** A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
  - (a) The maximum power output of the system and the wind speed at which it is achieved.
  - (b) Nominal voltage and maximum current.
  - (c) Manufacturer's name and address, serial number and model number.
  - (d) Maximum survival wind speed and the emergency and normal shut down procedures.
- (7) **Utility Company Notification:** The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
- (8) **Safety:** The WECS's manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
- (9) **Noise:** The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at the property line.

e. Miscellaneous

- (1) All electric line/utility wires shall be buried under ground except in Agricultural Districts.

- (2) Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. The supporting tower shall also be enclosed with a six (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
- (3) When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
- (4) The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
- (5) Every WECS shall be insured with minimum liability insurance of one hundred thousand dollars (\$100,000) for each occurrence. Proof of insurance shall be furnished to the Township.

SECTION 16.21     RESIDENTIAL ENTRANCEWAY:

1. In Agricultural, River Conservation, and Residential Districts, entranceway structures including, but not limited to, walls, columns, and gates marking entrances to one-family residential or multiple family residential developments may be permitted and be located in a required yard, except as provided in Section 16.08 Corner Clearance, provided that entranceway structures shall comply with all codes and Ordinances of the Township with proper permits issued.
2. Entranceway structures shall refer only to the development on the land upon which it is located.

SECTION 16.22     PERMITTED AREA AND PLACEMENT:

NO building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

SECTION 16.23     PERMITTED USES:

NO building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

1. To the extent permitted as a permitted use or special approval use, private ponds, i.e., for fish, ducks, livestock, water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes shall comply with this Section 16.24 (1).
  - A. No pond shall be created or modified pursuant to this Section, except after first obtaining a zoning compliance permit from the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for recommendation if it involves (1) removal of material off-site, or (2) multiple ponds, or (3) exceeds one (1) acre or for any other reason. The application for the permit shall contain:
    - (1) The name of the owner(s) of the property.
    - (2) Legal description of the property.
    - (3) A site plan prepared by an engineer, unless the Zoning Administrator consents to a site plan, for small ponds with no unusual aspects, to be prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.
  - B. If there are to be multiple ponds or a pond in excess of three (3) acres of water area, such pond or ponds shall be permitted only with Special Land Use approval pursuant to Article XVI, and shall comply with all provisions applicable to commercial soil removal operations, except to the extent a variance is approved.
  - C. No pond or ponds shall exceed 20% of the parcel upon which it is located.
2. No pond shall be constructed without first obtaining a permit from the Michigan Department of Environmental Quality (MDEQ) if such pond would be:
  - a. five (5) acres or greater in area, or
  - b. connected to an existing lake or stream, or
  - c. located within five hundred ( 500' ) feet of the ordinary high water of an existing inland lake or stream.

The obtaining of a permit from the MDEQ shall not relieve a person from also complying with the requirements of this Section 16.24.

3. Applicants under this section are encouraged to obtain copies of publications concerning ponds from the U.S. Soil Conservation Service and the St. Clair County Cooperative Extension Service.
4. All ponds constructed after the effective date of this Ordinance shall comply with the following regulations:
  - a. No pond shall be located nor constructed on any lot or parcel of land having less than five acres (5) in area or having a lot width of less than three hundred thirty (330) feet.
  - b. Any pond, including reclamation shall be completed as soon as is reasonably possible, but in any event within three (3) months, except under unusual circumstances then the applicant may apply to the Planning Commission for one (1) extension of three (3) months. Excavated earth materials created by construction of a pond shall be used to the maximum extent feasible for use on-site purposes. However, if any excess excavated earth materials not feasible for use on-site, it may be removed or sold and taken from the property only as a special use subject to Article XVI,

- c. Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section above shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of this Ordinance.
- d. The pond shall not be greater than twenty-five (25') feet in depth.
- e. The pond may occupy up to a maximum of twenty (20%) percent of the lot or property upon which it is placed.
- f. The pond shall be a minimum of fifty (50') feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirement specified below.
- g. The pond shall not be placed within a "required" front yard.
- h. The pond bed within twenty (20') feet of the low water line shall be constructed and maintained at a twentyfive (25%) percent grade (a 1 to 4 slope). Beyond twenty (20') feet of the low water line the pond bed may be constructed up to a maximum grade of fifty (50%) percent (a 1 to 2 slope).
- i. The pond shall be constructed and maintained such that a minimum setback of twenty (20') feet shall be provided between the high water line and any property line.
- j. At least one (1) permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of 1/4" rope and a ten foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station shall comply with U.S. Soil Conservation Publication SCS-REC-121 (3-71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned S.C.S. publication.
- k. If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop offs or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
- l. All of the disturbed areas around the pond shall be seeded with adapted grasses and legumes.
- m. The pond shall be located so as to prevent sewage or run off from barnyards from draining into the pond.

SECTION 16.25 PORCHES, PATIOS AND TERRACES:

AN open, unenclosed porch, paved patio, or terrace may project into a required front yard for a distance not to exceed ten (10') feet.

SECTION 16.26 SIGNS:

1. Exemptions from Sign Regulations. Signs having an area of not more than two (2) square feet, the message of which is limited to conveying street numbers, the name of the premises, the name of the owner of the premises, and the name of the occupant of the premises; signs having an area on not more than six (6) square feet each, the message of which is limited warning of any danger, prohibitions thereon, or regulation of the use of the property or traffic or parking thereon, or advertising the premises for sale or rent; the flag of the state or nation respectfully displayed; signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are travelling or lawfully parked upon the public highways, or lawfully parked upon any other premises for a period not exceeding four (4) hours or for a longer period where the primary purpose of such parking is not the display of any sign; church or institutional bulletin boards without interior illumination having an area not exceeding thirty-two (32) square feet; on-premises signs located inside and enclosed building; on any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election located two hundred (200') feet from any entrance to a building in which a polling place is located; signs visible only from the premises on which located; labels identifying the source, brand name or manufacturer of merchandise exhibited for sale; signs indicating only the date of erection of a building and having an area not exceeding six (6) square feet and signs posted by a duly constituted public authority in pursuance of its public duties are exempt from regulation under this Ordinance.
2. Temporary Signs. Temporary signs shall be authorized by the Zoning Administrator for not more than three (3) months at a time by written permit which shall show the size, shape, content, height, type of construction, and location of such signs and the period during which authorized, upon a finding by the Zoning Administrator on the basis of written information furnished by the applicant that the proposed sign or signs are necessary for the direction or the public and not contrary to the spirit and purpose of this Ordinance, and upon the payment of ten dollars (\$10.00) for each permit and renewal for each sign.
3. Obsolete Signs. It is unlawful to maintain for more than thirty (30) days any sign which has become obsolete because of discontinuance of the business, service or activity to which it advertises or directs, or because the business is has moved to a location different from that to which the sign directs, or for any other reason. The fact that a sign is nonconforming shall not be construed as modifying any of the requirements of this section.

4. Non-Conforming Signs. Lawful non-conforming signs shall be regulated by Section 16.18 of this Ordinance.
5. Required Conditions.
  - a. Compliance Required. All signs, except as otherwise provided, shall conform to all codes and ordinances of the Township and where required shall be approved by the Zoning Administrator and a permit issued.
  - b. Intrusion of Public Right-of-Way Prohibited. No signs, except as otherwise provided, shall be located in project onto or overhang a public right-of-way or dedicated public easement.
  - c. Height of Signs. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located except that for a planned commercial or shopping center development involving five (5) acres or more, under one ownership, the Planning Commission may modify the height limitation. The Planning Commission shall, however, respect all yards and setbacks in modifying height requirements.
  - d. Accessory Signs. Accessory signs shall be permitted in any use district.
  - e. Non-Accessory Signs. Non-accessory signs shall be permitted only in the General Business and General Industrial Districts; except that non-accessory signs pertaining to real estate development located within the Township of Brockway and designed to promote the sale of lots or homes within a subdivision may be permitted on a temporary basis in any use district but shall not be located upon platted land unless such land is part of the subdivision being advertised for sale and shall be subject to all the requirements of all codes and ordinances of the Township, approved by the Zoning Administrator, and a temporary permit issued.
  - f. Accessory ground signs may be permitted in the required front yard except as otherwise provided herein.
6. Nuisance Aspects of Signs Prohibited.
  - a. Permission Required. No sign shall be erected or maintained on any property, public or private, without the consent of the owner or occupant thereof.

- b. **Illumination.** No signs shall be erected where the light source moves or is not of constant intensity and color, or where any light bulb can shine directly into the eyes of any occupant on any vehicle travelling upon any highway, driveway, or parking area or into any window of and residence within two hundred (200') feet or where the illumination interferes with the visibility or readability of any traffic sign or device.
  - c. Paragraph (b) above shall not be applied to prevent the erection of strings of lights from the day before Thanksgiving Day of each year until the following January 15th, or signs which convey changing information such as time, or temperature by words, letters, or pictures, represented by lights, or uniform color on a dark background where the words, letters or pictures are not in motion and are not changes more that once every ten (10) seconds.
7. **Number of Ground Signs Limited.** Where ground signs are permitted, no single premises shall have more than one such sign, except that premises which have frontage on more that one public street may have one ground sign for each street upon which the premises front or abuts.
8. **Additional Requirements by Zoning District.** In additions to paragraphs 1 through 7 above, the following requirements apply to signs in the various use districts as follows:
- a. **Agricultural and River Conservation Districts.** For each dwelling unit, signs not exceeding four (4) square feet in area (such as 2' x 2') indicating the name of the occupant and lawful home occupation, but in no instance shall the dimension of any one side exceed four (4') feet in length. For structures other than dwelling units, one (1) identification sign.
  - b. **Residential District.** For each dwelling unit, signs not exceeding two (2) square feet in area, indicating the name of the occupant and lawful home occupation. For structures other than dwelling units, one (1) identification sign.
  - c. **Multiple-Family and Mobile Home Park Developments.** For rental and/or management offices, one (1) identification sign. In Residential Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than two hundred (200') feet to any property line in any adjacent Agricultural or Residential District.
  - d. **General Business and General Industrial Districts.**
    - (1) No wall sign, projecting sign or roof sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than three (3) feet, and shall not project beyond the highest point of the parapet. Freestanding signs or advertising pylons shall not be placed closer than two hundred (200') feet to any adjacent residential district.

- (2) Non-accessory signs shall be permitted solely in the General Business and General Industrial Districts. Such signs shall be spaced no closer than one thousand (1000') feet between non-accessory signs on the same side of the same right-of-way. In any General Business District, signs shall not exceed one hundred (100) square feet in size on any one face. In any General Industrial District, signs shall not exceed three hundred fifty (350) square feet

SECTION 16.27     STREETS, ALLEYS & RAILROAD RIGHTS-OF-WAY:

ALL streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 16.28     SWIMMING POOLS:

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

1. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the 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.
2. Pool Location. Minimum side yard setback shall comply with ARTICLE XIII of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4') feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4') feet between pool wall and any building on the lot.
3. Enclosure in the Residential District. For the protection of the general public, all pools in the Residential District shall be completely enclosed by a fence, wall or building, or building located not less than four feet from the perimeter of the pool. The fence shall be of a type described in Section 16.12 not less than four (4') feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door which shall be securely locked from the pool side or house side when pool is not in use.

4. Electrical Installation. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool.

SECTION 16.29     OPEN PARKING AND/OR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS, AND SIMILAR VEHICLES:

1. No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the building inspector may grant the owner a reasonable time, not to exceed six (6) months, to procure such license.

Likewise, no old, rusty, and unsightly machinery, machines, or parts of machines not suitable for use upon the premises, or quantities of old and used building materials, shall be kept or stored outside a building: provided, however, that building materials fit to be used to improve the premises may be kept if it is piled off the ground so as not to become a rat and rodent harbor.

2. Non-Occupant Owned Recreational Vehicles. The open parking and/or storage of a recreational vehicle, snowmobile, off-road motorcycle, boat, or similar vehicle, or a trailer used or meant to be used to haul such vehicles not owned by the occupant of the premises shall be permitted provided vehicles are currently registered or licensed.
3. Occupant-Owned Recreational Vehicles. All recreational vehicles, snowmobiles, off-road motorcycles, boats, and similar vehicles owned by the occupant of the premises and stored on the premises shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.
4. All recreational vehicles parked on lands not approved for campgrounds shall not be connected to sanitary facilities, and shall not be occupied.

SECTION 16.30    SATELLITE DISH ANTENNAE::

1.    Satellite dish type antennae are permitted in all zoning districts.
2.    Satellite dish type antennae in excess of three (3) feet in diameter shall be considered as accessory structures, and shall require a zoning compliance permit from the Zoning Administrator prior to installation as set forth in Section 18.02.
3.    In the Residential District no satellite dish type antennae in excess of three (3) feet in diameter shall be placed in a front yard or side yard, nor on the roof of any building despite the fact that it may be within the height limit of the district; however, such antennae may be placed in a rear yard subject to the same restrictions as set forth in Section 1602(2) through (5) for accessory buildings.

SECTION 16.31    (Reserved for future use)

ARTICLE XVII  
GENERAL EXCEPTIONS

SECTION 17.01    ACCESS THROUGH YARDS:

FOR the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front yard and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9") inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

SECTION 17.02    DWELLING IN A NON-RESIDENTIAL DISTRICT:

THIS Ordinance does not permit dwellings to be constructed in the Commercial or Industrial Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 17.03    ESSENTIAL SERVICES:

ESSENTIAL services, as defined in section 2.02, Definition 45, of this Ordinance, except for high voltage electric transmission lines and high pressure gas transmission lines, shall be exempt from application of this Ordinance.

SECTION 17.04    PROJECTIONS INTO YARDS:

ARCHITECTURAL features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2") inches for each one (1') foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3') feet. Architectural features shall not include those details which are normally demountable.

SECTION 17.05    VOTING PLACE:

THE provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 17.06    YARD REGULATIONS:

WHEN yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or side arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

ARTICLE XVIII  
ADMINISTRATION AND ENFORCEMENT

SECTION 18.01    ZONING ADMINISTRATOR:

THE Office of the Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at its pleasure. He shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Township of Brockway. He shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

SECTION 18.02    ZONING COMPLIANCE PERMITS:

HEREAFTER, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case and payment of a permit fee in accordance with a fee schedule as may be set forth from time to time by the Township Board.

NO Zoning Compliance Permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development of use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.

ANY Zoning Compliance Permit based on any material false statement in the application or supporting documents is absolutely void ab initio and shall be revoked.

NO Zoning Compliance Permit shall remain valid if the use or structure it authorizes becomes nonconforming.

SECTION 18.03    CERTIFICATE OF OCCUPANCY:

NO permanent Certificate of Occupancy shall be issued under the building code of the Township of Brockway until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

ALL Certificates of Occupancy issued by the Building Inspector shall also bear the signature of the Zoning Administrator certifying that all requirements of this Ordinance have in fact been met and that he has made a field inspection to ascertain same.

IN cases where Certificates of Occupancy are not required under the Building Code, such as in the case of farm buildings, the Zoning Administrator shall nevertheless issue a Certificate of Occupancy for zoning purposes certifying that the structure or use has been established or erected in compliance with the terms of the Zoning Compliance Permit and/or approved site plan.

SECTION 18.04    SPECIAL ZONING ORDERS BOOK AND MAP:

THE Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variances, special approval use permits, authorizations for planned unit developments, designations of Class A nonconformance and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the Special Zoning Orders Map, on which he shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

SECTION 18.05    PERMIT FEES:

FEES for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SECTION 18.06    SITE PLAN REVIEW:

1. It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures than can be expected to have a significant impact in natural resources, traffic patterns, and on adjacent land usage.
2. Buildings, Structures, and Uses Requiring Site Plan.
  - a. A multiple-family building containing three (3) or more dwelling units.
  - b. More than one multiple-family building on a lot, parcel, or tract by land, or on a combination of lots under one ownership.
  - c. Mobile home park. (See item 5 below for mobile home park site plan requirements; item 4 does not apply.)
  - d. Mobile home condominium project.
  - e. All commercial, office, or institutional buildings.
  - f. All industrial buildings.
  - g. Any building or use requiring special approval.
  - h. An expansion of any of the above uses or a change from an existing of use to a dissimilar use which may have different zoning requirements.
3. Application and Fee for Site Plan Review. Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk the complete application upon the forms furnished by the Clerk. The applicant shall file at least five (5) copies of a site plan.
4. Planning Commission Review of Site Plan. Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within sixty (60) days, approve or disapprove such site plan advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.
4. Required Data for Detailed Site Plan.
  - a. The site plan shall be of a scale not greater than one (1") inch equals twenty (20') feet, not less than one (1") inch equals two hundred (200') feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing when required for clarity.

- b. The property shall be identified by lot lines and location, including dimensions, angles, and size, and correlated with the legal description of such property. Such plan shall further include the name and address of the property owner, and developer. The site plan shall bear at least one or more seals of an architect or professional engineer licensed to practice in the State of Michigan.
  - c. The site plan shall show scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
  - d. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipelines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
  - e. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
  - f. The site plan shall show the proposed streets, drive-ways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
  - g. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
  - h. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
5. Requirements for Mobile Home Park Site Plans. The Michigan Mobile Home Commission Rule 904 calls for township review of the developer's preliminary plan. Rule 908 covers data requirements for a site plan. Accordingly, mobile home park site plans are exempted from the requirements under item 4. above of this ordinance. The Township Planning Commission shall approve the proposed site plan for a mobile home park provided requirements under ARTICLE XIII and Section 14.48 of this ordinance are met.

The State of Michigan, Department of Commerce, Mobile Home Commission, regulates mobile home parks. Accordingly, state legislation and rules may preempt township standards for a mobile home development when the township's standards are higher than the state's standards.

6. Standards for Site Plan Review. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance, and that the applicant has, in the proposed site plan, met all the criteria set forth in subsection 4 of this Section, or in the case of a proposed mobile home park or mobile home condominium project, meet all the criteria set forth in subsection 5 of this Section.
7. Approval of Site Plan. Upon the Planning Commission's recommended approval of a site plan, the applicant shall file with the Planning Commission one (1) copy thereof. The Clerk shall within ten (10) days transmit to the Building Inspector one (1) copy certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such commission action. The Building Inspector shall not issue a building permit until he has received a certified approval site plan.
8. Appeal to Township Zoning Board of Appeals. A person having an interest affected by a site plan decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Article XIX, especially Sections 19.03 and 19.02)
9. Expiration of Site Plan Certificate. The site plan certificate shall expire, and be of no effect three hundred and sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has issued a building permit for any proposed work authorized under the site plan.
10. Amendment, Revision of Site Plan. A site plan, and site plan certificate, issued thereof, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon the application and in accordance with the procedure of this Section, 18.06.

SECTION 18.07 PERFORMANCE GUARANTEES:

1. To insure compliance with a zoning ordinance and any conditions imposed thereunder, the Township Board after recommendation from the Township Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the Clerk of the Township to insure faithful completion of the improvements. The Building Inspector shall estimate the cost of the improvements.

The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended.
3. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval in order to protect natural resources, the health, safety, and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the Planning Commission shall declare whatever security has been pledged as forfeit. Where the Planning Commission is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Commission shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

Upon acceptance of the final portion of improvement the Township shall authorize the release of the remaining portion of the performance guarantee.

No action or inaction by Brockway Township in respect to any required improvement shall serve to extend the time of validity of any Temporary Certificate of Occupancy or excuse any violation of this Ordinance. A Temporary Certificate of Occupancy may, however, be extended in time, and from time to time, for good cause shown. Any such extension shall serve to extend for the same period the time for completion of the required site improvements.

SECTION 18.08     REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS AND FARM BUILDINGS:

SINGLE-FAMILY dwellings, two-family dwellings, and farm buildings are exempt from the site plan review requirements set forth in Section 18.06 above. However, in order to insure that lot and setback requirements are complied with, all applications for Building Permits, and Zoning Compliance Permits shall be accompanied by a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lots.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.

3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being served.

SECTION 18.09    MOBILE HOME AS TEMPORARY USE:

THE Zoning Administrator shall permit the owner of any premises zoned Agricultural or Residential to move not more than one mobile home upon such premises and utilize same for residence purposes during the actual construction of a permanent dwelling thereon, but not for a period to exceed six (6) months beginning with the issuance of a permit for construction of said permanent dwelling. Application may be made for one (1) six (6) month extension which shall not be unreasonably denied. The Township Board shall require said owner to furnish a financial guarantee in a sum equal to the cost of removing said mobile home from the premises and demolition of any partially completed structures on the premises which are not suitable for occupancy. Such financial guarantee may be in the form of a surety bond, irrevocable bank letter of credit, or cash.

XIX  
ZONING BOARD OF APPEALS

SECTION 19.01    CREATION AND MEMBERSHIP:

THERE is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Section 18 of Act 184 of Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following five (5) members:

1. The first member shall be a member of the Township Planning Commission, for the term of his office.
2. The second member may be a member of the Township Board, appointed by the Township Board for the term of his office.
3. The next three (3) members shall be selected, and appointed by the Township Board from among the electors, residing in the unincorporated area of Brockway Township, for a period of three (3) years. Provided, that no employee or contractor of the Township may serve on the Zoning Board of Appeals or be an employee of it. An elected official of the Township may not be a Chairman of the Zoning Board of Appeals.

SECTION 19.02    MEETINGS:

ALL meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at other times as the Board in its rules of procedure may specify. All hearings conducted by said Board shall be open to the public. The Zoning of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be public record. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

SECTION 19.03    APPEAL:

AN appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, Department, Board or Bureau affected by a decision of the Zoning Administrator or the Planning Commission. Such appeal shall be made within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

THE Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 19.04    FEES:

THE Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Clerk, said fee shall be deposited to the credit of the general revenue fund of the Township of Brockway.

SECTION 19.05    JURISDICTION:

THE Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

2. Variance. To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

The Zoning Board of Appeals does not have the authority to grant "use" variances, except as is specifically provided for by this Ordinance (Section 19.05 (3) below). The authority to designate permitted uses and special approval uses is a legislative function and resides exclusively with the Township Board. The Zoning Board of Appeals may however, interpret whether a proposed use (not expressly designated in a given district) falls under the definition of a stated permitted use.

3. Exceptions, and Other Appeals. To hear and decide in accordance with the provisions of this Ordinance; requests for interpretation of the Zoning Map or Ordinance, appeals from the decision of the Zoning Administrator and on any provisions of this Ordinance that the Zoning Board of Appeals are required to pass. Also the Zoning Board of Appeals shall hear and decide on any exceptions subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:
  - a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of this plan, as shown upon the Zoning Map fixing the use districts, accompanying and made a part of this Ordinance, where street layout as shown on the map aforesaid.
  - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
  - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purposes and intent of such requirements.
  - d. Permit such modification of the height and area regulations may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

- e. Permit temporary buildings and uses for periods not to exceed six (6) months. Extensions may be granted for construction purposes. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary building with refund upon removal.
- f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed six (6) months with the granting of six (6) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature, including mobile home. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary use placement with refund upon removal.

The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district not on the property wherein the temporary use is permitted.
- (2) The granting of a temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Brockway shall be made at the discretion of the Zoning Board of Appeals.
- (4) In classifying the uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are neither demountable structures related to the permitted use of the land; recreation developments, such as but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent properties of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding comfort, morals, or welfare of the inhabitants of the Township of Brockway. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of Trustees of the Township of Brockway, in the manner provided by law.

SECTION 19.06    ORDERS:

IN exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 19.07    NOTICE:

THE Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300') feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll at least seven (7) days prior to the hearing. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

SECTION 19.08    LAPSE OF APPROVAL:

NO order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

NO order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period, provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

SECTION 19.09    APPEAL TO CIRCUIT COURT:

1. Decisions of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to Circuit Court. Upon appeal the Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure the decision:
  - a. Complies with the constitution and laws of the State.
  - b. Is based upon proper procedure.
  - c. Is supported by competent material and substantial evidence on the record.
  - d. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
2. If the Court finds the record of the Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Zoning Board of Appeals, the Court shall order further proceedings before the the Zoning Board of Appeals on conditions which the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Court.
3. As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

**ARTICLE XX**  
**CHANGES AND AMENDMENTS**

THE Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.

**ARTICLE XXI**  
**INTERPRETATION**

IN the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of building or premises; provided, however, that where this Ordinance imposed a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

**ARTICLE XXII**  
**VESTED RIGHT**

NOTHING in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XXIII  
ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 23.01    VIOLATIONS:

ANY person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution or by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the costs of such prosecution.

SECTION 23.02    PUBLIC NUISANCE PER SE:

ANY building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 23.03    FINE, IMPRISONMENT:

THE owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the Commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 23.04    EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 23.05    RIGHTS AND REMEDIES ARE CUMULATIVE:

THE rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXIV  
SEVERANCE CLAUSE

SECTIONS of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXV  
REPEAL

THE existing zoning regulations of Brockway Township, County of St. Clair, being the Brockway Township Zoning Ordinance adopted May 19, 1975, as amended, are hereby repealed. The adoption of this 1989 Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the 1975 ordinance, as amended, or any prior zoning ordinance if the violation is also a violation of the provisions of this Ordinance.

ARTICLE XXVI  
EFFECTIVE DATE

PUBLIC hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon its publication pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

MADE and passed by the Township Board of the Township of Brockway, St. Clair County, Michigan on this Eighteenth day of April, A.D., 1989.

1. Date of Public Hearing: March 15, 1990
2. Date of Publication of Notice of Adoption: April 25, 1990
3. Date of Adoption by Township Board: April 18, 1990
4. Date Ordinance Shall Take Effect: April 25, 1990

SECTION 2.02    DEFINITIONS:

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

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

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

- a. Domestic or agricultural storage in a shed, tool room, garage or similar accessory building or other structure.
  - b. Barn (Livestock Building).
  - c. Swimming pools for the use of the occupants of a residence or their guests.
  - d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - g. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
  - h. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
  - i. For more examples, see Sections: 16.02, 16.24, 16.28, 16.29, 16.19, 16.20, 16.30, 16.26, 16.12, 16.14.
2. Adult Bookstore: An establishment having as a portion of its stock in trade, books, magazines and other periodicals which are restricted to persons over the age of eighteen (18) and which is distinguished or characterized by its emphasis on matters depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" (as defined in this ordinance) or an establishment with a segment or section devoted to the sale or display of such material.
3. Adult Motion Picture Theater: An establishment used for presenting material restricted to persons over the age of eighteen (18) distinguished or characterized by an emphasis on matter depicting, describing

or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" (as defined in this ordinance) for observation by patrons therein.

4. Agricultural: Means farms and farming in general (see definition of farm, #48).
5. Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
6. Alterations: Any change, addition, or modification in construction or type of occupancy, or 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 herein as "altered" or "reconstructed".
7. Animal Nuisance: Any nuisance such as odor, noise, destruction, which is caused by any animal is considered to be animal nuisance.
8. Animal Pen: Any open or partly open structure or enclosure holding four (4) or more dogs or two (2) or more of any other kind of animal.
9. Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
10. Apartment House: A residential structure containing three (3) or more apartments.
11. Arcades: Any place, premises, room or establishment in which a substantial or significant portion of the business carried on involves the operation of any machine or device including but not limited to pinball machines, video and electronic games operated by means of insertion of a token, coin or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game of skill or amusement. The terms shall also include any place, premises, room or establishment in which three (3) or more machines or devices including but not limited to pinball machines, video and electronic games, operated by means of insertion of token, coin, or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game or contest of skill or amusement are located.
12. Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.
13. Attic: The space between the ceiling beams of the top habitable floor and the roof.
14. Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing.
15. Auto Repair Station: A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, col-

lision service, such body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

16. Automobile Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

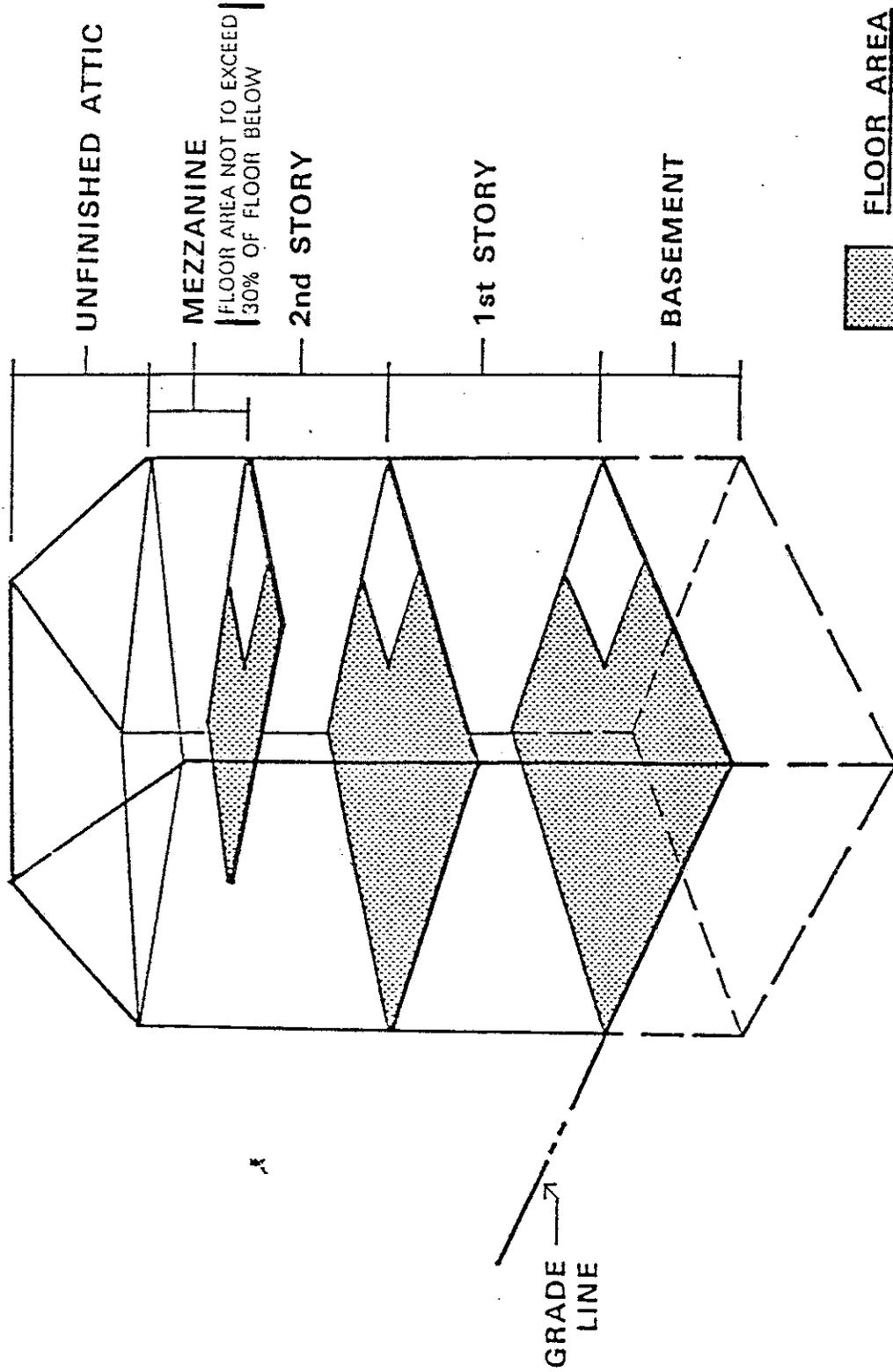
- a. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- b. Tire servicing and repair; but not recapping or regrooving;
- c. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing, and sale of automotive washing and polishing materials when accessory and incidental to the principal operation;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- l. Sales of hot or cold non alcoholic beverages, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to the principal operation;
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, rustproofing, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or garage nor a body shop.

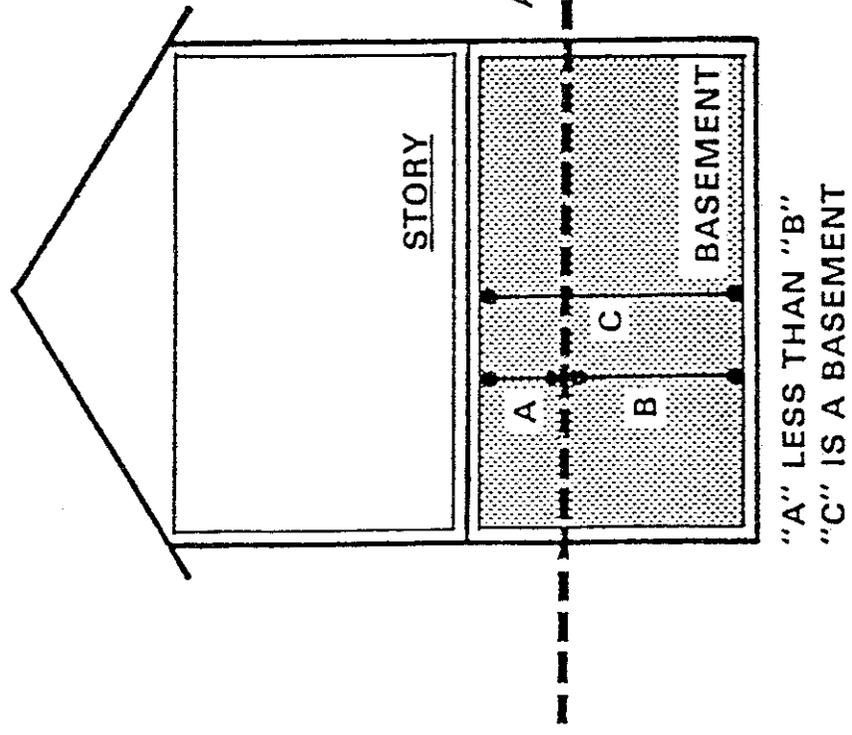
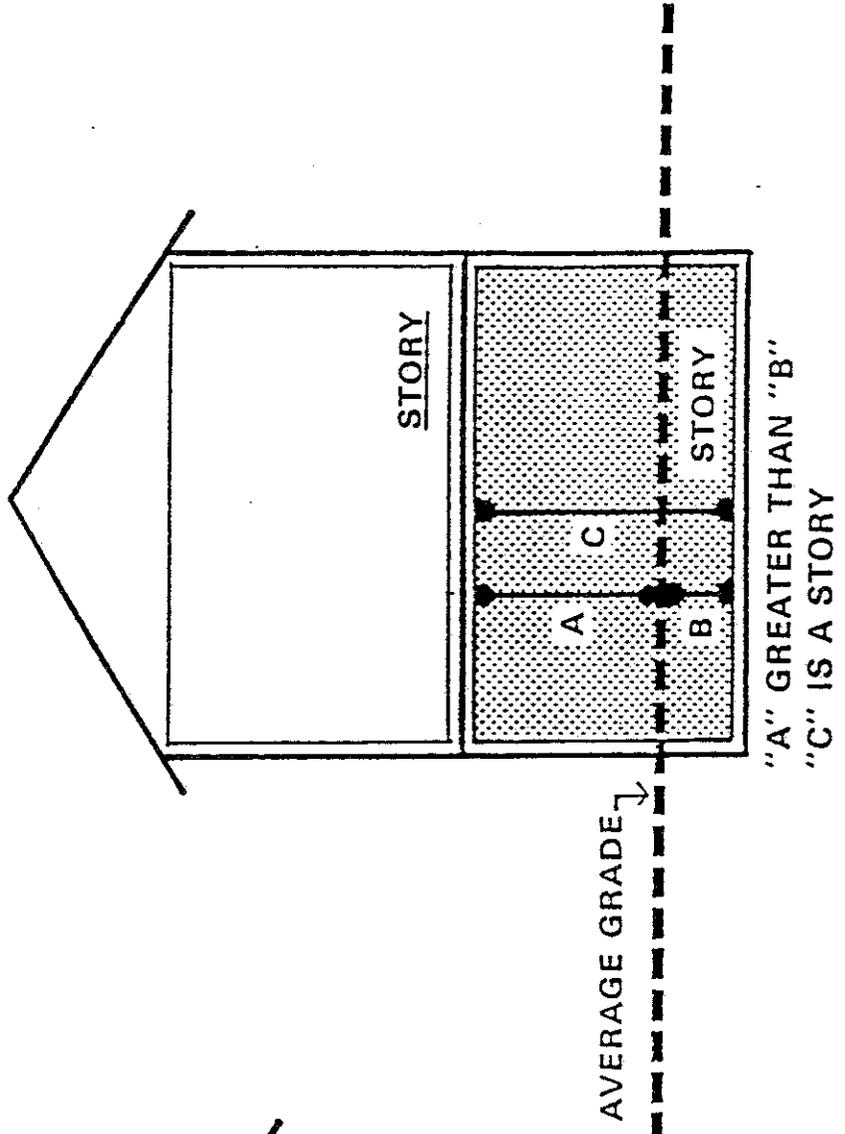
17. Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

18. Barn (Livestock Building): Any building or buildings which have the primary purpose of housing livestock. This would include any building, which in fact does house livestock.
19. Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- 19.1 Bed and Breakfast Establishment: Means a private residence that offers sleeping accommodations to lodgers for not more than thirty (30) consecutive days in fewer than fourteen (14) rooms for rent; is the innkeeper's residence in which the innkeeper resides while rent
20. Block: The property abutting one side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
21. Board of Zoning Appeals: Means the Zoning Board of Appeals of the Township of Brockway.
22. Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation for three or more persons by pre-arrangement for definite periods of not less than five (5) days. A boarding house shall be distinguished from a bed and breakfast establishment, motel or hotel.
23. Building: A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
24. Building Area: Means the space remaining after the minimum open space requirements of this Ordinance have been met.
25. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. 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.
26. Building Line: A line formed by a wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.
27. Building Permit: Means a permit issued by the Building Inspector under the terms of the Township Building Code; it is not the same as a Zoning Compliance Permit, an Occupancy Permit, nor a special or temporary use permit.

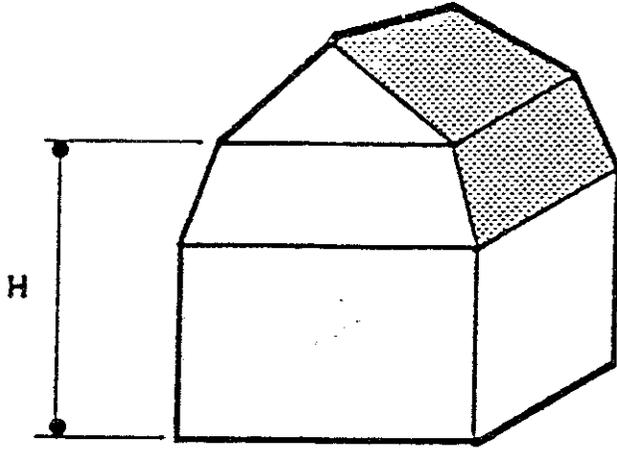
28. Campground: Means any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five (5) or more tents, travel trailers, truck campers, or other similar recreational units.
29. Cellar: See "Basement".
30. Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician, dentist, or similar professionals.
31. Club: An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.
32. Condominium: A building or buildings and improvements located thereon composed of individually owned and occupied units, title to each of which is held separately by the individual owner or owners of that unit, and common areas or elements not a part of any individual unit, title to which is held collectively by the owner's undivided interest in the common areas or elements which is expressed as a percentage of the total ownership.
33. Convalescent Home, Home for the Aged, or Nursing Home: A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.
34. Court: An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.
35. Density: The term refers to the number of families residing on, or dwelling units developed on, an acre of land.
36. Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
37. District: A portion of the unincorporated area of the Municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.



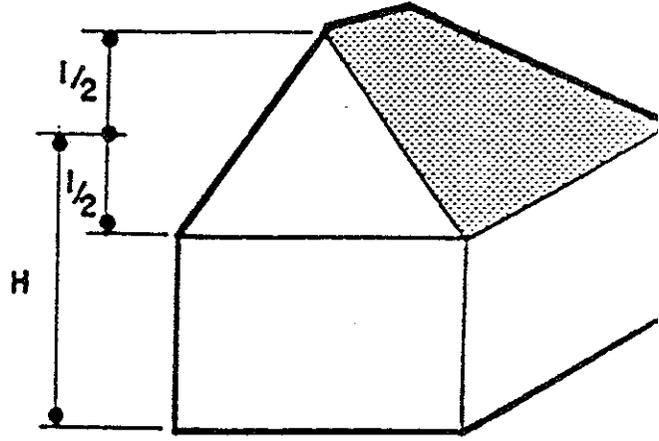
BASIC STRUCTURAL TERMS



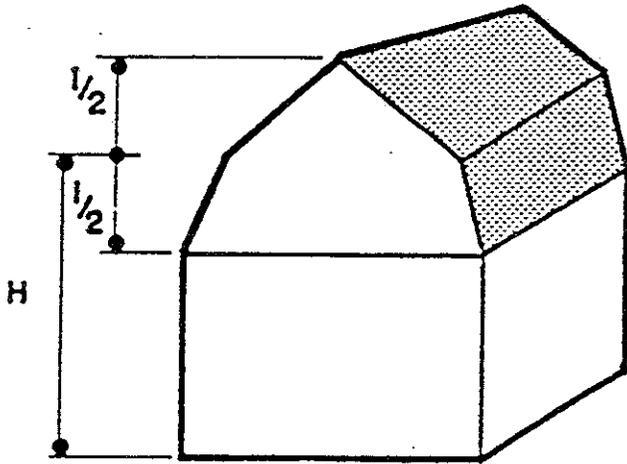
# BASEMENT & STORY



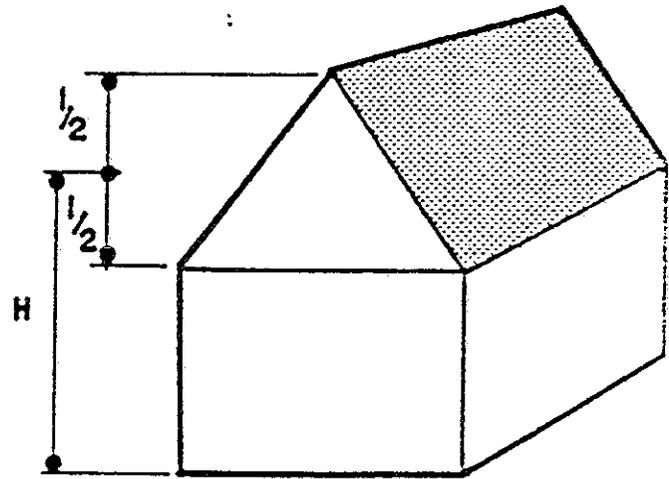
MANSARD ROOF



HIP ROOF.



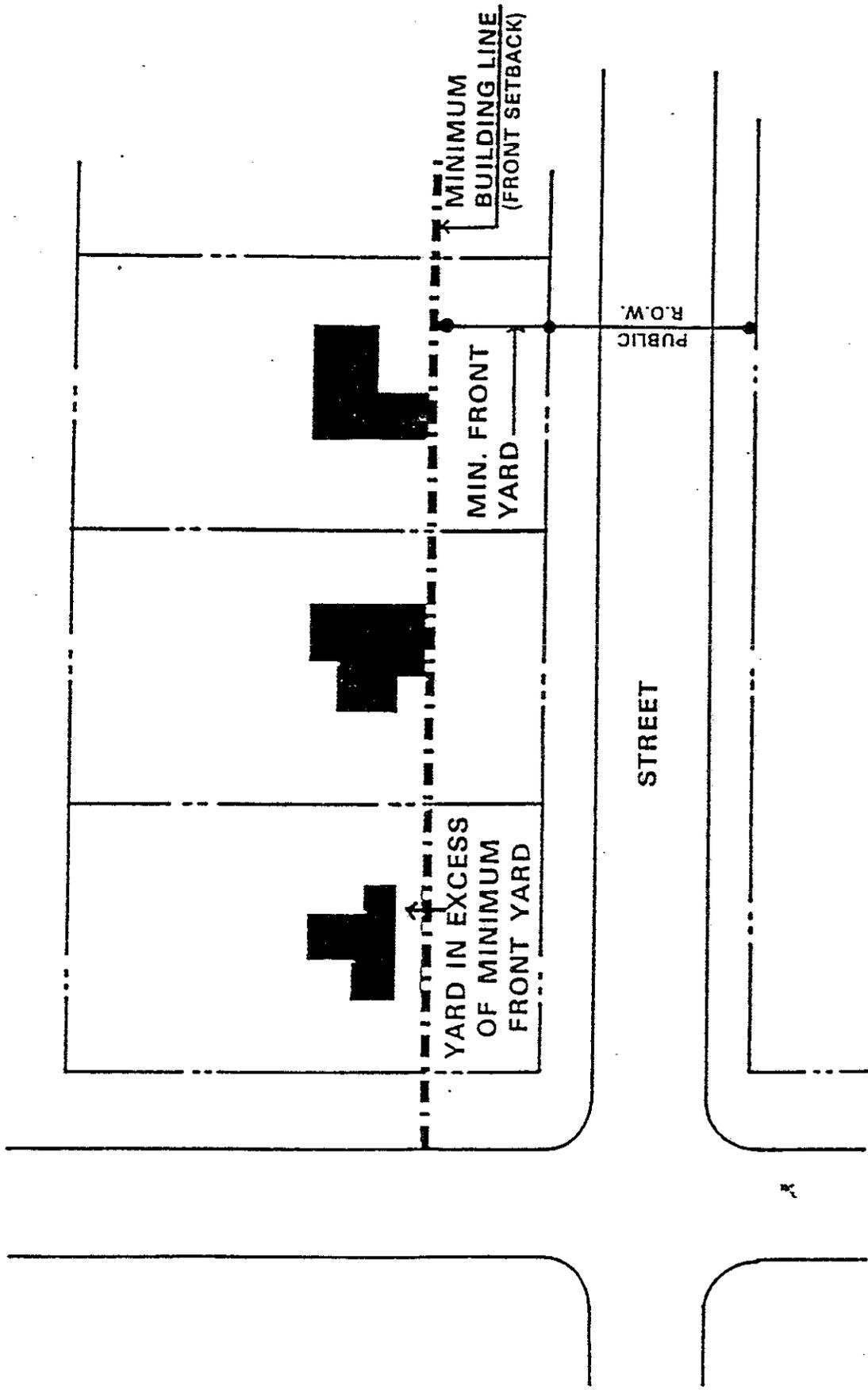
GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT



BUILDING LINE

38. Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
39. Driveway: A passageway of definite width, primarily for use by motor vehicles, over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.
40. Dwelling Unit: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
41. Dwelling, Multiple-Family: A building or portion thereof, containing three (3) or more dwelling units designed exclusively for occupancy by three (3) or more families, living independently of each other and conforming in all other respects to the standards set forth in Section 201.42.
42. Dwelling, Single-Family: A building containing not more than one (1) dwelling unit designed exclusively for and occupied exclusively by one (1) family, complying with the following standards:
  - a. It complies with the minimum square footage requirement: 840 square feet.
  - b. It has a minimum width across any front, side or rear elevation of fourteen (14') feet and complies in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
  - c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code 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, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
  - d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
  - e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the St. Clair County Health Department.

- f. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- g. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") 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 connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000') feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- h. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- i. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, or 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.
- j. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law.

- k. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.
43. Dwelling, Two-Family: A building containing not more than two (2) separate dwelling units designed exclusively for occupancy by two (2) families living independently of each other and conforming in all other aspects to the standards set forth in Section 201.42.
44. Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
45. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utility or municipal departments for the general health, safety, or welfare.
46. Excavation: Any breaking of ground, except common household gardening and working of ground for agricultural purposes.
47. Family:
- a. One or more persons related by blood, marriage, or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit, or
  - b. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.
48. Farm: A farm is an establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar enterprises or uses.

A farm includes farm buildings such as barns, greenhouses, apiaries and other similar structures.

A farm's land area includes all of the contiguous 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

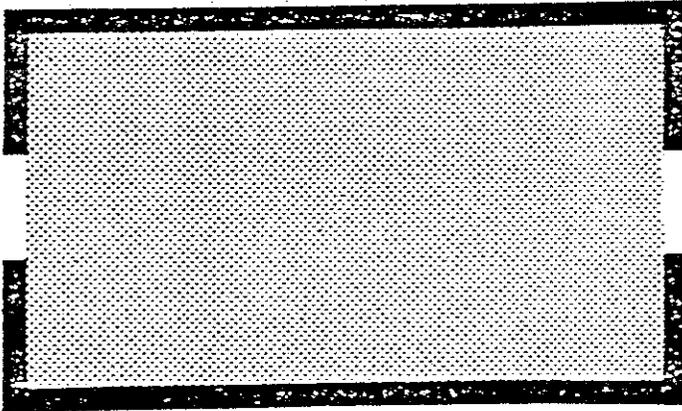
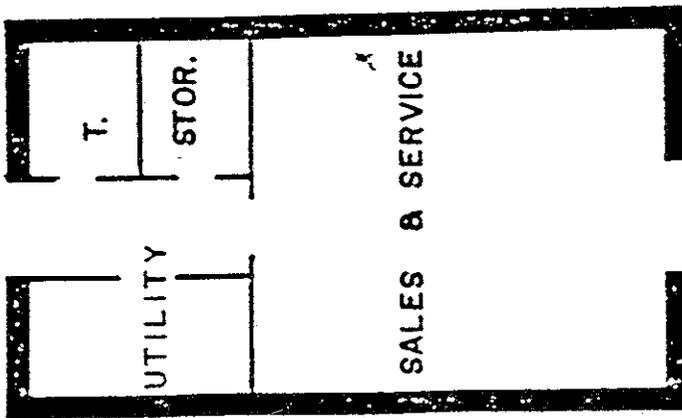
labor or with the assistance of members of his household or hired employees.

Requirements for a farm by this zoning ordinance are given under Section 4.02, Permitted Uses in the Agricultural District. Additional requirements for feedlots, chicken hatcheries, poultry farms and swineries are found under section 14.20. Additional requirements for commercial/public stables, kennels and veterinary clinics are found under section 14.27. Requirements for quarries and mining (which include the commercial removal of soil, sand, gravel, stone and other earth materials) are found under section 14.15.

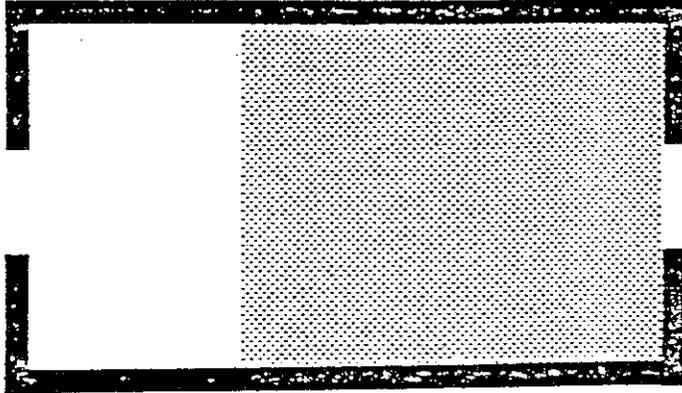
49. Feedlot: The place of confined keeping of livestock or other animals for food, fur, pleasure, resale, or training purposes in yards, lots, pens, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping such animals, all of which to include chickens, ducks, geese and other fowl.
- 49a. Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
50. Flea Market : A Flea Market is a site where numerous small sellers congregate to offer a wide variety of new and previously-owned things for sale at retail. A flea market operates on an intermittent basis, such as weekends during warm weather. A Flea Market is distinguished from a roadside stand (definition #122), roadside sales and garage sales as to the number of sellers, the kinds of merchandise sold, the magnitude of traffic generated and customers, and days and hours of operation. A Flea Market is distinguished from temporary outdoor sales (see Section 10.02) and open air businesses (see definition #109, and sections 10.02, 10.03 and 14.40); these two uses are separately and specifically defined for the purposes of this ordinance. In this ordinance flea markets are a permitted use in the General Business District (see Section 10.02).
51. Floodplain: Means those areas of land adjacent to the rivers, and other water courses of the Township, subject to seasonal or periodic flooding.
52. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, gross floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floors have been laid) providing structural headroom of seven feet six inches (7'-6"). Gross floor area shall not include: elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7'-6") in height, and open porches, terraces or breezeways, provided that not more than fifty (50%) percent of the perimeter of such terrace, breezeway or open porch is enclosed.
53. Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal

areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

54. Floor Area, Usable: (For the purpose of computing parking) That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
55. Frontages: That portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.
56. Garage, Commercial: Means any premise used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any such vehicles are for hire or sale.
57. Garage, Private: Means an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is necessary.
58. Garage, Service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
59. Grade: The 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 ground is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
60. Greenbelt: Is a long strip of land of varying width and shape which, to major degree, is left in its natural state or which is landscaped to provide a protective screening with natural vegetation. Within this area private construction is prohibited. The purpose for such greenbelts is to provide for permanent open space between two or more urban areas, to retain some of the natural beauty of the region, and/or to provide protective screening.
61. Health Authority: The Authority and his designated agents, being full-time administrative officers of an approved township, county, or district board or department of health, delegated this authority by the state.
62. Home Occupations: An home occupation is any use customarily conducted within the dwelling, attached building, or accessory building, of not more than 600 square feet total including storage; and not involving employees other than members of the immediate family.



TOTAL FLOOR AREA



USABLE FLOOR AREA  
(FOR PURPOSES OF COMPUTING PARKING)

FLOOR AREA

- a. That no article or service is sold or offered for sale on the premises except such as is produced by such home occupation.
- b. The above uses shall be permitted only providing such uses are not noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flames, lighting, or vibration more than the ordinarily acceptable and normal conditions connected with agriculture as so to become a public nuisance.
- c. The sign will be non-illuminated; not more than two square feet in area, and may be attached to the building and shall contain only the name and occupation of the resident of the premises.
- d. Any such home occupation shall be subject to inspection by the Building Inspector of the Township and shall be terminated by order of such inspector whenever same fails to comply with the zoning ordinance.

63. Hospital: A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the State of Michigan, and is used primarily for in-patient services, and including related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

64. Hotel: A series of attached, semi-detached, or detached rental units which provides overnight lodging, toilet, and bath facilities, and which offers meals, linen, and maid service to the public for compensation. A hotel shall be distinguished from a motel, boarding house, or bed and breakfast establishment.

65. Junk: Means any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles not movable under their own power.

66. Junk Yard: An open space where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

67. Kenel, Commercial: Any lot or premise on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.

68. Laboratory: A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in

which manufacturing of product or products, except prototypes, is not performed.

69. Landfill, Sanitary: A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the following:
- a. Criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act.
  - b. St. Clair County's adopted Solid Waste Management Plan.
  - c. Applicable Township ordinances.
70. Landowner: Shall mean the legal or beneficial owner or owners of all the land proposed to be used or developed. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this Ordinance.
71. Landscaping: The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of land scaping but such structural features alone shall not meet the spirit and intent of landscaping requirements.
72. Livestock Building: See "Barn", definition #18.
73. Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
74. Lot: A parcel of land occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on Public records.
75. Lot, Corner: A lot where the interior angle or two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty (130) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less 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.
76. Lot, Interior: Any lot other than a corner lot.
77. Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a

row of double frontage lot, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

78. Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

79. Lot Area: The total horizontal area within the lot lines of the lot.

80. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

81. Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

82. Lot Lines: The lines bounding a lot as defined herein:

a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street (see definition of street).

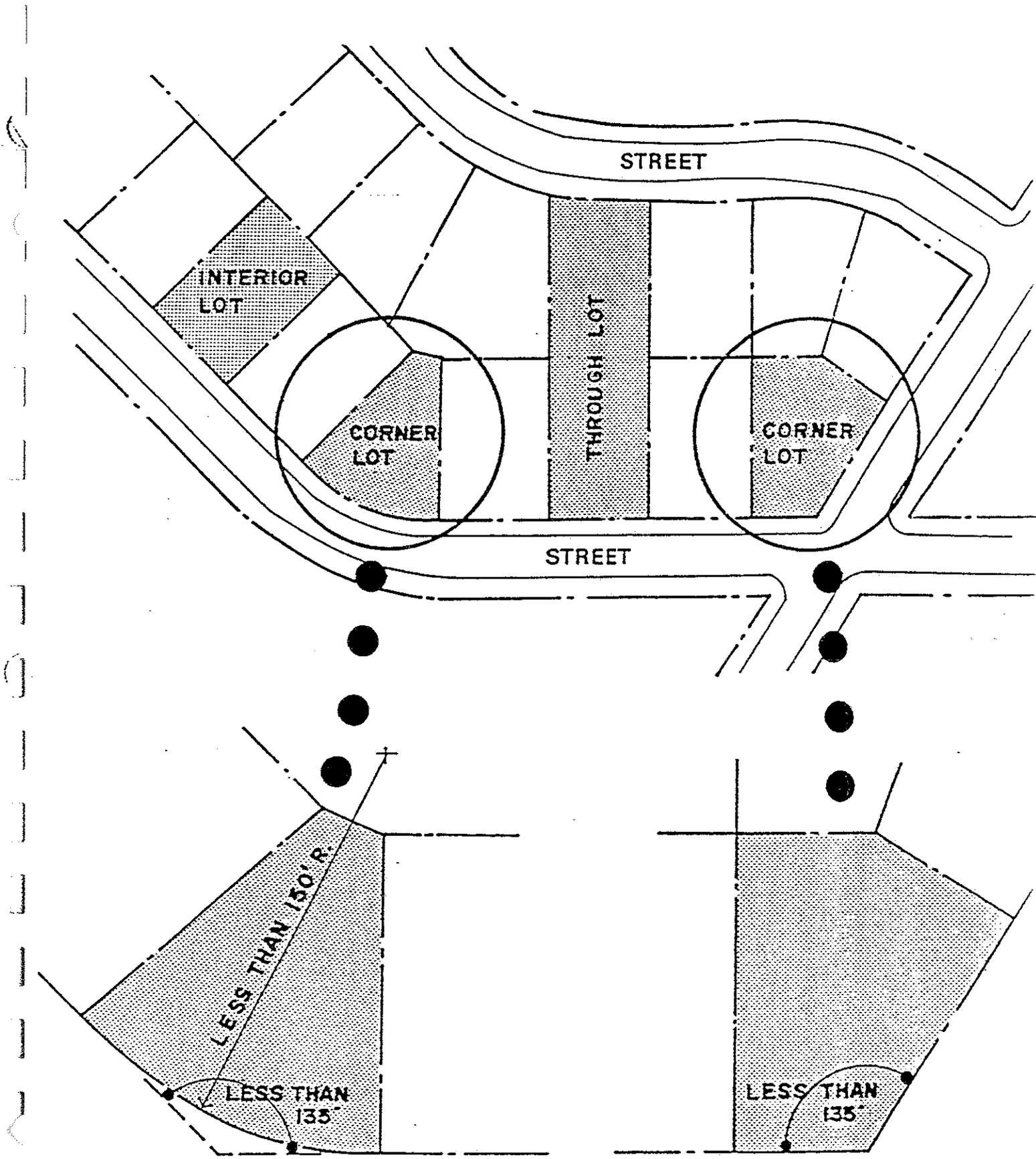
b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot.

c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

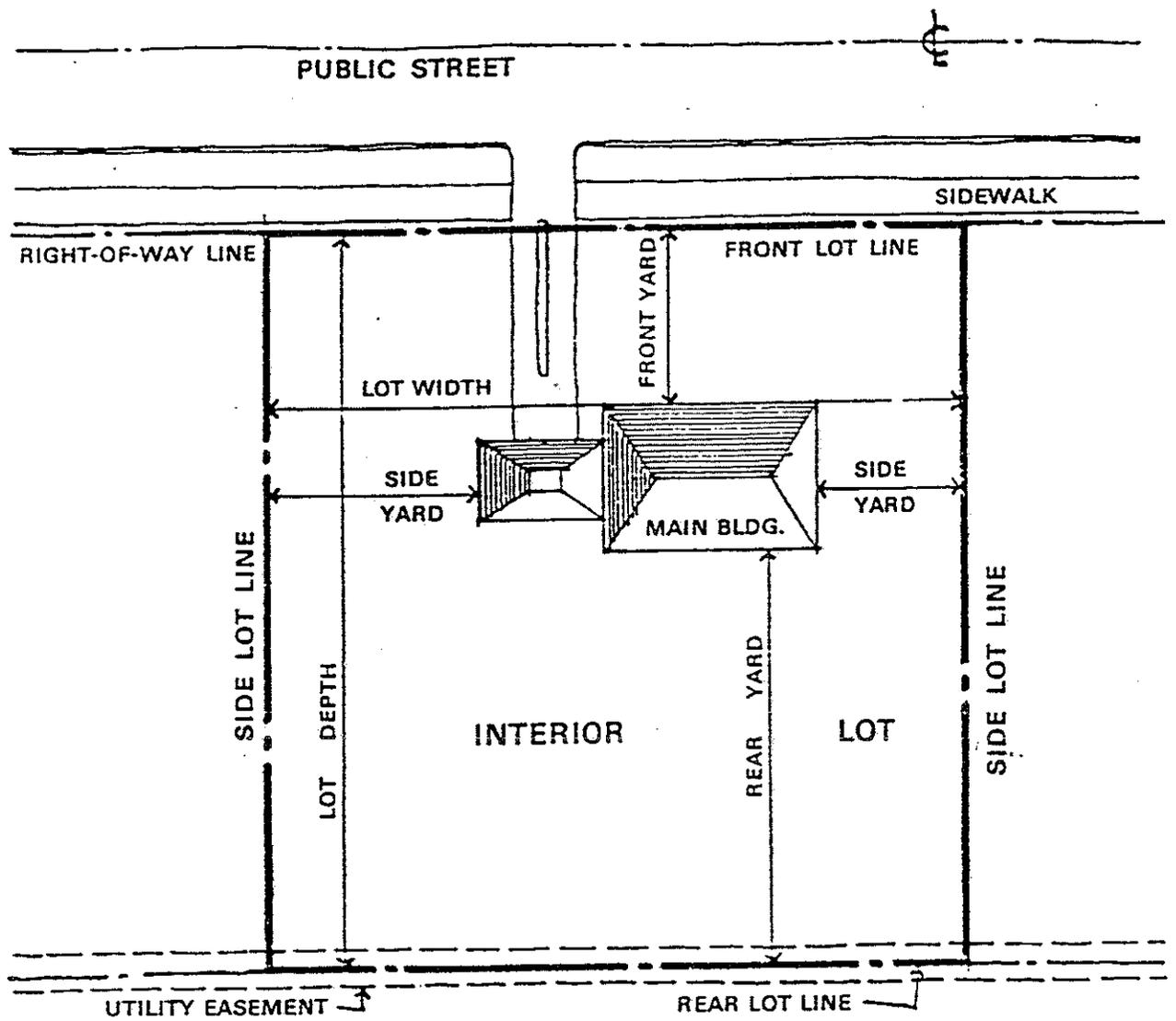
83. Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal, or County, officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

84. Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line intersects with side lot lines.

85. Main Building: A building in which is conducted the principal use of the lot upon which it is situated.



INTERIOR, THROUGH & CORNER LOTS



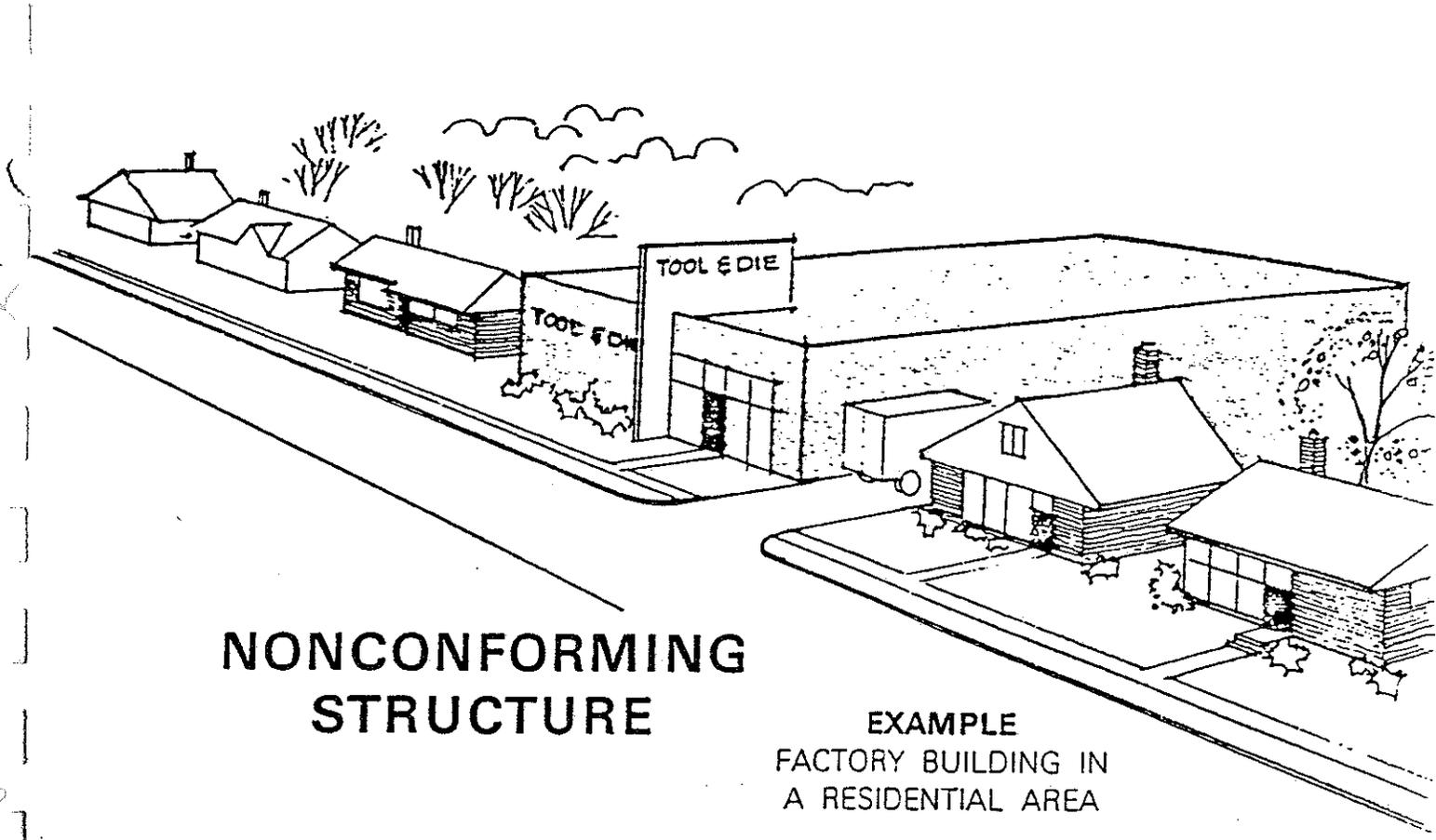
LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

## LOTS & AREAS

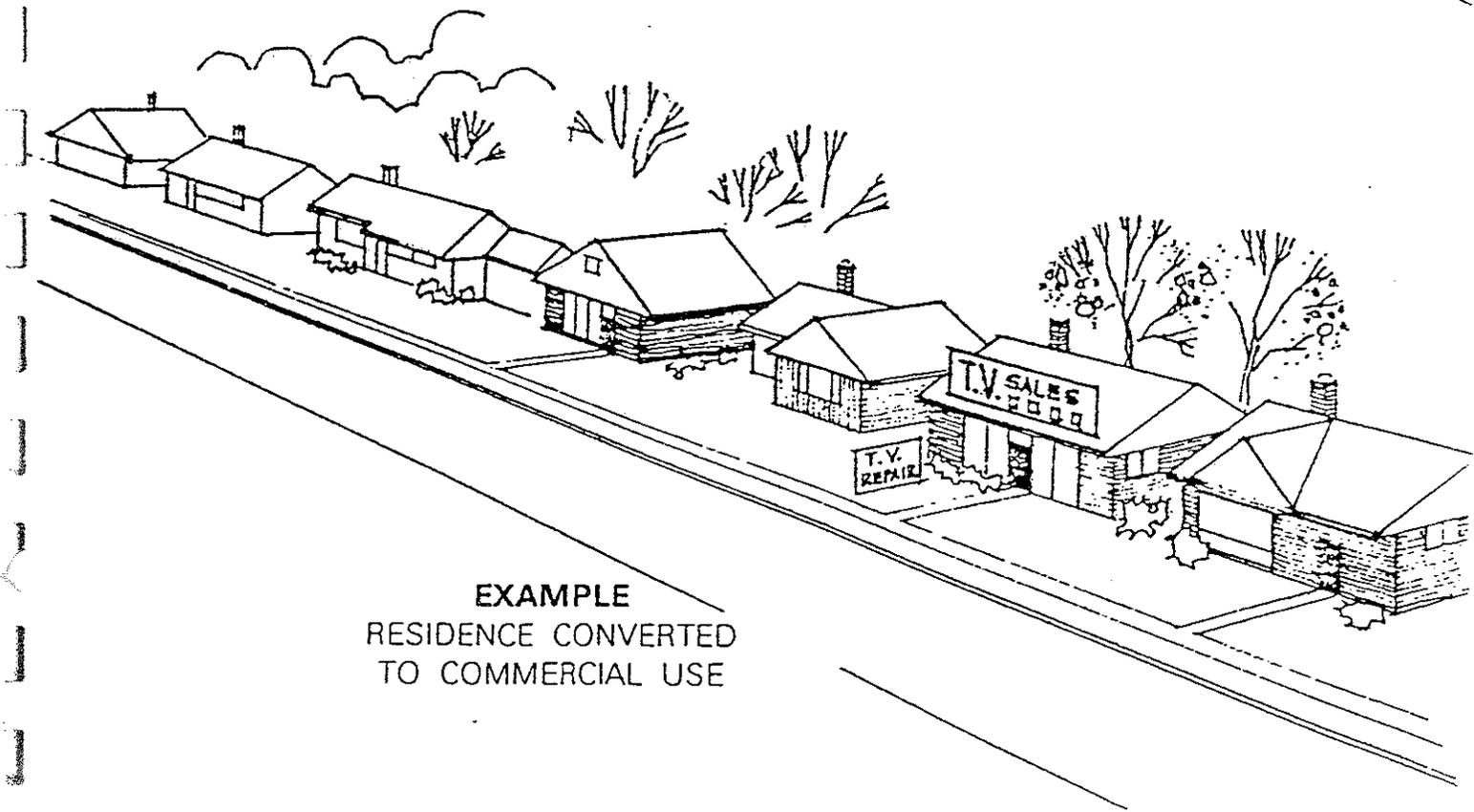
86. **Major Thoroughfare:** A hard surfaced, arterial road or street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, state highway, county primary road, or equivalent term on the Brockway Township Thoroughfare Plan (as prepared by the St. Clair County Road Commission) and has a planned right-of-way of at least 120 feet.
87. **Massage Parlors:** An establishment unless otherwise licensed by the State of Michigan restricted to persons over the age of eighteen (18) and used for housing equipment and employing persons who give massages, body rubs, or muscle relaxing exercises to other persons, necessitating human contact between such employee and any other person.
88. **Master Plan:** The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, 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 Legislative Body.
89. **Membership Organizations:** Membership Organizations include community service clubs, lodges, church halls, catering or renting halls, fraternal organizations, and the like. In this ordinance Membership Organizations are a permitted use in the General Business District.
90. **Mezzanine:** An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story.
- 90.1 **Miniature Horses:** Miniature breed of horse is allowed at 3 (three) Miniature horses to 1 (one) horse.
- 90.2 **Mini-Warehouse:** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.
91. **Mobile Home:** Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.
92. **Mobile Home Condominium Projects:** A parcel of land under joint ownership which has been planned and improved for the placement of a mobile home for nontransient use, on individual lot, with intent of the sites to constitute individual condominium units.
93. **Mobile Home Development:** A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for nontransient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.
94. **Mobile Home Lot or Site:** A parcel of land for the placement of a single mobile home and exclusive use of its occupants within a licensed mobile home park, a condominium project or subdivision project or development.

95. Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.
96. Mobile Home Park License: A written license issued by the Mobile Home Commission allowing a person to operate and maintain a mobile home park under the provisions of Michigan Public Acts 419 of 1976, as amended, and this Ordinance and regulations issued hereunder.
97. Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.
98. Mobile Home Subdivision: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use on individual lots and for the purpose of selling the lots.
99. Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle as a facility for temporary residence. A motel or motor court shall be distinguished from a boarding house, bed and breakfast establishment or hotel.
100. Municipality: The Township of Brockway.
101. Nonconforming Lot: Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.
102. Nonconforming Structure: Means a lawful structure which existed at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements.
103. Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
104. Nude Modeling Studio: An establishment restricted to persons over the age eighteen (18) used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
105. Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c)



**NONCONFORMING  
STRUCTURE**

**EXAMPLE  
FACTORY BUILDING IN  
A RESIDENTIAL AREA**



**EXAMPLE  
RESIDENCE CONVERTED  
TO COMMERCIAL USE**

**NONCONFORMING USE**

smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage.

106. Nursery Schools, Day Care Centers: Means a facility other than a private residence, receiving more than six (6) pre-school or school age children for group 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. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. Child care center or day care center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
107. Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
108. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.
109. Open Air Business Uses: Open air business uses shall be interpreted to include the following uses:
- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn movers, fertilizer spreaders, lawn rollers, etc.
  - b. Retail sale of fruits and vegetables.
  - c. Rental or sale of bicycles, recreational vehicles, mobile homes, trailers, motor vehicles, boats, or small hand equipment.
  - d. Outdoor display and sale of garages, swimming pools, and similar uses.
110. Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

111. Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
- 111.1 Personal Use Landing Field: Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.
112. Planning Commission: Shall mean "Brockway Township Planning Commission".
113. Pond: A body of water usually smaller than a lake, artificially created by embankment or excavation intended for any of the specific permitted uses as provided in Article XVI, Section 16.24
114. Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
115. Premises for Nude Entertainment: An establishment which is restricted to persons over the age of eighteen (18) and used for housing and exhibiting persons in the nude or "Specific Anatomical Areas" (definition #131).
116. Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.
- 116.1 Public Use Airport: Any location, either on land or water, which is used for the landing or take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. Airports may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft, the overhaul or repair of an aircraft or engines, or otherwise offering aeronautic facilities or services to the public. A public use airport shall be distinguished from personal use landing fields.
117. Public Utility: A person, firm or corporation, municipal department, board of commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
118. Restaurant, Carry-out: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

- a. Foods, frozen desserts, or beverages are usually served in edible containers or paper, plastic, or other disposable containers.
  - b. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
119. Restaurant, Drive-In: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:
- a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
  - b. The consumption of foods, frozen desserts, or beverages within motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.
120. Restaurant, Fast-Food: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for the carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:
- a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
  - b. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
121. Restaurant, Standard: A standard restaurant in any establishment whose principal business is the sale of foods, frozen deserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
- a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
  - b. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.
122. Roadside Stand: Means a temporary open front stand so designed that service to the patron does not require entering the building, and used

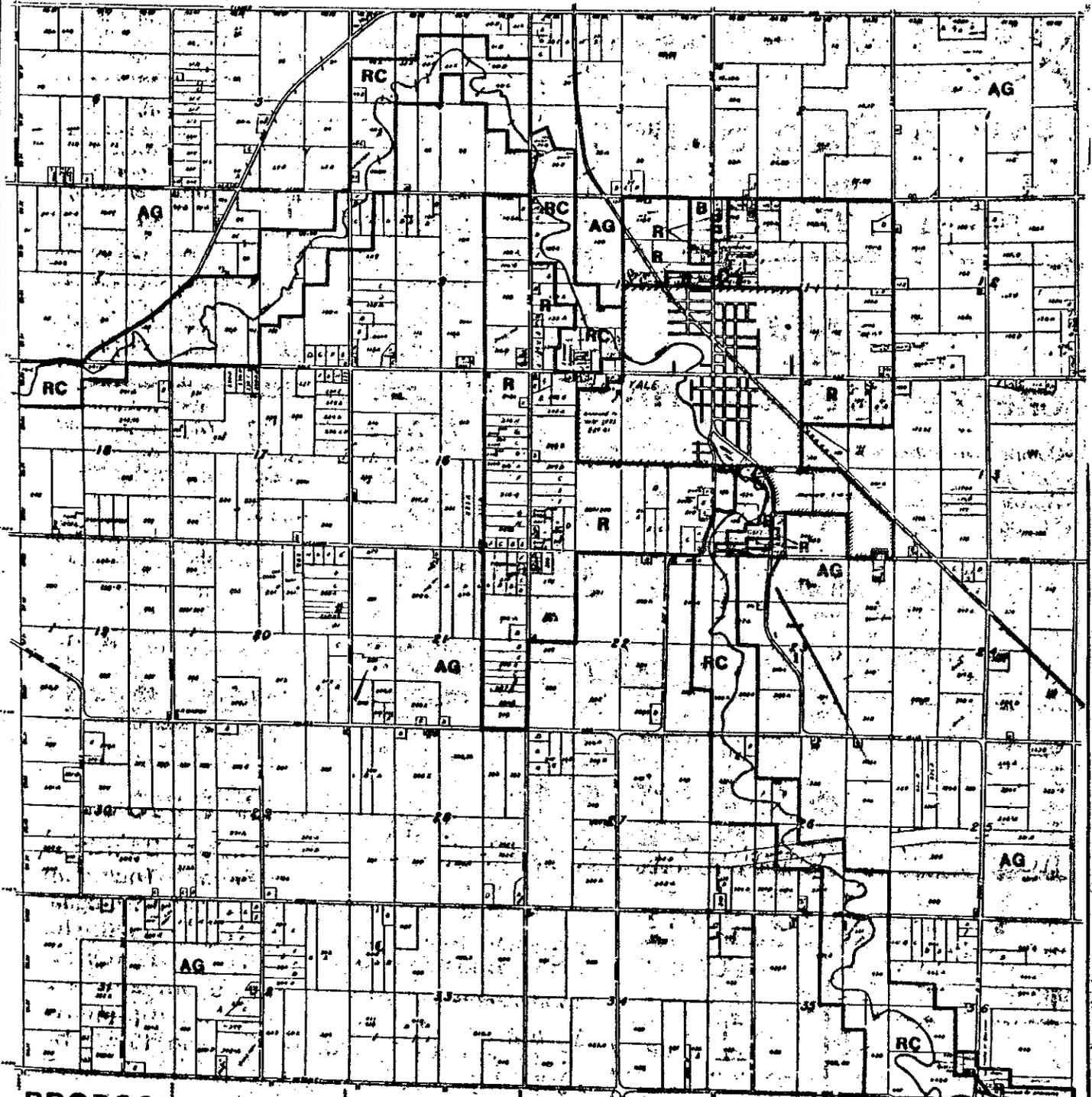
solely for the sale of farm products and for sale of the by-products of agricultural produce.

123. Room: For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one (1), two (2) or three (3) bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.
124. Rooming House: Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
125. Rubbish: Means the miscellaneous waste materials resulting from house-keeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.
126. Sauna or Open Bath House: An establishment open to the public used for equipment and housing of apparatus wherein members of the public may have a steam bath or hot water bath.
127. Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.
128. Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot, and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall include the following types:
- a. Accessory Sign: A sign which directs attention to a person, product, business or profession conducted or located upon the same premises.
  - b. Non-accessory Sign: A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the sign is located.
  - c. Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.
  - d. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom including marquees.
  - e. Roof Sign: A sign which is erected, constructed and maintained above the roof of a building.

- f. Wall Sign: A sign which is attached directly to the wall of a building and which extends not more than eighteen (18") inches from the wall, including window signs.
129. Soil Removal: Means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.
130. Special Approval Uses: This definition is based upon the division of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.
131. Specified Anatomical Areas: Human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 131a. Specified Sexual Activities: human genitals in a state sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
132. Stable, Commercial: A stable other than a private stable, where horses are boarded or are for hire or sale.
133. Stable, Private: A structure or shelter where horses that are owned by the immediate family are kept, where said horses are not boarded and are not maintained for the purpose of hire or sale.
134. Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.
135. Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet, six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.
136. Street: A public dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.

137. Structure: Means anything constructed, placed, or erected which requires permanent location on the ground, to include but not limited to all buildings, and including satellite dish antennae in excess of three (3) feet in diameter. Excluded are fences, sidewalks, paving on streets, driveways, parking areas, and patios.
138. Structural Alterations: Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.
139. Subdivision Regulations: Means the regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan.
140. Temporary Use of Building: A use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.
141. Tents: means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
142. Tourist Home: A dwelling in which overnight accommodations are provided or offered for transient guests.
143. Usable Floor Area: (For the purpose of computing parking) Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
144. Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
145. Use, Change of: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Township's Building Code, which imposes other special provisions of law governing building construction equipment or means of egress.
146. Use, Increase in the Intensity of: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

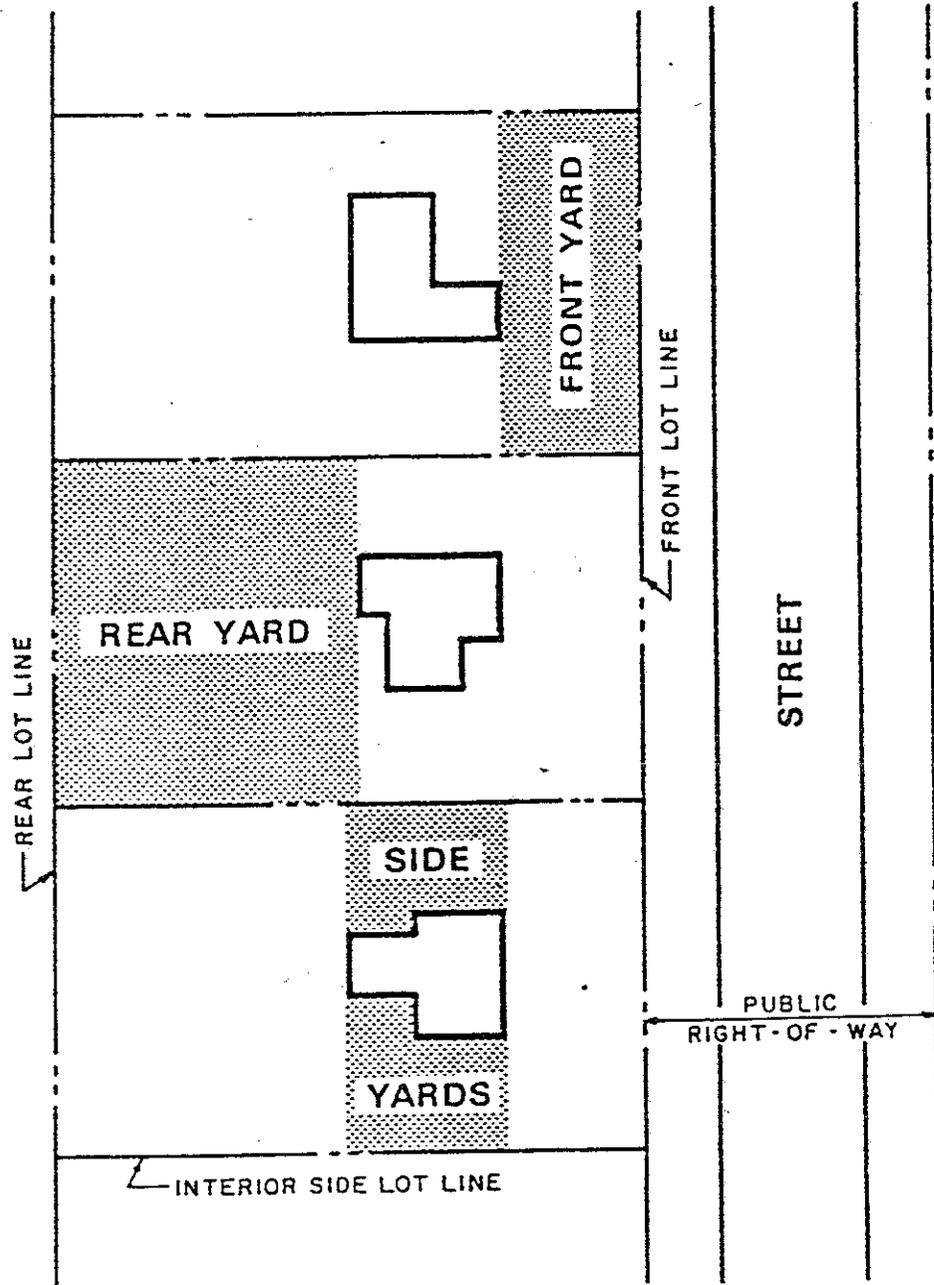
147. Utility Structure: Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.
148. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
149. Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
  - b. Rear Yard: An open space extended the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
  - c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
  - d. Required Yard: That portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line.
150. Zoning Compliance Permit: A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.



# PROPOSED ZONING MAP

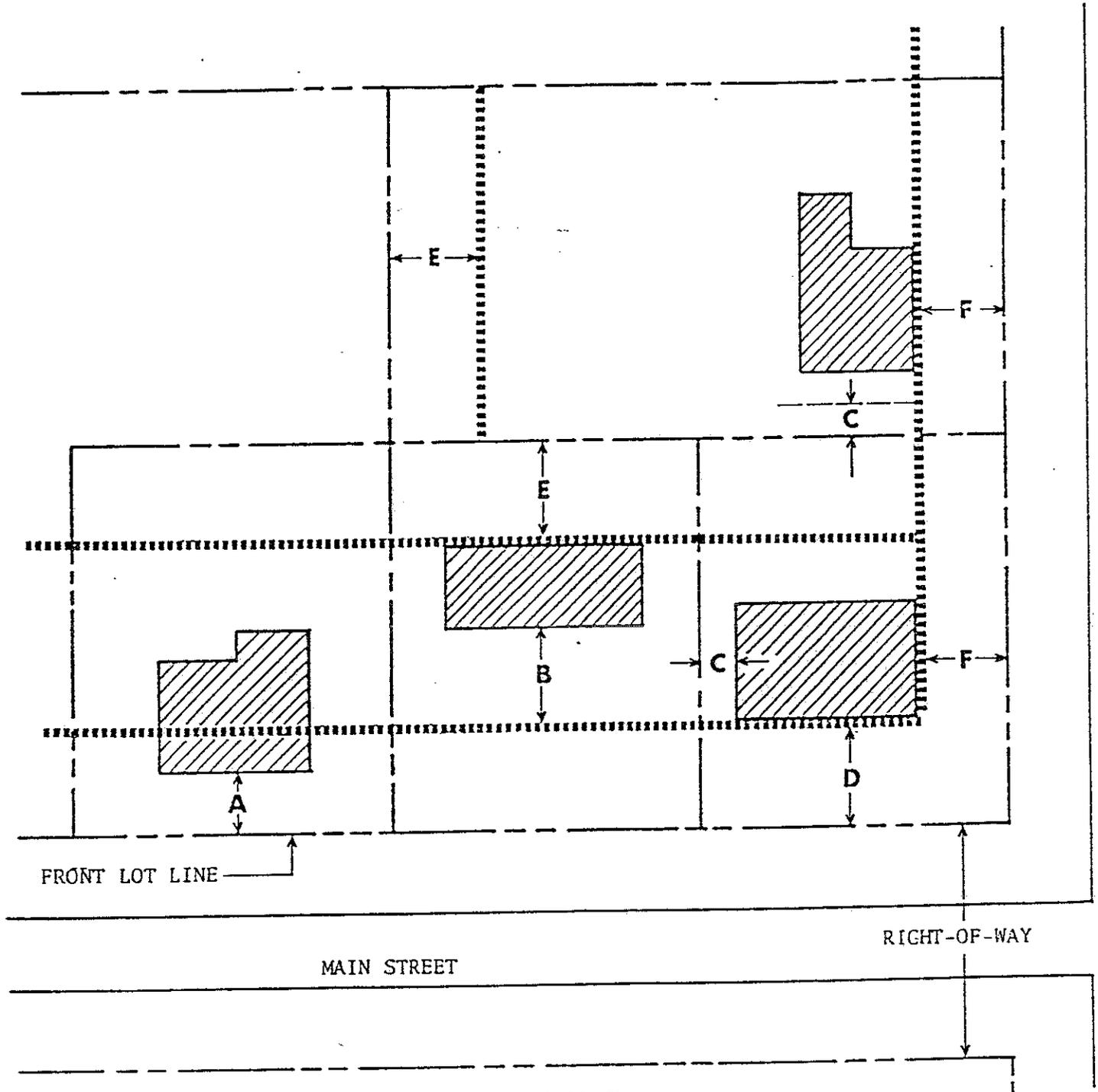
- AG** AGRICULTURAL
- RC** RIVER CONSERVATION
- B** GENERAL BUSINESS
- I** GENERAL INDUSTRIAL
- R** RESIDENTIAL

The complete text of the proposed zoning ordinance together with the proposed zoning map may be viewed by appointment at the Township Hall. An appointment may be made by telephoning the Township Clerk, Arthur Laupichler at 313-387-2052, or the Planning Commission Chairman, Carl Vermeesch at 313-387-2238. Written comments will be received until the close of business March 15, 1990. Written comments should be addressed to Mr. Carl Vermeesch, Chairman, Brockway Township Planning Commission, 6566 Emmett Rd., Yale, MI 48097



YARDS

# YARD REQUIREMENTS



## LEGEND

**A** ——— DEFICIENT FRONT YARD

**B** ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED

**C** ——— MINIMUM SIDE YARD REQUIRED

**D** ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE

**E** ——— MINIMUM REAR YARD REQUIRED

**F** ——— MINIMUM YARD REQUIRED ON STREET WHEREON HOMES FRONT

# TOWNSHIP OF BROCKWAY

DENNIS GRAVES, Supervisor  
LOUISE KAMMER, Treasurer

ARTHUR F. LAUPICHLER, Clerk  
12050 Jeddo Road  
Yale, Michigan 48097

FRED THEEL, Trustee  
RONALD MEHARG, Trustee

## ORDINANCE # 10

A ZONING ORDINANCE REGULATING THE DEVELOPMENT AND USE  
OF LAND HAS BEEN ADOPTED BY THE TOWNSHIP BOARD OF  
BROCKWAY TOWNSHIP.

BOARD ACTION BEING TAKEN ON APRIL 18, 1990 AT 8:00 P.M.  
AT THE BROCKWAY TOWNSHIP HALL, 7645 SAYLES RD. YALE, MICH.

AYES 5

NAYES 0

ARTHUR LAUPICHLER

BROCKWAY TOWNSHIP CLERK

# Affidavit of Publication

STATE OF MICHIGAN,  
County of St. Clair, ss.

In the Matter of Notice of Adoption of New Zoning  
Ordinance-Brockway Township

Bonnie M. Brown being duly sworn, deposes and says that she is the Publisher of the  
**Yale Expositor**

a newspaper printed, published and circulated in the county of St. Clair and State of Michigan, and that the notice at-  
tached hereto is an exact copy of a notice which was printed in the aforesaid newspaper, on the following dates, to-wit:

## NOTICE OF ADOPTION OF NEW ZONING ORDINANCE FOR BROCKWAY TOWNSHIP

A Zoning Ordinance regulating the develop-  
ment and use of land has been adopted by the  
Township Board of the Township of Brockway.

The new Zoning Ordinance is immediately ef-  
fective as of the date of this publication.

A copy of this Zoning Ordinance may be pur-  
chased or inspected during regular business  
hours of regular business days at the home of  
the Brockway Township Clerk, Arthur  
Laupichler, at 12050 Jeddo Road, Yale,  
Michigan, phone (313) 387-2052, or at the home  
of the Chairman of the Brockway Township  
Planning Commission, Carl Vermeesch, at 6566  
Emmett Road, Yale, Michigan, phone (313) 387-  
2238. There are no regularly established hours  
that the Brockway Township Hall, located at  
7645 Sayles Road, Yale, Michigan, phone (313)  
387-3375, is open or staffed.

**Arthur Laupichler, Clerk**  
Township of Brockway  
12050 Jeddo Road  
Yale, Michigan 48097

April 26. 19 90 ..... 19.....  
..... 19..... 19.....  
..... 19..... 19.....  
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Signed: Bonnie M. Brown  
Bonnie M. Brown

Sworn to and subscribed before me, a Notary Public in  
and for St. Clair County, Michigan,

this 11th day of MAY 19 90

ROBERT O. WEBER  
Robert O. Weber  
My Commission expires 5-25 19 93

ROBERT O. WEBER  
NOTARY PUBLIC - ST. CLAIR COUNTY, MICH.  
MY COMMISSION EXPIRES 5-25-93

ORDINANCE NO.   11  

AN ORDINANCE TO AMEND THE BROCKWAY TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 10, TO CHANGE THE REAR YARD SET-BACK REQUIREMENT IN RESIDENTIAL, AGRICULTURAL, AND RIVER CONSERVATION DISTRICTS, TO CHANGE REFERENCES TO THE ACTUAL HIGHWAY RIGHT-OF-WAY RATHER THAN THE PLANNED RIGHT-OF-WAY OF A THOROUGHFARE PLAN, TO PROVIDE THAT SET BACKS ARE TO BE MEASURED FROM ACTUAL ROAD RIGHTS-OF-WAY AND TO CLARIFY OR AMEND THE REGULATION RELATIVE TO ALLOWING ONLY ONE HOME OR ONE TWO-FAMILY DWELLING ON A SINGLE LOT

THE TOWNSHIP OF BROCKWAY ORDAINS:

SECTION 1. Purpose

The purpose of this amendment is to change the rear yard set-back requirement in residential, agricultural, and river conservation districts, to change references to the actual highway right-of-way rather than the planned right-of-way of a thoroughfare plan, to provide that set backs are to be measured from actual road rights-of-way and to clarify or amend the regulation relative to allowing only one home or one two-family dwelling on a single lot of record.

SECTION 2. Rear Yard Setback

The requirement of a minimum 50 foot rear yard setbacks set forth in Article XIII, Section 13.01, Schedule of District Regulations (Agricultural, River Conservation, and Residential) is amended to change the rear yard setback from a 50 foot setback to a 35 foot setback.

SECTION 3. Minimum Yard Setbacks - Schedule of District Regulations

Paragraph B of Section 13.02 of Article XIII is amended to read as follows:

- B. For lots adjacent to any street or highway, the yard setbacks shall be measured from the right-of-way line for such street or highway to the building or structure on a lot.

SECTION 4. Lot and Subdivision Limitations

Section 16.16 is amended to read as follows:

- A. Only one single family detached dwelling or one two-family dwelling shall be placed on a lot (definition #74).

- B. No building or structure shall be erected on land subdivided in violation of the Subdivision Control Act, Act 288, Public Acts of 1967.

SECTION 5. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 6. Repeal

All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 7. Penalty

Any person or persons, firm or corporation violating or failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00, nor more than ninety (90) days imprisonment in the County Jail, or both fine and imprisonment in the discretion of the Court.

SECTION 8. Effective Date

This Ordinance shall become effective upon publication after adoption.

Certification

I, Arthur Laupichler, Clerk of the Township of Brockway, do hereby certify that Ordinance No. 11 was adopted by the Brockway Township Board at a regular meeting of the Township Board held at the Township Hall on the 21 day of January, 1991.

Vote on this ordinance, 5 members being present, was as follows:

AYES: 5

NAYS: None

I further certify that said Ordinance No. 11 adopted

by the Brockway Township Board on the 21 day of January, 1991 was published once in The Yale Expositor, a paper published and circulated in the Township of Brockway, County of St. Clair, on the 23 day of January, 1991, this being the first and final day of publication of this ordinance.

I further certify that an attested copy of Ordinance No. 11 was filed with the St. Clair County Clerk on the 23 day of January, 1991.

  
\_\_\_\_\_  
Arthur Laupichler, Clerk  
Township of Brockway

ORDINANCE NO. 12

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE BROCKWAY TOWNSHIP ZONING ORDINANCE, BEING ORDINANCE NO. 10 TO ADD ADDITIONAL STANDARDS AND PROCEDURES RELATIVE TO DESIGNATING CLASS A NONCONFORMING USES AND STRUCTURES, RE-NUMBERING CERTAIN PORTIONS OF THE ORDINANCE, REGULATING NONCONFORMING CLASS B USES AND STRUCTURES, AND REPEALING CERTAIN PROVISIONS RELATIVE TO RECORDING AND REGULATING NONCONFORMING USES, STRUCTURES AND LOTS; AND FURTHER PROVIDING FOR A SEVERABILITY CLAUSE AND EFFECTIVE DATE

THE TOWNSHIP OF BROCKWAY ORDAINS:

SECTION 1. Repeal of Recording Requirements

Paragraph #10 of Section 16.18 of the Brockway Township Zoning Ordinance is hereby deleted.

SECTION 2. Repeal of Certain Nonconforming Use Regulations

Paragraph #11 of Section 16.18 of the Brockway Township Zoning Ordinance is hereby deleted.

SECTION 3.

Paragraph #3 of Section 16.18 of the Brockway Township Zoning Ordinance is hereby amended to read as follows:

3. Definition and Classification of Nonconforming Uses and Structures

- A. Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Building Inspector upon findings that (a) continuance thereof would not be contrary to the public health, safety or welfare, (b) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (c) that the use or structure was lawful at the time of its inception, (d) that no useful purpose would be served by strict application of the provisions or

requirements of this Ordinance with which the use or structure does not conform, and (e) that there are no nuisance factors or the same do not cause any substantial effect on the surrounding area, including aesthetics.

- B. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures, provided however, a Class B nonconforming use which would otherwise be terminated because of fire or other casualty may apply for a Class A designation within 60 days of such casualty occurring.

#### SECTION 4.

Paragraph #4 of Section 16.18 of the Brockway Township Zoning Ordinance is hereby amended to read as follows:

#### 4. Procedure for Obtaining Class A Designation, Conditions

- A. A written application shall be filed with the Building Inspector setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.
- B. Conditions may be attached, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.
- C. No vested interest shall arise out of a Class A designation.

SECTION 5.

Paragraph #7 of Section 16.18 of the Brockway Township Zoning Ordinance is hereby amended to read as follows:

7. Regulations Pertaining to Class B Nonconforming Uses

- A. Intent. It is the purpose of this Ordinance to eliminate Class B nonconforming uses as rapidly as is permitted by law without payment of compensation.
- B. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least eighteen (18) months or if it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75 percent of the reproduction cost of such structure.
- C. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- D. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
- E. No Class B nonconforming use shall be permitted to continue in existence if it was unlawful at the time of its inception.
- F. No Class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- G. Ordinary repair and maintenance work may be done on any Class B nonconforming structure which is used for a nonconforming use, including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%)

percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.

SECTION 6.

A new paragraph #8 is added to Section 16.18 of the Brockway Township Zoning Ordinance and all subsequent paragraphs in Section 16.18 are hereby renumbered accordingly.

8. Regulations Pertaining to Class B Nonconforming Structures

- A. Intent. It is the purpose of this Ordinance to eliminate Class B nonconforming structures as rapidly as is permitted by law without payment of compensation, except as otherwise provided herein.
- B. The use of a Class B nonconforming structure shall not be resumed if it has been discontinued for a continuous period at least eighteen (18) months or if it has been changed so as to use it for a conforming use for any period or if it is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75 percent of the reproduction cost of such structure, except that a structure which is used for single family dwelling purposes, and is nonconforming because it does not comply with area regulations such as set backs, may be rebuilt provided it is otherwise a permitted use, but it shall be subject to having the area regulations, such as set backs, modified by the ZBA so as to reasonably reduce all or part of its nonconforming aspects, if the ZBA deems a modification necessary based upon the same standards as are set forth in Section 3(A).
- C. No Class B nonconforming structure shall be enlarged or structurally altered, except that a structure which is used for single family dwelling purposes, and is nonconforming because it does not comply with area regulations, may be structurally enlarged or altered without regard to values or the cost thereof, provided it is otherwise a permitted use and provided the structural enlargement or alteration does not cause the structure to make the nonconforming aspect of the

structure greater, such as by adding an addition to a side of the dwelling that already violates the set back for that particular side.

- D. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
- E. No Class B nonconforming structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- F. No Class B nonconforming structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except as provided by (B) and (C) above.
- G. If a Class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved, except as provided by (B) and (C) above.
- H. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased, except as provided by (B) and (C) above.

#### SECTION 7.

Paragraph #8 of Section 16.18 of the Brockway Township Zoning Ordinance is now paragraph #9 and is amended to read as follows:

9. Repairs and Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof which is used for a nonconforming use declared to be unsafe by any

official charged with protecting the public safety, upon order of such official.

SECTION 8. Severability Clause

Should any section, clause or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 9. Effective Date

This ordinance shall become effective immediately upon publication.

Certification

I, Arthur Laupichler, Clerk of the Township of Brockway, do hereby certify that Ordinance No. 12 was adopted by the Brockway Township Board at a regular meeting of the Township Board held at the Township Hall on the 21 day of January, 1990.

Vote on this ordinance, 5 members being present, was as follows:

AYES: 5

NAYS: NONE

I further certify that said Ordinance No. 12 adopted by the Brockway Township Board on the 21 day of January, 1990. was published once in The Yale Expositor, a paper published and circulated in the Township of Brockway, County of St. Clair, on the 23 day of January, 1990, this being the first and final day of publication of this ordinance.

I further certify that an attested copy of Ordinance No. 12 was filed with the St. Clair County Clerk on the 23 day of January, 1990.

Arthur Laupichler  
Arthur Laupichler, Clerk  
Township of Brockway

ORDINANCE NO. 13

AN ORDINANCE TO AMEND THE BROCKWAY TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 10, TO PROVIDE FOR SINGLE FAMILY DETACHED CONDOMINIUM DEVELOPMENT REQUIREMENTS AND REVIEW.

THE TOWNSHIP OF BROCKWAY ORDAINS:

SECTION 1. Purpose

The purpose of this amendment is to provide for single family detached condominium development in Section 4.02.

SECTION 2. Amendment

Article IV, Section 4.02 is hereby amended by the addition of paragraph #11 as follows:

11. Single-family detached condominiums

A. Intent.

The intent of these requirements is to ensure that all single family detached condominiums are developed in compliance with accepted planning and engineering standards applicable to similar forms of development as reflected in the ordinances and requirements of Brockway Township and State or County laws and regulations. Single-family detached condominiums may be allowed as a permitted use in the R-Residential, Agricultural, and River Conservation zoning districts.

B. Submission Requirements.

All single family detached condominium plans shall be submitted for review as required by Section 18.06 of this Ordinance and Section 66 of the Condominium Act, and the plans shall include the following additional information:

1. Name, address and telephone number of all persons, firms, corporations and partnerships that have an interest in the land with a description of their interest (fee simple, land contract, purchaser or optionee).
2. A survey of the condominium subdivision site.
3. A survey or drawing delineating all natural

features on the site including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.

4. The location size, shape, area and width of all condominium units and common elements, together with a maintenance plan, if applicable, and the location of all proposed streets.
5. A generalized plan for the provision of utilities and drainage systems.
6. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
7. A utility plan showing all sanitary sewer, water, and storm drainage improvements, showing all public or private easements for the installation, repair and maintenance of all utilities.
8. A street construction and paving plan for all streets within the proposed condominium plan and maintenance plan for parking areas and driveways.
9. A storm drainage and stormwater management plan, including all line, swales, drains, basins, and other facilities.

C. Review.

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, the plans for all single family detached condominiums shall require approval by the Planning Commission before units may be sold or site improvement initiated. The review process shall consist of the following two steps:

1. Preliminary Plan Review - In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Brockway Township Zoning Ordinance and Master Land Use Plan. Plans submitted for preliminary review shall include information specified in items 1-5 of the Submission Requirements.

2. Final Plan Review - Upon receipt of the Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by Items 1-9 of the Submission Requirements. Such plans shall be reviewed by the Township Engineer. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.

D. District Requirements.

The development of all single family detached condominiums shall observe the applicable height, bulk, density and area requirements of Section 13.01, including but not limited to setbacks, minimum public road frontage and minimum floor area requirements of the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided, pursuant to Subdivision Control Act, P.A. 288 of 1967, as amended. For purposes of this Section, each single family detached condominium unit shall be deemed a separate "lot".

E. Design Standards.

All design standards shall comply with applicable State, County and Township requirements, except that:

1. All proposed streets shall be designed and paved with asphalt or concrete or other similar material, if any, in accordance with public road requirements of the St. Clair County Road Commission; it shall also be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.
2. (a) The condominium plan shall include that all standard and reasonable public utility easements be dedicated to Brockway Township, or to such other governmental entity as the Township may direct, to enable the installation, repair and maintenance of all necessary or standard public

utilities. Appropriate construction of sanitary waste disposal and water systems or facilities and easements therefor shall be provided for, in accordance with applicable State, County and Township standards. All reasonably necessary storm drainage and management systems shall be constructed and provided for, including but not limited to dedications of public and private easements as may be reasonably necessary, culverts, ditching, and other appurtenances as may be reasonably necessary.

(b) The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

F. Final Acceptance.

The Township shall also require all the appropriate inspections. After construction of the condominium project, an as-built reproducible mylar of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built

nylar has been reviewed and accepted by the Township.

SECTION 3. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 4. Repeal

All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 5. Penalty

Any person or persons, firm or corporation violating or failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00, nor more than ninety (90) days imprisonment in the County Jail, or both fine and imprisonment in the discretion of the Court.

SECTION 6. Effective Date

This Ordinance shall become effective upon publication after adoption.

Certification

I, Arthur Laupichler, Clerk of the Township of Brockway, do hereby certify that Ordinance No. 13 was adopted by the Brockway Township Board at a regular meeting of the Township Board held at the Township Hall on the 25 day of March, 1991.

Vote on this ordinance, 4 members being present, was as follows:

AYES: 4  
NAYS: 0

I further certify that said Ordinance No. 13 adopted by the Brockway Township Board on the 25 day of March, 1991 was published once in The Yale Expositor, a paper published

and circulated in the Township of Brockway, County of St. Clair,  
on the 27 day of March, 1991, this being the first and  
final day of publication of this ordinance.

No. 13 I further certify that an attested copy of Ordinance  
day of March was filed with the St. Clair County Clerk on the 27  
day of March, 1991.

  
\_\_\_\_\_  
Arthur Laupichler, Clerk  
Township of Brockway