

- 6.9.8. FIRE RATING. No use shall require alterations or equipment that would change the fire rating of the structure of the fire district in which the structure is located.
- 6.9.9. TRAFFIC. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- 6.9.10. EQUIPMENT. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.
- 6.9.11. UTILITIES. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- 6.9.12. HOME OCCUPATIONS NOT PERMITTED. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations.
- A. Real estate office.
  - B. Insurance office.
  - C. House-to house salesman.
  - D. Beauty Salon.
  - E. Antique Shop.
  - F. Barber Shop.
  - G. Funeral home.
  - H. Gift shop.
  - I. Medical or dental clinic or hospital.
  - J. Renting of trailers
  - K. Restaurant
  - L. Stables.
  - M. Kennels.
  - N. Tourist homes..
  - O. Veterinary clinic or hospital.
  - P. Dancing schools.
  - Q. Mortuaries.
  - R. Nursery schools
  - S. Private clubs
  - T. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras, or other similar small items.
  - U. Auto repair, major or minor.
  - V. Dental offices.
  - W. Medical offices.
  - X. Painting of vehicles, trailers or boats.

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

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

- 6.10.1. DEFINITION. The definition of a "swimming pool" whether indoor, outdoor, above ground/on ground or consisting as a spa or hot-tub, including all similar uses and accompanying requirements and protection devices shall be as defined in the Building Code and the accompanying referenced codes and appendices, as adopted by the State of Michigan and/or the Federal Government.
- 6.10.2. APPLICATION. All swimming pools falling under the above definition and proposed for and/or erected in the Township shall submit the information required herein for review and issuance of a building permit. This shall include, but shall not be limited to, the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications, and plans to scale, of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed

information affecting construction and safety features deemed necessary by the building inspector and as required in the Building Code.

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

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

### **Section 6.11. Waterfront Lots.**

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

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

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

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

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

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

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

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