



# FRENCHTOWN TOWNSHIP

# ZONING ORDINANCE

ADOPTED: May 23, 2023

EFFECTIVE: June 2, 2023

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# ARTICLE 1: PURPOSE AND INTENT

## Section 1.01 Title

An ordinance to regulate and restrict the use of land and buildings by dividing Frenchtown Charter Township into districts, with the Township's [Master Plan](#) guiding the overall direction of where such uses are most appropriate; defining certain terms used therein; imposing regulations, prohibitions and Uses with Specific Standards restrictions governing the erection, construction, reconstruction of structures and buildings and lands to be used for the purpose of agriculture, residence, business, industry, social, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures, regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts, regulating and limiting the density of population; establishing floor space requirements to assure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of non-conforming uses of land, buildings and structures; creating a Zoning Board of Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board, and providing for administration, supplements, or changes thereto; providing for resolution of conflicts with other acts, ordinances, or regulations, and providing a penalty for violation of said Ordinance.

## Section 1.02 Short Title

This ordinance shall be known as and cited as the Frenchtown Charter Township Zoning Ordinance.

## Section 1.03 Purpose

The purpose of this Zoning Ordinance is to provide for the regulation of land development and the establishment of zoning districts in Frenchtown Charter Township; to meet the needs of the state's citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that the use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety and welfare for these purposes, Frenchtown Charter Township shall divide the Township into districts of such number, shape and area as it considers best suited to carry out this Ordinance; to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or erosion and for that purpose may divide the Township into districts of a number, shape, and area considered best suited to accomplish those objectives; to designate or limit the location, the height, number of stories, size of dwellings,

buildings, structures that may be erected or altered; the specific uses the area of yards, courts, and other open spaces, and the sanitary, safety and protective measures that shall be required; and the maximum number of families which may be housed in buildings, dwellings, and structures, including tents and travel trailers erected or altered.

## **Section 1.04 Enabling Authority**

The prior Zoning Ordinance was adopted pursuant to Act 184 of the Public Acts of 1943 of the State of Michigan, as amended and is now adopted pursuant to the Authority of the [Michigan Zoning Enabling Act being Public Act 110 of 2006](#), as amended. Said Act, covering township zoning is made a part of this Ordinance just as if said Act were repeated verbatim herein.

## **Section 1.05 Conflicting Laws and Regulations**

It is not intended by this Ordinance to repeal, or abrogate or annul any existing provision of law, ordinance or any regulations, or ordinances relating to the use of buildings or land, except as hereafter specifically provide; nor is it intended by this Ordinance to abrogate or annul any existing easement, covenants or other agreements between parties; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed to be minimum requirements and shall in no way impair or affect any covenant, easement agreements between parties or restrictions running with the land, except where such covenant, easement agreements between parties or restrictions imposes lesser requirements.

## **Section 1.06 Severance**

If any portion of this Ordinance or the application thereof to any person or circumstance shall be found invalid by a court, such invalidity shall not affect the remaining portion or application or the validity of this Ordinance as a whole, provided such remaining portions are not determined by the court to be inoperable, and it is hereby declared to be the legislative intent that this Ordinance would have been adopted had such invalid provision not been included.

## **Section 1.07 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and any of the same may be amended when reasonable to the preservation of the public health, safety, morals, and general welfare.

## **Section 1.08 Savings**

The repeal of any ordinance or part of any ordinances effectuated by the enactment of

this Ordinance shall not be considered or constitute the abandonment of any action now pending under or by virtue of such ordinance or as abating, modifying, or altering any section of the prior ordinance as to the pending action or the penalty accruing or to accrue, or affect any rights of the Township pursuant to such pending action. All proceedings pending when this Ordinance takes effect are saved and preserved, and shall continue all according to the terms, provisions, penalties of the Ordinance in effect at the time such proceedings commenced

# ARTICLE 2: ZONING DISTRICTS, MAP, AND TABLE OF PERMITTED USES

## Section 2.01 Zoning Districts

For the purpose of this Ordinance, Frenchtown Charter Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

PS	Public Service District
AG	Agricultural District
R-1-A	Single-Family Residential District
R-1-B	Single-Family Residential District
R-1-C	Single-Family Residential District
R-1-D	Single-Family Residential District
R-1-E	Single-Family Residential District
R-1-R	Single-Family Residential District.
R-M-H	Manufactured Housing District
R-3-A	Multiple Family Residential District
R-3-B	Multiple Family Residential District
R-1-O	Restricted Office District
O-S	Office Service District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Highway Commercial District
I-1	Industrial District

In this Ordinance, references to the “R-1” districts shall mean all of R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R. References to the “R-3” districts shall mean both R-3-A and R-3-B.

## Section 2.02 Zoning Map

The areas comprising the above referenced zoning districts and the boundaries of said districts, as shown upon the zoning map marked and designated "Zoning Map, Frenchtown Charter Township, Monroe County, Michigan, Effective May 23, 2023, attached hereto and made a part of this Ordinance are hereby established; and the districts above described are hereby created. The Zoning Map of Frenchtown Charter Township with all proper notations, references and other information shown thereon, shall be as much a part of this Ordinance as though described herein, provided, however,

where uncertainty exists with respect to the boundaries, the rules set forth in [Section 2.03](#) of this ordinance shall apply (See Zoning Map).

### **Section 2.03 Boundaries of District**

- (A) All street, alley, 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, alley, or railroad right-of-way.
- (B) Where the centerline of a 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 centerline.
- (C) Where a district boundary line, as established in the above paragraph or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the district boundary line shall be fixed from the scale of the Zoning Map.
- (D) Questions concerning the exact location of district boundary lines shall be determined by the [Zoning Board of Appeals](#).

### **Section 2.04 Boundary Lines After Street Vacation**

The boundary line of districts, affected by street or alley vacation, shall remain at the centerline of said vacated street or alley, unless this conflicts with the lot boundary line thus affected, in which case the district boundary line shall follow the boundary line of the lots created at the time of vacation.

### **Section 2.05 Uses Not Specifically Permitted**

Land uses are permitted specifically in the various zoning districts of this Ordinance, as listed in Section 2.10. Where not specifically permitted, uses are thereby specifically prohibited unless construed by the Planning Commission to be similar to a use expressly permitted. If determined to be similar, the use may be approved as a Uses with Specific Standards, subject to the process in [Section 7.04](#). No land within the boundaries of Frenchtown Charter Township shall be used for any purpose other than those uses specifically set forth in the following Sections, except for non-conforming uses as permitted by [Section 7.12](#).

### **Section 2.06 Zoning of Filled Land; Uses of Water**

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further government action subsequently acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent and the same shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

## Section 2.07 Principal Permitted Uses in District

Within each zoning district there are uses which when developed in accordance with sound planning and site plan principles are consistent with the purpose and objectives of the district. For the purpose of this Ordinance these uses shall be known as “principal permitted uses,” or “uses permitted by right,” set forth in the individual district and shall be allowed within that particular district subject to the development requirements for the district.

## Section 2.08 Uses with Specific Standards

Within each zoning district there are uses which may be consistent with the purpose and objectives of the particular zoning district but only in specific locations, under specific conditions, and when developed in accordance with sound planning and site plan principals. For the purpose of this Ordinance these uses shall be either known as “Conditional Uses” or “Uses with Specific Standards,” depending on the use’s potential impact on surrounding properties. As set forth in the individual district, these uses shall be allowed within that particular district subject to the development requirements for the district and specific conditions and standards deemed necessary and appropriate by the Planning Commission, provided the Planning Commission finds the proposed use meets the criteria set forth in [Section 7.04](#).

## Section 2.09 Purpose and Intent of Districts

- (A) **PS Public Service District:** To classify public owned uses as well as certain privately owned uses and lands which are intended for major use in a recreational or institutional setting by the general public.
- (B) **AG Agricultural District:** To preserve lands best suited for agricultural use from the encroachment of incompatible uses;
- (C) **R-1 Single Family Residential Districts:** To ensure that the development of the designated areas proceeds in a manner consistent with the existing and desired residential character of the Township. The six (6) Single Family Residential Districts are differentiated, among other factors, by densities and yard requirements as established in Article 3, Schedule of Regulations, in order to provide a reasonable balance and variety of single-family living environments. The R-1-R Residential District is intended to be used to regulate the growth and density of subdivisions platted prior to 1970 in areas that were previously primarily characterized as resort communities, with predominately smaller lots.
- (D) **RMH Manufactured Housing District:** To provide for the location and regulation of manufactured housing parks thus providing for a variety of housing types and residential living environments in Frenchtown Charter Township. The community shall strive to achieve one of the primary goals of the master plan; a balance and variety of housing types and environments. It is further intended that mobile home parks shall provide the necessary community services and setting to avoid



overcrowding, assure adequate light and ventilation and limit congestion. This district should only be located in areas specifically designated for it in the [Master Plan](#).

- (E) R-3 Multiple Family Residential Districts:** To further develop the stated goal of the [Master Plan](#), that is to provide for a balance and variety of housing opportunities in the Township. The two districts provide for higher densities than could be achieved within the Single-Family Residential Districts while addressing significant environmental assets and the potential negative impact and incompatibility with single family residential development. The two districts are differentiated by density and number of stories permitted.
- (F) R-1-O Restricted Office District:** To provide a district to accommodate office uses of an administrative, business, professional or governmental nature which are characteristically not generators of large volumes of traffic and are traditionally developed in residential settings.
- (G) OS Office Service District:** To provide a district to accommodate office uses of an administrative, business, professional or governmental nature.
- (H) C-1 Local Commercial District:** To provide a neighborhood shopping facility in close proximity to residential areas which satisfies the need for convenience goods and/or personal service uses. Further it is intended that this district shall be used to encourage concentration of commercial development.
- (I) C-2 General Commercial District:** To serve the commercial needs of the general community thus providing a variety of commercial uses, including more intensive uses not permitted in a C-1 Local Commercial District. Because of their nature the uses found in this district will have larger volume of vehicular traffic generated and therefore the planned concentration of said uses should be encouraged.
- (J) C-3 Highway Commercial District:** To provide the community with an area that, in general, will contain the most intensive commercial uses and will cater primarily to the motoring public and those uses that would be considered typical and/or ancillary to said uses.
- (K) I-1 Industrial District:** To provide a district for industrial, warehousing, research, wholesale, and service uses, where the manufacturing, compounding, processing, assembling, treatment and/or warehousing of products from previously prepared materials may take place. It is further the intent of this district to insure that such uses are located adjacent to, and serviced by, a major thoroughfare; will be so located as to guard against such development negatively impacting adjacent districts because of the inherent conflict between said uses and other uses such as residential uses; and protect said districts from encroachment and limitations that may result from adjacent districts because of the inherent conflict between said uses and other uses such as residential uses.

## Section 2.10 Table of Permitted and Uses with Specific Standards

**P= Permitted By Right C=Permitted by Conditional Land Use Permit S=Permitted by Uses with Specific**

Use	PS	AG	R-1*	RMH	R-3**	R-1-O	OS	C-1	C-2	C-3	I-1	Specific Standards-Section Reference
<b>Community Uses</b>												
Airport	S	S							S	S	S	<a href="#">Sec. 4.03</a>
Alcohol/Drug Rehab	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Sec. 4.04</a>
Bus Station						S	S	S	S	S	S	
Campground (Travel Trailor Park)	S	S										<a href="#">Sec. 4.41</a>
Cemeteries	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Sec. 4.10</a>
Essential Services	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Sec. 4.17</a>
Hospitals								S	S	S	S	<a href="#">Sec. 4.25</a>
Houses of Worship	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Sec. 4.12</a>
Institutions of Higher Education	S	S				S	S	S	S	S	S	
K-12 Schools	S	S	S	S	S	S	S	S	S	S	S	
Marinas	S		S		S				S	S		<a href="#">Sec. 4.31</a>
Municipal/Public Buildings	S	S	S	S	S	S	S	S	S	S	S	
Parking Lots with No Other Principal Use	S	S	S	S	S	S	S	S	S	S	S	
Parking Structures	S							S	S	S	S	
Private Recreation - Indoor		S		S	S	S	S	S	P	P	S	
Private Recreation - Outdoor	S	S	S	S	S	S	S	S	S	S	S	
Public Recreation Facilities	P	P	S	S	S	S	S	S	S	S	S	
Radio/TV Transmitters	<a href="#">Sec. 4.36</a>											
Temporary Outdoor Events and Sales	<a href="#">Sec. 4.34</a>											
Wireless Telecommunication Facilities	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Sec. 4.44</a>
<b>Agricultural Uses</b>												
Agriculture		P										Agriculture shall be permitted either as a principal or an accessory use.
Agri-Tourism		S							S	S	S	<a href="#">Sec. 4.02</a>
Animal Rescue/Shelter		S						S	S	S	S	<a href="#">Sec. 4.05(H)</a>
Greenhouses		P								P	P	

Use	PS	AG	R-1*	RMH	R-3**	R-1-O	OS	C-1	C-2	C-3	I-1	Standards
Kennels		C							C	C	C	<a href="#">Sec. 4.05(G)</a>
Mineral Mining		S							S	S	S	<a href="#">Sec. 4.31</a>
Seasonal Roadside Stands		C										<a href="#">Sec. 4.18</a>
Stables		S	S									
<b>Residential Uses</b>												
Bed and Breakfasts		S	S			S	S	S	S	S		<a href="#">Sec. 4.08</a>
Home Based Businesses		C	C	C	C							<a href="#">Sec. 4.24</a>
Manufactured Housing				P								<a href="#">Sec. 4.30</a>
Multiple Family Dwellings					P							
Senior Housing					S			S	S	S		
Single Family Dwellings		P	P	P	P							Existing single-family dwellings not considered non-conforming use in any district.
Townhouses					P							
State Licensed Residential Facilities for Six or Fewer Persons		P	P	P	P							<a href="#">Sec. 4.40</a>
State Licensed Residential Facilities for More than Six Persons		S	S	S	S							<a href="#">Sec. 4.40</a>
<b>Commercial Uses</b>												
Adult Uses										S		<a href="#">Sec. 4.01</a>
Car Wash									C	C		<a href="#">Sec. 4.09</a>
Child Care Facilities	S	S	S	S	S	S	P	P	P	P	S	<a href="#">Sec. 4.11</a>
Drive-Thrus								S	S	S		<a href="#">Sec. 4.16</a>
Funeral Homes						C	C	C	P	P		<a href="#">Sec. 4.19</a>
Gas Stations									S	S		<a href="#">Sec. 4.20</a>
Gun Range (Indoor)		S								S	S	<a href="#">Sec. 4.21</a>
Gun Range (Outdoor)		S										<a href="#">Sec. 4.22</a>
Hotels/Motels									C	C		<a href="#">Sec. 4.26</a>
Indoor Self-Storage											S	<a href="#">Sec. 4.27</a>
Pet Daycare, Grooming, and/or Training		C				C	C	C	C	C	C	<a href="#">Sec. 4.05(I)</a>
Plant Nursery		S							S	S	S	
Professional Offices						P	P	P	P	P	S	
Restaurants								P	P	P		
Retail/Services								P	P	P	S	
Outdoor Sales Space (non-vehicle sales)	S					S	S	C	C	C	S	<a href="#">Sec. 4.33</a>

**P= Permitted By Right C=Permitted by Conditional Land Use Permit S=Permitted by Uses with Specific**

Use	PS	AG	R-1*	RMH	R-3**	R-1-O	OS	C-1	C-2	C-3	I-1	Standards
Theaters (Indoor)									S	S		
Theaters (Outdoor/Drive- In)										S		<a href="#">Sec. 4.15</a>
Truck Stop/Travel Plaza										S		<a href="#">Sec. 4.41</a>
Vehicle Repair									S	S	P	<a href="#">Sec. 4.06</a>
Vehicle Sales									C	C	C	<a href="#">Sec. 4.07</a>
Veterinary Clinics		C				C	C	C	C	C	C	<a href="#">Sec. 4.05(J)</a>
<b>Industrial Uses</b>												
Aggregate Processing Facilities - Permanent											S	<a href="#">Sec. 4.14</a>
Aggregate Processing Facilities - Temporary							S	S	S	S	S	<a href="#">Sec. 4.14</a>
Central Dry-Cleaning Plant									S	S	S	
Composting Facilities											S	<a href="#">Sec. 4.13</a>
Concrete Plants											S	<a href="#">Sec. 4.14</a>
Hazardous Substances Storage											S	<a href="#">Sec. 4.23</a>
Landfill											S	<a href="#">Sec. 4.29</a>
Lumber Yards									S	S	S	
Manufacturing									S	S	P	
Outdoor Storage	S	S						S	S	S	S	<a href="#">Sec. 4.35</a>
Power Plant - Non-Wind or Non-Solar	P											
Production, Small Scale		S						S	P	P	P	
Research and Development						S	S	S	S	S	P	
Resource Reclamation Facility											S	<a href="#">Sec. 4.28</a>
Vehicle Storage Lot										S	S	<a href="#">Sec. 4.35</a>
Solar Panel Arrays	<a href="#">Sec. 4.38</a>											
Warehousing/ Distribution Center									S	S	P	
Wholesale									S	S	P	
Wind Energy Facility	<a href="#">Sec. 4.43</a>											

**P= Permitted By Right C=Permitted by Conditional Land Use Permit S=Permitted by Uses with Specific**

(A) In the case that a use not listed in any category or zoning district, the Planning Commission may determine if said use is similar in character and intensity to the permitted/Uses with Specific Standards in a given district and may approve the use in that district through the Uses with Specific Standards process.

\*Includes R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R \*\*Includes R-3-A and R-3-B

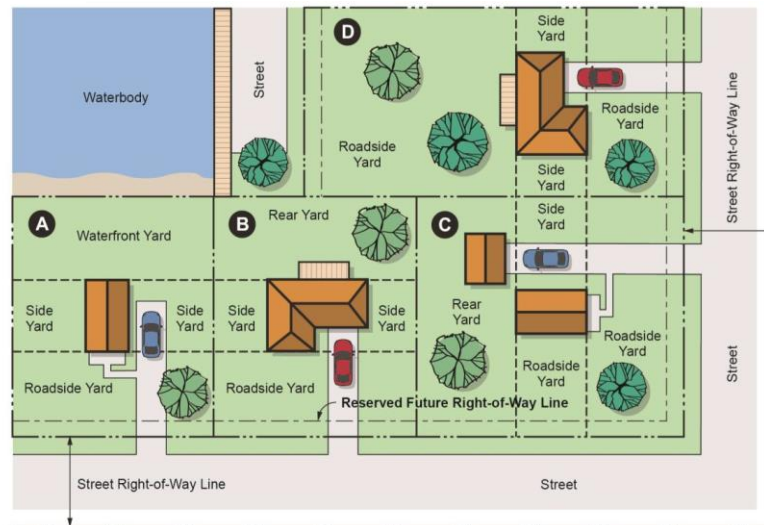
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# ARTICLE 3: SCHEDULE OF DIMENSIONAL REGULATIONS

## Section 3.01 Table of Regulations

- (A) The following regulations regarding lot sizes, yards, setbacks, and densities apply within the Zoning Districts as indicated, including the regulations contained in the footnotes to the Schedule of Regulation Table ([Section 3.02](#)).
- (1) No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located.
- (2) No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area, occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.
- (B) All roadside setbacks (setbacks abutting a road) shall be measured from the reserved future right-of-way Line (see [Section 3.04](#)).
- (C) Accessory structures must meet the dimensional standards in [Section 5.03](#).
- (D) All lots in any zoning district (except as provided in [Section 6.06](#)) must have frontage on a public road or a street or road which was designated on a recorded subdivision existing on or prior to September 12, 1957.

Figure 3.01: Lot



### Lot Types

- A – Waterfront Lot      C – Corner Lot  
 B – Interior Lot        D – Through Lot

**Table 3.01.D: Table of Regulations for Principal Structures**

	Minimum Lot Dimensions		Max Lot Coverage	Max Building Height (feet)(B)	Min Roadside Setback (feet) (H)	Max Roadside Setback (feet) (H)	Min Side Setbacks (both sides must meet requirements listed unless otherwise noted) (feet)(H)	Min Rear Setback (feet) (G)(H)	Min Residential Usable Floor Area (sq. ft.)
	Area (Sq. ft.) (A)	Width (Feet)							
PS	60,000	200	60%	40 (C)	50	--	20	50	--
AG	65,340	150	30%	40	50 (F)	425	25	50	1,200
R-1-A	14,500	90	40%	30	25 (F)	150	12	35 (G)	1,000
R-1-B	9,750 (A)	80	40%	30	25 (F)	120	10	35 (G)	1,000
R-1-C	7,800 (A)	65	40%	30	25 (F)	120	One: 5 Total of Two:15	35 (G)	1,000
R-1-D	21,780	100	30%	30	30 (F)	200	12	40 (G)	1,200
R-1-E	43,560	100	30%	30	50 (F)	400	25	50 (G)	1,000
R-1-R	6,000 (A)	60	50%	30	20 (F)	100	One: 5 Total of Two:15	25 (G)	1,000
R-3-A	8,400 (A)	(E)	60%	50(C)	20 (E)	--	15(E)	20 (E)(G)	(E)
R-3-B	8,400 (A)	(E)	60%	50(C)	20 (E)	--	15(E)	20 (E)(G)	(E)
RMH	Shall comply with <a href="#">Sec. 4.30</a> and the Michigan Mobile Home Commission								
R-1-O	21,780	100	60%	40	20	--	10	25	--
OS	21,780	100	60%	40	20	--	10	25	--
C-1	21,780	100	60%	40	20	--	One: 5 Total of Two:20	25	--
C-2	30,000 (K)	150 (K)	60%	40(C)	20 (I)	--	One: 5 Total of Two:20	35 (I)	--
C-3	43,560 (K)	200 (K)	60%	40(C)	30 (I)	--	One: 5 Total of Two:20	40 (I)	--
I-1	43,560	200	60%	40(C)	50	--	20	40	--

## Section 3.02 Footnotes to Schedule of Regulations

- (A) If one or both public sanitary sewers and/or public water supply are not available, minimum lot size shall be 14,500 square feet, subject to valid County Health Department permit prior to home construction. If both public sanitary sewers and public water supply are available, minimum lot size shall be as established in the Schedule of Regulations Table.
- (B) The following shall apply to building height regulations:
- (1) Parapet walls and mechanical equipment, including elevator penthouses, may exceed the height limit in the district provided they meet the following standards:
    - (a) Mechanical equipment may exceed the height of the roof and the maximum height of the zoning district by up to 10 feet, but its floor area must be equal to or less than 25% of the total roof area of the building.
    - (b) Parapet walls may exceed the height of the roof by up to 6 feet and may exceed the maximum height for the zoning district by up to 4 feet.
  - (2) Houses of worship and schools in the AG and R-1 districts shall be permitted to have a maximum height of 50 feet.
  - (3) Wireless telecommunications facilities and wind energy facilities shall be exempt from the height limit in the zoning district they are located within but shall be subject to the requirements of [Section 4.43](#) for wireless telecommunications and [Section 4.42](#) for wind energy facilities.
  - (4) Accessory structures must comply with the height limitations in Section 5.03.
  - (5) The Planning Commission may approve buildings to be taller than the maximum height in the district, if the additional height is necessary (in the opinion of the Planning Commission) to comply with Township, County, State, or Federal flood plain regulations. For applications that would not ordinarily be referred to the Planning Commission, such as minor alterations to commercial sites or any construction related to a single-family home, the Building Official may approve the additional height.
- (C) Buildings and structures over 40 feet in height must comply with the following:
- (1) The building and structures must be set back from all property lines one additional foot for each foot of height in excess of 40 feet, above and beyond the required setback listed in [Section 3.01](#).
  - (2) In R-3, C-2, and C-3 districts, buildings, and structures 40 feet in height or higher must have at least three stories designed to be used for a use permitted by right or by Uses with Specific Standards in the district the



building or structure is located within.

- (3) In the I-1 and PS districts, buildings, and structures over 40 feet in height are only permitted if they are deemed necessary, in the opinion of the Planning Commission, for an industrial process or other use permitted by right or by Uses with Specific Standards in the district the building or structure is located within.
- (D) No dwelling or building shall be erected on a lot or parcel which does not have continuous frontage upon a street or road either currently certified by the Monroe County Road Commission or the Michigan Department of Transportation or a street or road which was designated on a recorded subdivision existing on or prior to September 12, 1957, except as set forth in [Section 6.06](#). The continuous frontage must be at least the minimum lot width for the zoning district the lot is located within, unless approved with a lot with less than the minimum requirement as part of a Plat. Further, the lot must maintain the minimum width for the entire distance from the front lot line (the right of way line) and the required roadside setback line.
- (E) The following shall apply to the R-3 districts:

  - (1) The maximum number of bedrooms permitted on a single lot shall be 16 per acre in the R-3-A district and 24 per acre in the R-3-B district. The bedrooms may be allocated into units in any combination. The Planning Commission may approve up to a 50% increase in the permitted density by Uses with Specific Standards approval, provided that the additional density meets the criteria for approving a Uses with Specific Standards in [Section 7.04](#).
  - (2) The minimum floor area for residential units shall be as follows:

    - (a) One Bedroom or Efficiency: 500 square feet
    - (b) Two Bedrooms: 700 square feet
    - (c) Three Bedrooms or More: 200 square feet for each additional bedroom
  - (3) In complexes with more than one multiple-family residential building, all buildings shall be separated from each other by a minimum of 15 feet.
  - (4) At least 200 square feet of open space per residential unit must be provided on the grounds of a multiple family housing complex, exclusive of parking spaces and drive aisles. A portion of the open space must be designed to be usable for active recreation, with specific amenities to be approved by the Planning Commission.
- (F) The following rules shall supersede the minimum roadside setbacks in the AG and R-1 districts where applicable:

  - (1) If at least 60% of the principal buildings within 300 feet of a given lot have roadside setbacks smaller than the minimum required in [Section 3.01](#), the roadside setback for a new building need not be larger than the average roadside setback for all principal buildings within 300 feet of the lot in question.

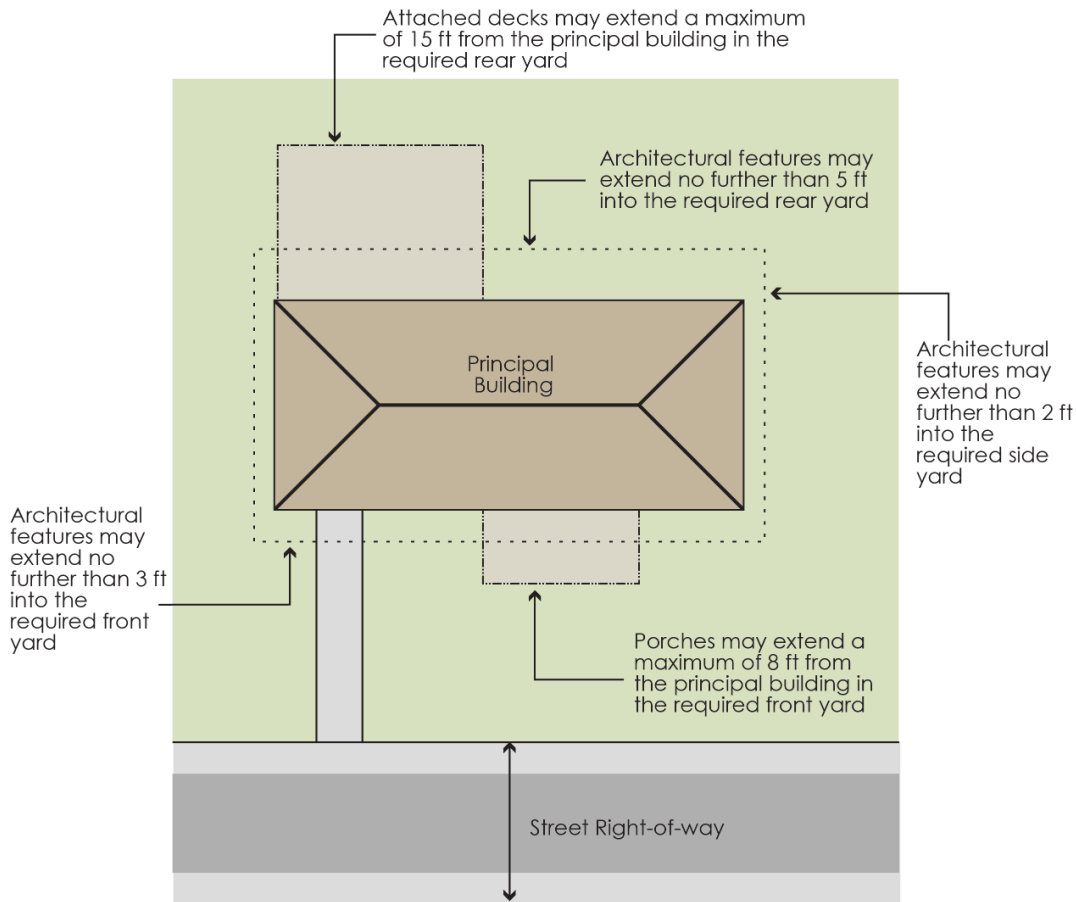
(2) If at least 60% of the principal buildings within 300 feet of a given lot have roadside setbacks larger than the minimum required in section 3.01, the roadside setback for a new building shall not be smaller the average roadside setback for all principal buildings within 300 feet of the lot in question.

(G) The required minimum setback for all structures from the waterside lot line shall be 50 feet.

(H) The following building features shall be exempt from setback requirements:

(1) One fireplace or chimney provided it does not exceed eight (8) feet in width along a wall or twelve (12) inches in depth away from a wall.

(2) Unenclosed platforms, decks, terraces above nine (9) inches, porches, steps, or other ground or first floor projections shall be no more than thirty-six (36) square feet in area and may be permitted to extend into the required roadside yard no more than eight (8) feet. Further, such excepted projections may be permitted to extend into the required rear or side yard, provided such



projections shall not be nearer than twenty (20) feet to a rear property line or three (3) feet to a side property line. Decks in lakeside yards shall meet

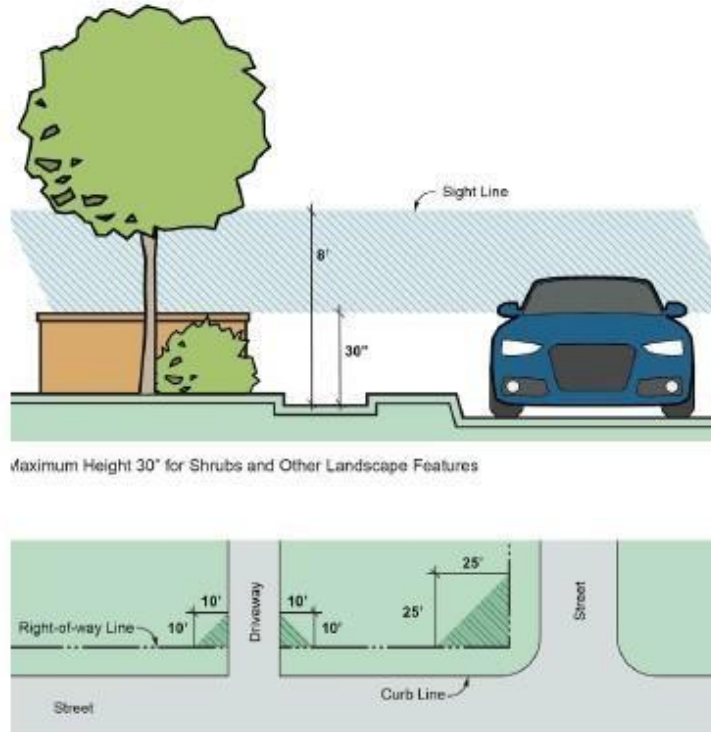
the requirements of Footnote (G).

- (3) Unenclosed ramps and chairlifts meeting Building Code standards and constructed for the purpose of providing a person with a physical disability access to a single-family dwelling may be permitted to encroach into a required yard setback to the extent necessary to perform its proper function upon approval by the Township. Any such structure must be removed when it is no longer required for a person with physical disabilities.
- (I) On lots abutting Telegraph Road south of Stewart Road, the setback, minimum lot size, and minimum lot width requirements of the C-1 district shall apply within the C-2 and C-3 districts.

### Section 3.03 Clear Corner Vision

No wall, fence, planting, or other obstruction shall be established or maintained or planted on any lot which creates a public hazard, or which will unreasonably obstruct or interfere with traffic flow and visibility on a curve, street intersection and driveway intersection.

- (A) **Clear Visibility Zone, Driveway Intersection.** The clear visibility zone for a driveway shall be the triangular area created by connecting the two points established by measuring ten (10) feet in each direction from the intersection of the driveway and the future right-of-way for the abutting roadway. Within the clear visibility zone an area extending from thirty (30) inches above grade to eight (8) feet above grade shall remain clear and unobstructed. The intent is to permit clear visibility for pedestrians and motorists.
- (B) **Clear Visibility Zone, Corner Intersection.** The clear visibility zone for a corner intersection shall be the triangular area created by connecting the two points established by measuring twenty-five (25) feet each direction from the intersection of the right-of-way for the abutting roadways. Within the clear visibility zone an area extending from thirty (30) inches above grade to eight (8) feet above grade shall remain clear and unobstructed. The intent is to permit clear visibility for pedestrians and motorists.



### Section 3.04 Reserved Future Right-of-Way Lines (Formerly Street Setback Line).

The reserved future right-of-way line is the distance as measured from the centerline of the legally described road right-of-way to establish the roadside lot line for the purpose of establishing yard, setback, and other requirements of this Ordinance. The purpose of the Reserved future right-of-way Line is to preserve land for future right-of-way acquisitions for road expansion, if necessary. A reserved future right-of-way line shall be established in all districts as follows.

- (A) **60 Ft. From the Center Line of the Following Streets.** Grafton, Nadeau, Newport, North Dixie Highway, North Monroe, North Custer, Stewart (between North Monroe and Telegraph), South Stoney Creek (west of Telegraph), and Telegraph.
- (B) **43 Ft. From the Center Line of the Following Streets.** Bates Lane, Blue Bush, Cole, Exeter, Heiss, Lasalle, Newport South, North Stoney Creek (from Newport South to North Dixie Highway), Post, Reinhardt, Sandy Creek, Stewart (west of Telegraph), Vivian, and War (north of South Stoney Creek).
- (C) **33 Ft. From the Center Line of the Following Streets.** Brest, Buhl, Comboni Way, Enrico Fermi, Fix, Hurd, Langton, LeRoux, Mall, Mentel, North Stoney Creek (west of Newport South), Pointe Aux Peaux, South Stoney Creek (east of Telegraph), Steiner, Stumpmier, Toben, Toll, Waterworks, and Williams.
- (D) For all streets not mentioned above, there shall be no reserved future right-of-way line. Roadside setbacks shall be measured from the line separating the lot from

the road right-of-way, regardless of the ownership of the road or the method for defining the street right-of-way.

### Section 3.05 Open Space Preservation Option

- (A) Purpose.** The purpose of the Open Space Preservation Option is to comply with the [Michigan Zoning Enabling Act](#). The [Michigan Zoning Enabling Act](#) requires Township to provide an “Open Space Preservation” option to landowners which provides for the same maximum number of home sites to be developed but which allows them to be clustered on up to 50% of the land. The [Michigan Zoning Enabling Act](#) requires that the remaining land, which must be not less than 50% and exist perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means which runs with the land. The intent of the Section is to establish the procedures and standards for review and approval of developments under the Open Space Preservation Option and to ensure full compliance with the regulations in this Ordinance and other applicable Ordinances and State and Federal regulations.
- (B) Statement of Principles.** The Open Space Preservation Option is an optional method of development that shall be permitted after review and recommendation by the Planning Commission, a public hearing, and approval of the Township Board after having found that the proposed Open Space Preservation Option meets the following requirements:
- (1)** The land proposed to be developed is zoned at a density equivalent to two or fewer dwelling units per acre or if the land is served by public sewer system, three or fewer dwelling units per acre which includes specifically the R-1-E, R-1-A, R-1-D, and AG zoning classifications.
  - (2)** No less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
  - (3)** The development does not depend upon the extension of a public sewer or public water supply system unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
  - (4)** The development option provided pursuant to this Section has not previously been exercised with respect to the subject property
- (C) Applicability.** An application for the Open Space Preservation Option shall be made by the owners of any tract where use of the Open Space Preservation Option is contemplated. The application shall be accompanied by a fee and shall cover the cost of evaluating the plan as to the principles and requirements set forth in this Article.
- (D) Application Information.** An application for approval of the Open Space Preservation Option shall contain the following information:

- (1) A metes and bounds survey of the acreage comprised in the proposed Open Space Preservation Option development.
- (2) A topographic survey including natural and man-made features at a scale of 1-inch equals 50 feet or 1-inch equals 100 feet with a contour interval not to exceed 2 feet.
- (3) A Site Analysis which identifies the character, structure, and potential of the site as it relates to this Section. The analysis shall include a minimum of the following:
  - (a) Contiguous Land Uses
  - (b) Topography
  - (c) Drainage
  - (d) Soils
  - (e) Vegetation
  - (f) Existing conditions including structures, utilities, and vehicular circulation.
  - (g) Special features. All portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains or other features prohibiting residential development.
  - (h) The General Development Plan for the Open Space Preservation Development Option which shall include the information listed in [Section 3.05.E](#).
  - (i) Title commitment or other suitable documentation demonstrating that no development rights have been sold or otherwise transferred to any other person, entity, or land.
  - (j) Parallel Plan. A Parallel Plan shall be submitted with each application. The Plan shall illustrate how the property would be developed under a conventional single family residential development consistent with the existing conventional zoning requirements for the parcel as to lot area, lot width, depth etc. In addition, any area which cannot be developed including such areas as wetlands, etc., shall be excluded in the calculation of developable area. This Plan shall be utilized to compute the total number of lots that may be permitted on any given parcel. In the event that the property could be developed as a conventional one-acre subdivision in the R-1-E single-family residential zoning district, and in order to encourage development under this Open Space Preservation Option, a density bonus in the amount of 10% may be permitted if the property is developed under the Open Space Preservation Option. No density bonus shall be permitted in any other zoning district. The intent of the density bonus is to encourage development under the Open Space Preservation option rather than as a conventional subdivision. The 10% bonus shall be calculated based on the number of units that can be achieved and developed pursuant to the requirements of a conventional one (1) acre single family residential development as shown and submitted to the Planning Commission in the Parallel Plan required pursuant to this Section.

**(E) General Development Plan Information.** The General Development Plan for the Open Space Preservation Development Option shall include:

- (1) A clear illustration of the portions of land to remain undeveloped and the portions of land that will be used for the clustered development.
- (2) The total number of acres of land to remain undeveloped and total number of acres to be developed and the percentages of each as compared to the total site acreage.
- (3) A clear illustration of the proposed lots and building envelopes to include lot area, frontage width and setbacks.
- (4) Location and type of all proposed structures and improvements that are not dwelling units.
- (5) If the development requires septic tanks and drain fields, the location of each shall be indicated. The applicant shall also provide the required permits of approval from Monroe County Health Department or the Department of Environment, Great Lakes, and Energy (EGLE).
- (6) Except as set forth in Section 6.06, the approval of the Monroe County Road Commission as to the design, layout, and construction of the public streets. All public streets must be dedicated to the Monroe County Road Commission upon completion of construction.

**(F) Open Space Requirements.** All Open Space Preservation Areas shall meet the following provisions:

- (1) Grading in the open space shall be minimal and limited to those areas where accessory uses and/or structures have been approved by the Planning Commission. Existing topography shall be preserved to the extent feasible.
- (2) Stormwater management ponds may be included and/or constructed within the open space area provided such basins or ponds shall be designed to be compatible with the open space areas. These stormwater management facilities shall appear as though they are part of the natural landscape. Fencing adjacent to basin areas shall be prohibited.
- (3) **Allowable Structures:** Any structure(s) or building(s) accessory to recreation, conservation or agricultural use may be erected within the open space, upon approval by the Planning Commission.

**(G) Open Space Location.** The location of the Open Space Preservation Areas shall meet the following standards to the greatest extent feasible:

- (1) In addition to Primary and Secondary Conservation Areas, open space shall be provided along the public street rights-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such rights-of-way shall generally have a depth of at least

fifty (50) feet. The open space along a right-of-way shall be either preserved in a natural wooded condition or landscaped. The open space shall contain native species and shall have a minimum of one (1) evergreen tree, two (2) shrubs, and one (1) large deciduous tree for each forty (40) linear feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the requirement for number of trees listed in this subsection. Berms shall not be permitted.

- (2) The open space provides an ecological link to permanent open space in surrounding lands and is located to connect open spaces, public parks, or bicycle/pedestrian paths throughout the community.
- (3) The open space is designed and located to be centrally positioned or in close proximity to all or most of the dwelling units.
- (4) All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the Open Space Preservation Areas and are adequately protected.

**(H) Guarantee of Open Space.** The Open Space Preservation Areas shall be set aside by the developer through an irrevocable conveyance or restriction that is found acceptable to the Planning Commission, such as a conservation easement. Such conveyance shall ensure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall not be changed to another use. Such conveyance shall provide for each of the following:

- (1) Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
  - (a) Dumping or storing of any material or refuse;
  - (b) Activity that may cause risk of soil erosion or threaten any living plant material;
  - (c) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
  - (d) Use of motorized off-road vehicles;
  - (e) Cutting, filling or removal of vegetation from wetland areas; and/or
  - (f) Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands;
  - (g) Any other restriction deemed appropriate by the Planning Commission.
- (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, such as a homeowner's association.
- (3) Provide an open space maintenance agreement that guarantees scheduled maintenance of the open space.
- (4) Provide for maintenance to be undertaken by Frenchtown Charter Township



in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**(I) Approval Process.**

- (1) Planning Commission Public Hearing and Decision.** A public hearing shall be held by the Planning Commission on the proposed Open Space Preservation Option Development in order to acquaint the public with the proposal prior to the finishing of detailed plans and specifications by the applicant. Notice of the hearing shall be published in a newspaper which circulates in the Township not less than fifteen days before the application will be considered. The notice shall state that an application for development of the Open Space Preservation Option will be the subject of a public hearing and also should indicate the date, time, and place for the public hearing and when and where written comments will be received concerning the request. It shall further describe the property that is the subject of the request.

Within a reasonable time following the public hearing, the Planning Commission shall recommend approval of development under the Open Space Preservation Option if the requirements of this Article and the Township Zoning Act are met. If the requirements are not met, the Planning Commission shall recommend disapproval of the development under that option to the Township Board with the reasons for their recommendation of disapproval and the requirements which are not met.

- (2) Township Board Action.** Upon receipt of the recommendation of the Planning Commission, the Township Board shall review the application along with the recommendation and shall approve the application if it meets the requirements or deny the application if it does not.

If the Township approves the application to develop under the Open Space Preservation Option the applicant shall have a period of two years from the date of approval by the Board to submit and receive approval of a conservation easement, and either deed restrictions or a master deed for approval of the Township Board. Such approval to develop pursuant to the Open Space Preservation Option shall not constitute approval of a plat under the [Land Division Act](#) and [Subdivision Control Ordinance](#) or site plan approval under the [Condominium Act](#). The Township Board upon written request of the applicant may grant an extension of the time if the Board finds that the applicant has acted in good faith and has made a substantial effort to complete the process within the time frame established by the Ordinance. Failure to request such an extension prior to the expiration of the two-year period shall be deemed an abandonment of the approval to develop under the Open Space Preservation Option.

- (3) Submission of Deed Restrictions and Easement.** If the Township Board gives approval to proceed under the Open Space Preservation Option in accordance with the requirements as set forth in this Article, the applicant shall submit to the Planning Commission and Township Board proposed

restrictions in the appropriate form based on the type of development proposed and a conservation easement appropriate for recording setting forth the requirements upon which said approval is based. Such restrictions shall include a provision that they may not be amended without the written approval of the Township Board. Such restrictions shall provide for at least the following:

- (a) Metes and bounds survey of the acreage comprised in the proposed Open Space Preservation area.
- (b) The manner of ownership of the land.
- (c) The manner of the ownership and dedication of the Open Space Preservation area in the form of a conservation easement, and former restriction, easement, covenant, or condition in the deed.
- (d) The restrictive covenants required for membership rights and privileges, maintenance, and obligation to be assessments for the Open Space Preservation area.
- (e) The General Development Plan shall be incorporated by reference and as an exhibit.
- (f) The site analysis shall be incorporated by reference and as an exhibit.

**(J) Alteration of Revocation of Approved Open Space Development.** Final approval by the Township Board of the deed restrictions and easement with regard to the Open Space Preservation area and recording with the Monroe Register of Deeds Office signifies the completion of the Open Space Preservation development application process. The applicant shall comply with all conditions or requirements of the General Development Plan and restrictions provided for which shall be recorded in the record of the Township Board's approval and shall remain unchanged except upon the mutual written consent of the Township and the property owner.

Once a parcel has been included within a general development plan for an Open Space Preservation Development Option or the Board has approved such Plan, no development may take place in such area, nor may any use thereof be made except in accordance with the approved general development plan unless the plan is terminated as provided herein.

An approved General Development Plan and restrictions may be terminated by an applicant prior to any development within the Open Space Preservation area involved, by filing with the Township Clerk and recording in the Monroe County Register of Deeds Office, an affidavit so stating. The approval of the General Development Plan and restrictions as to the Open Space Preservation Option shall terminate upon said recording. No approved General Development Plan or restrictions shall be terminated after any development commences within the Open Space Preservation Development Option area except with the written approval of the Township Board and of all parties of interest in the land.

An Open Space Preservation Development Option approval may be revoked by the Township Board in any case where the conditions of such approval have not been met. The Township Board shall give the applicant notice of its intention to revoke such permit at least ten days prior to review of said permit at an open meeting. At the conclusion of such review, the Township Board may revoke the approval if it finds that a violation in fact exists and has not been remedied prior to the date of the hearing.

# ARTICLE 4: USE STANDARDS

Each use listed in this Article, whether permitted by right or subject to approval as a [Use with Specific Standards](#), shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

- Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
- Ensure that such uses will be compatible with surrounding land uses.
- Promote the orderly development of the district and the Township as a whole.

Conformance with these standards shall be subject to site plan review per [Section 7.03](#), Site Plan Review. Unless otherwise specified in this Article, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in [Section 7.10](#) Performance Standards.

## Section 4.01 Adult Uses

- (A)** Adult Uses shall not be permitted within one thousand (1,000) feet of each other measured from the nearest point on the property line on one use to the nearest point on the property line for the other use.
- (B)** All such uses shall be a minimum of one thousand (1,000) feet from all of the following:
- (1)** K-12 Schools.
  - (2)** Day-care centers.
  - (3)** Libraries.
  - (4)** Municipal Buildings.
  - (5)** Parks.
  - (6)** Houses of Worship.
  - (7)** Nursing homes, rest homes.
  - (8)** Property in an R-1, R-3, or RMH zoning district.
  - (9)** Hospitals.
  - (10)** Alcohol/Drug Rehabilitation Facilities
- (C)** The facility shall not by way of architectural features, design, display, decoration, window decorations or other displays call attention to the nature of the internal

activities to the general public which shall include minors. Under no circumstances shall a parcel used for an adult use contain any dwelling units.

## **Section 4.02 Agri-Tourism**

**(A)** Such uses shall be operated on the same premises as a principal agricultural use or zoned land by the property owner or farm operator.

**(B) Facility Size.**

**(1)** The total floor area above finished grade (one or two stories) of any agri-tourism facility falling into this category, including retail space, shall be no larger than 10,000 square feet. The facility may consist of more than one building. However, only one building shall be designated as the principal structure - all other structures used for the agri-tourism business shall be considered accessory structures. No structures used for the agri-tourism business shall be considered farm buildings.

**(2)** The Planning Commission shall have the discretion to alter the size requirements if deemed necessary due to the requirements of the particular use, site considerations, or the potential impacts on adjacent properties.

**(3)** The limitations on facility size shall not apply to structures engaged solely in the agricultural use of the site and not involved in the agri-tourism aspects of the use.

**(C) Facility/Site Design.** The agri-tourism facility shall be designed to co-exist with the surrounding rural and agricultural land uses. The design of the facility shall achieve the following objectives:

**(1)** The facility and the site shall be designed in a manner that maintains the rural and agricultural character of the original property.

**(2)** The Planning Commission shall have the ability to require higher standards as necessary to protect the rural character of the community.

**(D) Facility Rental for Invitation-Only Events.**

**(1)** An applicant who desires to allow members of the public to host invitation-only events shall indicate as such in their application. They shall indicate the types of events, the frequency and number per year, the number of people expected, the hours, and other information as required below or as required by the Planning Commission to understand the request.

**(2)** The site plan for the use shall demonstrate how the facility will provide for circulation, parking, sanitation, trash collection, noise, and other factors during events.

**(3)** The Planning Commission shall approve a facility's ability to host events

when it has demonstrated that the largest event desired by the facility can be executed without significant adverse impacts to adjacent neighbors or Township facilities and services or otherwise creating a detriment to public health, safety, or welfare.

- (4) The Uses with Specific Standards approval may specify a maximum number of events per year, number of persons per event, and hours for events.
- (5) In order to exceed the number of events approved by the Planning Commission or to host an event of increased intensity, the [Uses with Specific Standards](#) permit must be amended. Otherwise, a new permit is not required for each event.
- (E) Parking shall comply with the requirements of [Section 5.05, Off-street Parking and Loading](#), except that it need not be paved. Parking must be located on private property and must be designed to mitigate dust.
- (F) **General Standards.** In addition to the specific standards for Agri-tourism uses specified above, the Planning Commission shall consider the following when making a determination under this section.
  - (1) The relationship of the agri-tourism uses to the primary agricultural use on the site.
  - (2) The duration of use (i.e., seasonal, annual, weekends, every day, etc.).
  - (3) Hours of operation.
  - (4) Relationship of agri-tourism use and proposed development to the overall size of the parcel.
  - (5) Potential traffic impacts created by the proposed use.
  - (6) Other potential impacts on the Township or adjacent properties including but not limited to lighting, noise, traffic, dust, and drainage.

## Section 4.03 Airports

- (A) Any Township approval shall be conditioned on approval by the Federal Aviation Agency and the Michigan Department of Aeronautics.
- (B) The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.
- (C) The proposed airport shall not, in the Planning Commission's opinion, cause significant negative impacts on adjacent land uses and shall not encumber the ability of surrounding land to be developed as described in the [Master Plan](#).

- (D) The applicant must submit an airport approach plan, including the location of any structures with heights that may inhibit the safe approach of aircraft.

## Section 4.04 Alcohol/Drug Rehabilitation Facilities

Alcohol/Drug Rehabilitation Facilities shall be permitted by [Uses with Specific Standards](#) permit in all Zoning Districts, provided they meet the criteria in [Section 7.04](#) and the standards below.

- (A) Facilities must be located at least 500 feet from any of the following:
- (1) K-12 Schools
  - (2) Libraries
  - (3) Parks
  - (4) Nursing homes
- (B) Facilities must be located at least 1,000 feet from any adult uses.
- (C) Facilities must be located at least 1,500 feet from any daycare center.
- (D) Facilities proposed in the AG, R-1, RMH, or R-3 districts must meet the following standards:
- (1) The facilities must be full-time residences, where all persons seeking treatment live continuously for at least one month.
  - (2) The facility must have the exterior appearance of a residential unit consistent with the surroundings and with the type of units permitted in the district.
  - (3) Facilities shall not house more than five persons
  - (4) No facility may house more than two persons per bedroom. A “bedroom” shall comply with all standards of the Michigan Building Code.

## Section 4.05 Animals

(A) **Definition:**

- (1) **Animal:** Any member of the kingdom Animalia, except Human Beings. “Domesticated animals” shall refer to animals taken care of in their day to day needs by humans.
- (2) **Pets:** An animal kept solely for companionship, recreation, and pleasure, regardless of the use of the property where the animal resides. Any animal

may be considered a pet, provided that it meets this definition and is not listed as “Livestock” or an “Exotic or Wild Animal.” The Building Official shall have the jurisdiction to determine that an animal is considered a pet under this ordinance. Appeals of the decision of the Building Official shall be to the Zoning Board of Appeals.

- (3) **Livestock:** An animal raised for slaughter or kept for the purposes of contributing to agricultural use through labor or the production of milk, eggs, manure, pelts, wool, or other animal-based products. The following animals shall be considered livestock in all instances: cattle, horses, pigs, sheep, goats, and poultry. The Building Official shall have the jurisdiction to determine that an animal not listed above is considered livestock under this ordinance. Appeals of the decision of the Building Official shall be to the Zoning Board of Appeals.
- (4) **Exotic or Wild Animals:** Any animal not commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered exotic or wild animals in all instances: alligator, big cats, venomous snakes, birds of prey, primates, elephants, rhinoceroses, hippopotamuses, and giraffes. The Building Official shall have the jurisdiction to determine that an animal not listed above is considered an exotic or wild animal under this ordinance. Appeals of the decision of the Building Official shall be to the Zoning Board of Appeals.

**(B) AG Districts.** The following regulations apply to animals in the AG district:

- (1) **Pets.** Up to five (5) pets may be kept on any lot. No more than three (3) of those pets may be dogs. Approved kennels and Pet Daycare, Grooming, and/or Trainings may exceed those limits.
- (2) **Livestock.**
  - (a) All structures for the keeping of livestock shall be set back at least sixty (60) feet from all lot lines and be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
  - (b) All manure shall be stored at least one hundred (100) feet from any property line and all manure handling must follow the [State of Michigan’s Generally Accepted Agriculture Management Practices \(GAAMPs\)](#).
  - (c) The following limits shall apply to livestock:
    - (i) **Cattle:** No more than one (1) per acre. In calculating the permitted number of cattle, the number of acres shall be rounded down to the nearest whole number. Cattle shall not be permitted on lots of less than four (4) acres.
    - (ii) **Horses, Pigs, Sheep, Goats, and all other fur-bearing livestock**



**not specifically listed:** No more than one per half (1/2) acre, in any combination. In calculating the permitted number of animals, the number of acres shall be rounded down to the nearest half acre. Non-cattle fur-bearing livestock shall not be permitted on lots of less than four (4) acres. Horses shall be provided with a covered shelter and outdoor fenced area of adequate size to accommodate all horses kept on the premises.

**(iii) Poultry and Livestock Birds:** No more than one per tenth (1/10) of an acre, in any combination. In calculating the permitted number of birds, the number of acres shall be rounded down to the nearest tenth (1/10) of an acre. Poultry and other livestock birds shall not be permitted on lots of less than one and a half (1.5) acres.

**(d)** The Planning Commission may permit a property owner to exceed the above limits via [Uses with Specific Standards](#) Approval, provided that the Commission determines that the proposed operation and number of animals meet the criteria in [Section 7.04](#).

**(e)** A lot shall be automatically exempted from the above standards upon submission to the Township of an approval from the State of Michigan permitting a greater number of livestock than permitted in [Section 4.05.B.2.c](#). Further, any lot shown to be subject to the Generally Accepted Agriculture Management Practices ([GAAMPS](#)) of the State of the Michigan, and in compliance with and siting [GAAMPS](#), shall be exempted from the above standards.

**(C) R-1 Districts.** The following regulations apply to animals in the R-1 district as an accessory use:

**(1) Pets.** Up to five (5) pets may be kept on any lot. No more than three (3) of those pets may be dogs over six (6) months in age.

**(2) Livestock.**

i. Livestock, including cattle, horses, pigs, sheep, goats, poultry, and all other animals meeting the definition of “Livestock” shall be prohibited in R-1-A to R-1-D districts.

**(D) C-2, C-3, and I-1 Districts.** The following regulations apply to animals in the C-2, C-3, and I-1 districts:

**(1) Pets.** Pets may only be located in C-2, C-3, and I-1 districts in approved kennels, pet daycare, grooming, and/or trainings, and retail operations that sell pets. Residentially used property in the C-2, C-3 and I-1 may have pets in compliance with [Section 4.05.C\(1\)](#).

**(2) Livestock.** Livestock, including cattle, horses, pigs, sheep, goats, poultry, and all other animals meeting the definition of “Livestock” in this Ordinance shall be prohibited in C-2, C-3, and I-1 districts.

**(E) R-1-O, OS, and C-1 Districts.** The following regulations apply to animals in the R-1-O, OS, and C-1 districts:

- (1) Pets.** Pets may be located in the R-1-O, OS, and C-1 districts in approved retail operations that sell pets but may not reside indefinitely.
- (2) Livestock.** Livestock, including cattle, horses, pigs, sheep, goats, poultry, and all other animals meeting the definition of “Livestock” in this Ordinance shall be prohibited in R-1-O, OS, and C-1 districts.

**(F) PS Districts.** No domesticated animal shall be kept in the PS district.

- (1) Kennels.** All kennels must be operated in conformance with all applicable County and State regulations. The Planning Commission during the Uses with Specific Standards process, may apply additional operational standards, as described below:
- (2) Number of Dogs.** The Planning Commission may limit the number of dogs on the lot, although the Planning Commission may not restrict any lot to fewer than five dogs.
- (3) Setbacks.** The Planning Commission may require setbacks beyond the minimums required in the Zoning District. The Planning Commission shall not impose a required setback greater than 200 feet.
- (4) Hours of Outdoor Exercise.** The Planning Commission may restrict the permitted hours of outdoor exercise at the facility. The Planning Commission may not prohibit outdoor exercise between the hours of 8:00 a.m. and 6:00 p.m.
- (5) Sound Control.** The Planning Commission may require that animals shall be contained in a building which is fully soundproofed, including enhanced insulation, soundboards, acoustic tile, or inoperable windows.
- (6) Odor Control.** The Planning Commission may require odor control members, such as non- absorbent surfaces (such as sealed concrete or ceramic tile) and power flushing.
- (7) Fences.** The Planning Commission may require fencing at appropriate locations on the site.
- (8) Other Operational Standards.** The Planning Commission may impose additional operational standards if deemed necessary.

**(G) Animal Rescue/Shelter.**

- (1)** All uses must be operated in conformance with all applicable County and State regulations.
- (2)** Any lot containing an animal rescue or shelter must be at least 10 acres in

gross area. Shelters exclusively for pets shall be exempt from this requirement, but shelters for dogs shall be subject to the two (2) acre minimum applicable to kennels.

- (3) Buildings wherein animals are kept, and/or outdoor exercise areas, shall not be located nearer than one hundred (100) feet to any lot line.
- (4) **Maximum Number of Animals.** All restrictions on the number of animals on a lot from Subsections B-F shall apply to Animal Rescues and Shelters.
- (5) **Setbacks.**
  - (a) The minimum setback for fully enclosed buildings where animals are housed shall be fifty (50) feet from any property line and 100 feet from any residential structure on another parcel.
  - (b) The minimum setback for outdoor runs, animal yards, or any other portion of a building housing animals where animals will be allowed outdoors shall be 150 feet from any property line and 200 feet from any residential structure on another parcel.
- (6) Animals shall not be kept in outdoor runs between the hours of 8:00 p.m. and 8:00 a.m.

**(H) Pet Daycare, Grooming, and/or Training.**

- (1) All operations must be operated in conformance with all applicable County and State regulations.
- (2) Buildings wherein dogs are kept, dog runs, and/or outdoor exercise areas shall not be located nearer than fifty (50) feet to any lot line.
- (3) A duly qualified attendant shall be stationed on site at all times when animals are on site.
- (4) **Maximum Number of Animals.** All restrictions on the number of animals on a lot from Subsections B-F shall apply to Pet Daycare, Grooming, and Training.
- (5) **Setbacks.**
  - (a) The minimum setback for fully enclosed buildings where animals are housed shall be fifty (50) feet from any property line and 100 feet from any residential structure on another parcel.
  - (b) The minimum setback for outdoor runs, animal yards, or any other portion of a building housing animals where animals will be allowed outdoors shall be 100 feet from any property line and 200 feet from any residential structure on another parcel. The minimum setback may be reduced to 50 feet where the exercise area is enclosed within a landscape buffer or opaque fence.

- (c) Animals shall not be kept in outdoor runs between the hours of 8:00 p.m. and 8:00 a.m.
- (6) **Sound Control.** All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.
- (7) **Odor Control.** Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.
- (8) **Overnight Stay Prohibited.** No animals shall be allowed to remain overnight on the property or within the buildings on the property.
- (I) **Veterinary Clinic.**
  - (1) All Pet Daycare, Grooming, and/or Training operations must be operated in conformance with all applicable County and State regulations.
  - (2) Buildings wherein dogs are kept, dog runs, and/or outdoor exercise areas shall not be located nearer than fifty (50) feet to any lot line.
  - (3) At least one (1) licensed veterinarian must staff all veterinary clinics.
  - (4) Veterinary clinics may include Pet Daycare, Grooming, and/or Training or kennels if those uses are permitted in the district where the veterinary clinic is located. Further, the Pet Daycare, Grooming, and/or Training or kennel must be approved separately and must meet all relevant standards in this Ordinance.
- (J) **Exotic or Wild Animal.** The keeping of exotic or wild animals, as defined in this Ordinance, shall be prohibited on all lots, parcels, and properties in all districts within Frenchtown Charter Township.
- (K) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all County, State, and Federal standards.
- (L) **Dangerous or Obnoxious Animal.** The keeping, breeding, or boarding of any animal which is dangerous and may cause injury or is obnoxious because of noise or odor shall be prohibited. The keeping, breeding, or boarding of any animal or insect which because of the number being kept, bred, or boarded or the location in which they are being kept, bred or boarded in relationship to other residence may be considered dangerous or could cause injury or would be obnoxious because of the noise or odor, shall be prohibited.

## Section 4.06 Vehicle Repair Facilities

- (A) No servicing or repair of any vehicle shall be permitted unless said vehicle is parked within the building.
- (B) All equipment used in the servicing and repair of vehicles shall be located within an enclosed building.
- (C) Outside storage or parking of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted outside of areas specifically designated for said purpose on the site plan. Outdoor storage of damaged or inoperable vehicles shall be subject to all requirements for Outdoor Storage, including separate Uses with Specific Standards Approval and compliance with the standards in [Section 7.04](#). All other vehicles shall be licensed and parked in striped and approved parking spaces.
- (D) Building elevations shall be submitted illustrating the configuration and design of the exterior of the building. The locations of overhead doors shall be clearly indicated. All overhead doors must be accessed by drive aisles that meet the dimensional standards of this Ordinance.
- (E) Vehicle Sales in conjunction with repair facilities must receive separate zoning approval from the Township, and must meet all relevant standards, including those in [Section 4.07](#).
- (F) All Township, County, State, and Federal regulations regarding the storage, transportation, and disposal of oil, gasoline, tires, discarded automotive parts and other flammable liquids must be met.
- (G) All vehicle repair facilities shall receive from the State of Michigan and maintain on file with the Township Clerk a valid state license.

## Section 4.07 Vehicle Sales Facilities

- (A) All display, parking, and auto circulation areas shall be paved with a hard surface, concrete, or black top (bituminous) with appropriate bumper guards, curbing, or other means approved by the Commission that separate said paved areas from landscape and lawn areas.
- (B) Outdoor display areas must be located a minimum of ten (10) feet from the street setback line. Display spaces must be clearly delineated on the site plan. All display cars must be parked in display spaces. No display cars may be parked in required parking spaces.
- (C) Vehicle Repair facilities associated with Vehicle Sales facilities must receive separate zoning approval from the Township, and must meet all relevant standards, including those in [Section 4.06](#).
- (D) A permanent structure of at least 500 square feet must be provided on the lot to

serve as an office or office space for the Vehicle Sales use.

- (E) All Vehicle Sales facilities shall receive from the State of Michigan and maintain on file with the Township Clerk a valid state license.

## **Section 4.08 Bed and Breakfast**

- (A) The intent is not to permit a boarding house operation, therefore the maximum period of occupancy for any guest shall be two weeks consecutively.
- (B) The application for [Uses with Specific Standards](#) Approval shall be accompanied with a floor plan of the residence proposed for use as a bed and breakfast operation. The plans shall clearly illustrate:
  - (1) The portion of the residence proposed for access to the bed and breakfast users and any portion which is restricted to private residential use.
  - (2) The dimensions and floor area of all rooms intended to be used by the bed and breakfast users.
- (C) Sufficient off-street parking shall be provided to accommodate vehicles for both the homeowner/resident manager and maximum number of guests. Said parking shall be so located and designed so that it will not be a negative impact to adjacent properties and the general circulation of the area.
- (D) In the R-1 and AG districts and subdistricts:
  - (1) The exterior of the bed and breakfast must have the exterior appearance of a residential unit consistent with the surroundings and with the type of units permitted in the district.
  - (2) The facility shall not negatively impact surrounding residential uses, especially with regard to noise, traffic, odor, or excess light.
- (E) The homeowner and/or resident manager shall reside within the bed and breakfast.

## **Section 4.09 Car Wash.**

- (A) Vacuuming activities must be carried out at least one hundred fifty (150) feet from the nearest lot line of a lot zoned or used for a residential purpose. All air dryers must also be at least one hundred fifty (150) feet from the nearest lot line of a lot used for a residential purpose.
- (B) The automobile entrances and exits of the building shall be from within the lot and not directly to or from an adjoining street or alley.
- (C) Stacking space for at least seven (7) cars shall be provided on the site. The stacking lane(s) must be designed to minimize the possibility of cars stacking on a public

road.

- (D) Hours of operation for car washes adjacent to residentially zoned or used property shall be from dawn to dusk unless modified by the Planning Commission during [Uses with Specific Standards](#) review.

## Section 4.10 Cemetery

- (A) All buildings and columbarium shall comply with the required setbacks for the district the cemetery is located within.
- (B) The grounds shall be well maintained and kept in a neat, orderly, and debris free condition.
- (C) Cemeteries shall provide and maintain on file with the Township Clerk any required permits from the State and shall comply with all statutes and rules governing their operation.

## Section 4.11 Child Care Facilities

- (A) All [childcare facilities](#) shall comply with all State laws and standards and must obtain valid licenses from the State of Michigan.
- (B) Family Child Care Centers (1-6 children), as defined by the State of Michigan, shall be permitted in all residential zoning districts. Group Child Care Centers (7-12 children), as defined by the State of Michigan, shall be permitted by [Uses with Specific Standards](#) in all residential zoning districts.
- (C) Childcare Centers in nonresidential structures shall be permitted by [Uses with Specific Standards](#) approval in all zoning districts.

## Section 4.12 Places of Worship and Gathering

- (A) The height of the building (which includes any spire) may exceed the maximum height limitation for the district provided an additional foot of roadside, waterside, rear, and side yard setback is provided for every foot of height by which the building exceeds the maximum height limitation. The maximum height of the building and spire in combination shall be 50 feet.
- (B) Ancillary non-commercial uses, such as assembly halls, recreational facilities, and religious education facilities used solely by members of the religious organization, are permitted, but must meet all relevant standards, including parking requirements. Ancillary commercial uses, including but not limited to childcare

centers and event spaces rented to the general public, are only permitted in zoning districts where they would be permitted (by right or by [Uses with Specific Standards](#) approval) as principal uses. All ancillary uses requiring Uses with Specific Standards approval must be approved separately from the House of Worship.

## Section 4.13 Composting Facilities

### (A) Site characteristics

- (1) **Parcel Size:** A parcel to be used for composting shall be a minimum of ten (10) acres in size for a single operation. The site shall be capable of accommodating a maximum of three thousand (3,000) cubic yards of leaves or other less than fully decomposed yard waste for every one (1) acre of land. Adequate space must be provided for required setbacks, buffers, and drainage systems, along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, office, storage and service buildings, internal rows, and storm water retention basins
- (2) **Public Act 116 Lands:** Sites proposed to be located on lands which have been previously issued a development rights agreement, under the [Farmland and Open Space Preservation Act, Public Act 116 of 1974](#) of the State of Michigan, are prohibited for the duration of the agreement.
- (3) **Surface Water:** Sites shall be at least one thousand (1,000) feet from a navigable waterway and at least five hundred (500) feet from other surface waters, including inland rivers, ponds, water courses and county drains.
- (4) **Airports:** The location of the facility must comply with any Federal or State restrictions on the location of waste disposal facilities near the airport.
- (5) **Floodplains:** A composting facility shall not be allowed in any 100-year or 500-year floodplain.
- (6) **Wetlands:** A composting facility shall not be allowed in any protected wetlands.
- (7) **Finished Compost:** A composting facility shall obtain and offer proof to the Township of receipt of any licenses required by the [Michigan Department of Agriculture](#) for the sale of finished compost product.

### (B) Ground and surface water quality.

- (1) **Environmental Assessment:** A Level I Environmental Assessment of the site shall be conducted prior to site plan review and a report submitted with the site plan. Should the Level I Assessment indicate adverse environmental activity, a Level II Environmental Assessment shall be required and further,



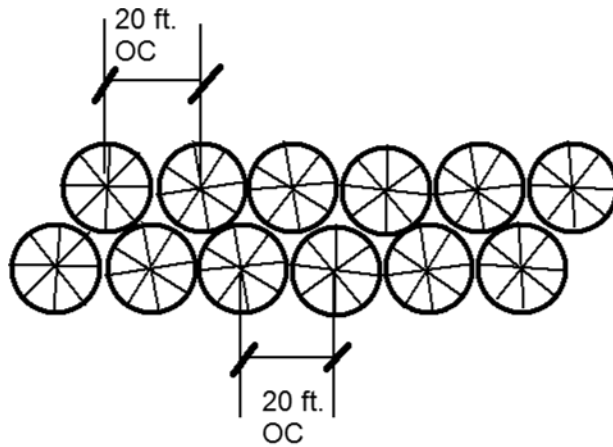
ground water testing and soil boring shall be conducted. Any facility shall be required to install any necessary monitoring wells as determined by an environmental professional based on the data contained within the Level II environmental assessment.

- (2) Watercourse Setback:** Any watercourse, stream or swale that is present on the site, shall be buffered by a twenty-foot (20') unoccupied setback measured from the outer edge of the floodplain or any alluvial (material deposited by running water) soils. Further, a vegetative strip shall be required at the setback. Approval from the Monroe County Drain Commissioner shall be required to ensure the stream is adequately protected from pollution.
  - (3) Statutory Compliance:** A composting facility shall comply with [Part 115, Solid Waste Management](#), [Part 31, Water Resources Protection](#), and [Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451](#), as amended. Any that meet the federal criteria shall obtain a National Pollutant Discharge Elimination System (NPDES) Industrial Storm Water Permit.
- (C)** The applicant shall submit, with the site plan, an operations plan designed to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan must be approved by the Planning Commission prior to beginning operation of the facility. Written documentation as to the operations plan shall address the following:
- (1)** Proposed hours of operation.
  - (2)** Methods of controlling fugitive dust, noxious odors, noise, vibration, light and blowing debris.
  - (3)** Fencing and other means of limiting access outside of hours of operation.
  - (4)** Method and location of receiving compost materials.
  - (5)** Method of sorting and handling composting materials on site.
  - (6)** Measures to be taken should anaerobic conditions (occurring in absence of free oxygen) arise.
  - (7)** Expected frequency of removal of composted materials.
  - (8)** Expected frequency for turning of composting windows.
  - (9)** Fire protection.
  - (10)** Description of daily cleanup procedures.

- (11) Measures to be taken should surface or ground water contamination take place.
- (12) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
- (13) Maintenance plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on site ponding/pooling of water in places other than a retention basin.
- (14) In the preparation of the operations plan or the contingency plan required by this Ordinance, the applicant or operator shall comply with the requirements of the Air Quality rules promulgated under [Natural Resources and Environmental Protection Act, 1994 PA 451](#), as amended.
- (15) Testing procedures for moisture content, nitrogen ratios and temperature and how often it will be tested.
- (16) Proposed number of employees and description of any training or experience which will be required or supplied to those employees.
- (17) Detailed plan as to proposed method of correcting anaerobic conditions which may arise.
- (18) Plan as to means of handling and disposing of non-yard waste garbage.
- (19) List of equipment to be used at the facility to chip, grind, turn, load, unload, screen, and haul yard waste and finished compost.
- (20) List and description of any and all chemicals to be used as accelerants for dust or odor control at the facility or for any other purpose at the facility.
- (21) Statement of intention to conduct and pay for annual rodent inspections and plan detailing means of remedying any rodent problem which may arise.
- (22) Marketing plan for finished compost and contingency plan for use of finished compost if it cannot be sold in accordance with plan.
- (23) If bagged materials will be accepted on site, applicant must submit operations plan for debuggging process indicating time in which compost will remain in bags and methods for ensuring that no bags or remnants thereof become a part of the compost materials.
- (24) Emergency Plan which includes action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, unauthorized dumping or receipt of hazardous materials or other emergency situations. Plan should address reserve or alternative equipment, alternative handling methods, agencies to be notified and method of handling compost and/or operating facility in an emergency.
- (25) The applicant shall ensure that the tracking of mud and/or compost

materials from composting areas onto public off-site roads will be minimized and shall ensure that mud and/or compost materials which are tracked off-site are adequately removed. At the time of submission of a site plan, the operator of the composting facility shall submit an off-site road maintenance plan which addresses, at a minimum, the following:

- (a) Method of dislodging mud and/or composting materials from vehicles or undercarriage.
  - (b) An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - (c) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.
  - (d) Trucks and off-site roads shall be cleaned as described in the plan as required under this Ordinance as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.
- (D) A closure plan shall be submitted with the site plan which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan shall describe
  - (1) How the existing site will be cleaned up.
  - (2) How and where the existing surface debris will be disposed of.
  - (3) What the final disposition of the land will be.
- (E) To ensure proper buffering of the composting facility from nearby land uses which may be adversely affected by the facility, the following requirements shall apply:
  - (1) No composting facility shall be constructed within 1,000 feet of an existing residentially zoned or residentially used lot line. The isolation distance shall be measured from the nearest working area of the composting facility to a residential lot line in residential districts.
  - (2) There shall be established along all of the composting facility's lot lines a dense evergreen landscape buffer strip. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows twenty (20) feet apart on center in each row. This requirement shall supersede any other landscape screening requirements in this Ordinance.



EVERGREEN LANDSCAPE BUFFER

**(F) Fugitive Dust, Noxious Odors, Noise, Vibration, Light and Blowing Debris.**

- (1) The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed, and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
- (2) The following performance standards must be met in an effort to control noxious odors, noise, vibration, and light so as to prevent off-site problems and nuisances:
  - (a) **Odor:** The emission of noxious odors is prohibited. Noxious odors shall include any odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air as to produce a public nuisance or hazard beyond lot lines.
  - (b) **Water:** The composting facility shall utilize water drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents that may cause odor.
  - (c) **Noise:** The pressure level of sounds shall not exceed 65 dB at the nearest residentially or agriculturally zoned property line, 75 dB at the nearest commercially zoned property line, and 80 dB and the nearest industrially zoned property line.
  - (d) **Vibration.** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
- (3) All composting facilities must notify, in writing, the Frenchtown Charter

Township Building Official and [Monroe County Health Department](#) that actual operations have begun.

- (4) Sites shall be closed when anaerobic conditions arise and the only operations which will be permitted during these conditions must be directly related to correcting the anaerobic conditions. If anaerobic conditions arise more than two (2) times in a one-month period and the facility owner/operator fails to remedy the problem, the Township shall take appropriate enforcement actions. Corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Building Official.
- (5) Compost materials shall not be accepted on site in an anaerobic condition. If inspections reveal acceptance of anaerobic materials the owner/operator and/or lessee shall be subject to the closure of the facility.
- (6) If there is evidence that performance standards have not been met and / or that a problem or nuisance condition exists as determined by the Building Official, despite compliance with the operation plan, then the operator shall develop a contingency plan. This contingency plan shall be submitted within ten (10) working days from the date that the Building Official notifies the operator of the problem or nuisance condition requiring a contingency plan. This plan shall demonstrate to the satisfaction of the Building Official that the problem will be abated within a reasonable time period.

**(G) Compost Storage**

- (1) Storage of any material, other than compost, shall not be allowed on site.
- (2) Height of compost material shall not exceed eight (8) feet.
- (3) No sludge of any kind shall be stored or deposited on composting facility property.
- (4) No bagged materials containing grass or other materials shall be stored at the composting facility in excess of thirty (30) days.
- (5) Finished compost shall not be allowed to remain on site for excess of a two (2) year period.

**(H) Violations and Penalties.** In addition to the violation process of [Section 7.11](#), the following shall also apply.

- (1) Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the revocation of site plan approval as provided for herein. If necessary, the Township has the right to seek a declaration that the site is a public nuisance. Upon the issuance of such a declaration, the Township may abate the nuisance and assess the costs as a lien upon the property.

- (2) Any site plan and/or Operations Plan approval may be revoked when the facility is not in conformance with those plans or those plans fail to adequately meet the requirements of this Ordinance. The Planning Commission shall give the applicant notice of intention to revoke such permit approval at least ten (10) days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the facility if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.

## Section 4.14 Concrete Plants and Aggregate Processing Facilities

- (A) The following shall apply to all concrete plants and aggregate processing facilities, whether they are designed to be permanent or temporary.
  - (1) **Plant Setbacks.** All potential locations of the plant shall be setback one thousand (1,000) feet from the nearest residential district. In addition, all potential locations of the concrete or asphalt plant or aggregate processing facility shall be at least three hundred (300) feet from any other property line. If the plant is to be moved periodically within the site, the area in which the plant is to be confined shall be illustrated on the site plan.
  - (2) **Setbacks from Bodies of Water, Waterways and Wetlands.** The plant, stockpiles, storage, parking and all operations and accessory buildings shall be set back at least one hundred fifty (150) feet from all running water courses, lakes, ponds, and wetlands regulated by the [Michigan Department of Natural Resources](#) and the [United States Environmental Protection Act](#). Fuel storage must be set back three hundred (300) feet from all running water courses, lakes, ponds, and wetlands regulated by the [Monroe County Drain Commissioner](#), Michigan Department of Natural Resources, and the United States Environmental Protection Act.
  - (3) **Setbacks for Accessory Buildings and Operations.** The minimum setbacks for accessory buildings, internal roads, parking, stockpiles, storage, and other operations shall be consistent with the requirements of the zoning district the plant is located within.
  - (4) **Air Quality.** The site, including internal roads, parking areas and access routes to the site, shall be designed or treated to prevent drifting or airborne transmission of dust particles or debris.
  - (5) **Truck Routing.** Truck routing to and from the site shall be approved by the Township and the [Monroe County Road Commission](#). In determining appropriate truck routes, the Township shall consider the potential impacts on property values along the routes, safety, and traffic operations. All truck routes shall be Class "A" roads, roads bonded as Class "A" or County Primary

Roads. The applicant shall demonstrate the capability to enforce routing and shall provide a copy of a haul route agreement or other approval from the local agency.

- (6) **Access.** The site shall have direct access to paved public roadways.
- (7) **Security.** The site shall be fenced to prohibit vandalism and illegal access, with the fence provided on the interior side of the required greenbelt in compliance with [Sec. 5.09\(C\)](#).
- (8) **Operating Hours.** The days and hours of operation associated with the concrete or asphalt plant, or aggregate processing facility shall be reviewed and approved by the Planning Commission as part of the Uses with Specific Standards review process.
- (9) **Environmental Protection.** The site and operations shall include measures to minimize and control potential negative impacts on soil conditions, water quality, stormwater runoff and air quality.
- (10) **Restrooms.** Restrooms must be provided on site. For temporary concrete plants, portable restrooms shall be considered sufficient.
- (11) **Financial Guarantee.** The Planning Commission may require the posting of a performance bond, cash deposit or other financial guarantee acceptable to the Township to ensure compliance with the standards of this Ordinance and to ensure the removal of temporary uses for the restoration of a site. The amount of the financial guarantee shall be equal to the total valuation, as determined by the Township, of all construction work required to comply with the approved site plan including pavement, driveways, drives, landscaping, parking, lighting, drainage improvements, erosion protection, fences, and similar items, plus ten percent (10%) for contingencies.

The Township, upon written request from the applicant, shall refund portions of the performance guarantee upon determination that the improvements have been satisfactorily completed. The portion of the rebate shall be consistent with the portion of applicable improvements completed.

(B) The following shall apply only to concrete plants and aggregate processing facilities that are designed to be permanent.

- (1) **Road Surfaces.** All internal roads, parking and storage areas shall be constructed of a durable surface.
  - (a) An onsite traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - (b) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.
  - (c) Trucks and off-site roads shall be cleaned as described in the plan

as required under this Ordinance as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

- (2) **Air Quality.** A complete description of the types and quantities of pollutants expected to be emitted into the air shall be provided. The applicant shall provide information on prevailing winds and other documentation necessary to clearly demonstrate the plant and accessory operations comply with all local, state, and federal requirements for air quality. Necessary mitigation measures shall be described.
- (3) **Traffic Analysis.** A traffic impact statement, including the total number of vehicle trips, shall be provided for review.
- (4) A "**Fiscal and Market Analysis**" describing expected impacts on property values in the vicinity, expected tax benefits to the Township, anticipated costs to provide municipal services and the need for such a facility to serve demand in the surrounding area. The Fiscal Impact Analysis shall demonstrate the tax benefits afforded by the facility will have a positive impact on the community in consideration of the anticipated impacts on property values in the vicinity over the long term and anticipated costs to provide necessary municipal services. The market analysis will demonstrate the need for the facility to meet demand in the local area. The study shall also demonstrate why the subject site would have less negative public impact than other potential sites in the local area; with the local area being defined as within a ten (10) mile radius.

#### **Section 4.15 Drive-In (Outdoor) Theaters**

- (A) The lot shall be located so that at least one (1) property line abuts a major thoroughfare. All egress/ingress to the facility shall be directly from the major thoroughfare road.
- (B) A six (6) foot tall solid screen fence shall enclose the subject property.
- (C) The site plan shall provide for sufficient internal stacking of vehicles which are waiting for processing and entry to the theater to avoid vehicle stacking or back-up onto any public road right-of-way.
- (D) The theater screen shall be set back at least one hundred (100) feet from any public road or adjacent parcel.

#### **Section 4.16 Drive-Thrus**

- (A) The design and orientation of the drive-thru on the site shall be completed in a manner which will not impact the adjacent properties by way of traffic, noise, odors, light, litter, or similar factors.



- (B) At least one separate stacking lane shall be provided to accommodate a minimum of ten (10) cars. The Planning Commission may alter this standard if the applicant can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area. All stacking lanes shall be a minimum of ten (10) ft. wide and shall be positioned in such a manner that stacking will not interfere with normal vehicular on-site traffic, off-site traffic and entering and exiting traffic.
- (C) A ten (10) foot wide bypass lane shall be provided around the drive-thru lanes and stacking area.
- (D) Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

## Section 4.17 Essential Services

Essential Services shall be permitted as described in this Ordinance and shall be subject to the standards of this Ordinance but shall be permitted to receive waivers and exemptions from standards and requirements upon demonstration to the Building Official that the Zoning Ordinance standard in question would inhibit the provision of the Essential Service to Township residents. In addition, essential services must meet the following standards:

- (A) Essential service facilities must be kept neat, orderly, and safe, and not be a hazard to surrounding properties, in the opinion of the Building Official.
- (B) Essential service facilities must meet all relevant County, State, and Federal regulations.

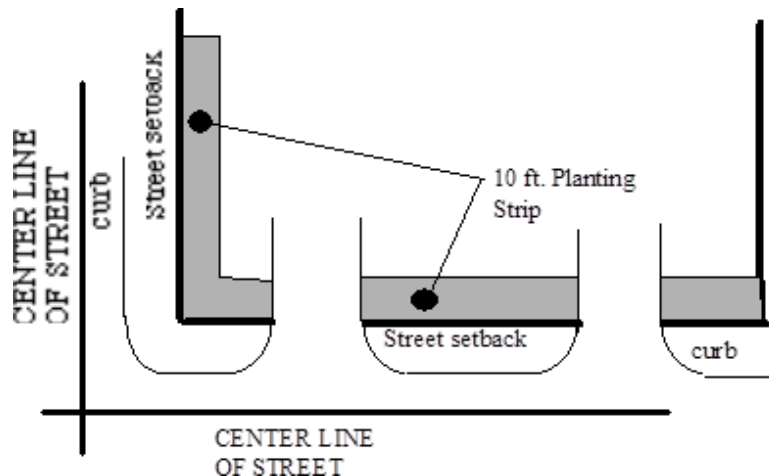
## Section 4.18 Seasonal Roadside Stands

- (A) A temporary structure may be used for a seasonal roadside stand. Temporary structures must meet all the requirements of this Section and may be in place for no more than six consecutive months.
- (B) Buildings used as roadside stands shall comply with the accessory structures' standards. However, in the event of a conflict between this section and the accessory structure standards in [Section 5.03.B](#), this section shall apply
- (C) Seasonal roadside stands shall be permitted in compliance with the process outlined in [Sec. 4.33 Temporary Outdoor Events and Sales](#).
- (D) The gross floor area of the temporary building shall not be more than eight hundred (800) square feet in area.
- (E) Suitable containers for rubbish shall be placed on the premises for public use.

- (F) Any roadside stand located within two hundred (200) feet of any dwelling or adjacent premises shall close not later than 10:00 p.m.
- (G) The building shall be located not less than twenty (20) feet from the nearest public road right-of-way line. Its height shall be no more than one (1) story.
- (H) Off-street parking may be provided. Said parking shall not be located nearer than twenty-five (25) feet to the road pavement. Egress / ingress shall be limited to in and out driveways. Direct access to parking areas from the roadway shall not be permitted. The parking and driveways need not be paved but must be designed and maintained to control dust.

### Section 4.19 Funeral Homes

- (A) An off-street vehicle assembly area shall be designated on the site plan to be used in support of funeral processions. The vehicle assembly area should be designed to minimize the possibility of vehicles stacking on a public road.
- (B) The service and loading area shall be screened from off-site view by landscaping or fencing.



### Section 4.20 Gas Stations

- (A) A ten (10) foot planting strip shall be provided along the street setback line. A raised curb of six (6) inches in height shall be constructed to separate the planting areas from the driveways and pump areas. The planting area must include shrubs and flowers but need not include trees. This requirement shall supersede the landscaping requirements in [Section 5.09.C](#), but shall only apply to the frontage of the site in front of the gas station pumps/canopy. If any ancillary uses on the site have road frontage separate from the pumps and canopy, then that road frontage shall be subject to the standards of [Section 5.09](#).
- (B) Pump islands shall be set back not less than twenty-five (25) feet from the (10) foot

planting strip.

- (C) Ancillary Vehicle Repair or servicing must be approved separately by the Township, must meet all relevant standards of this Ordinance, and is only permitted in Zoning Districts where Vehicle Repair is permitted by right or by [Uses with Specific Standards](#).
- (D) Ancillary retail or restaurants, including drive-thrus, must be approved separately by the Township, must meet all relevant standards of this Ordinance, and are only permitted in Zoning Districts where those uses are permitted by right or by [Uses with Specific Standards](#).
- (E) Any outdoor storage must be approved separately by the Township, must meet all relevant standards of this Ordinance, and is only permitted in Zoning Districts where outdoor storage is permitted by right or by Uses with Specific Standards.
- (F) The site must be designed to have sufficient truck turning space for fuel deliveries.
- (G) All Township, County, State, and Federal regulations regarding the storage and transportation of gasoline and other flammable liquids must be met.
- (H) The canopy must meet the standards of [Section 5.03\(B\)](#).

## Section 4.21 Gun Range – Indoor

- (A) All activities and operations of the range shall be conducted indoors.
- (B) **Ventilation System.** A supply air and exhaust ventilation system shall be installed that will provide clean air in the user's breathing zone and the exterior of the gun range building. The building housing the gun range and the ventilation system used in connection therewith shall be so constructed as to ensure that all noise, sounds, and odors emanating from the building are kept from reaching the building exterior.
- (C) **Sound Control.** Sound control and other systems shall be provided which will protect the users and employees of the range and must meet the noise standards in Section 7.11.B, as well as those in the Building Code.
- (D) **Disposal of by-products of the range.** In no case shall there be the disposal of rubbish, litter, or other by-products of the range in such a manner as to be obnoxious, offensive or in conflict with the general public health, safety, and welfare. In all cases the range shall use best management practices in dealing with lead, lead dust and other lead byproducts of an indoor gun range and shall comply with all Federal, State, County, and Township rules, regulations, and laws.
- (E) **Building materials.** The building materials and interior architectural systems used in the gun range shall be designed and constructed in a manner which will prevent projectiles from penetrating the walls or ceilings and ricochets or back

splatter and contain all projectiles from reaching the outside of the building.

- (F) **Commercial sale of guns or ammunition.** The indoor range may include a commercial operation area for the sale of guns or ammunition and ancillary equipment provided this area is ancillary to the primary use
- (G) **Permits and licenses.** All Federal, state, county or local permits or licenses must be obtained, and copies submitted to the Township. All requirements of those permits must be met.
- (H) **Hours of Operation.** The Planning Commission must approve the hours of operation.
- (I) **Lot Size and Architectural Standards.** In the AG district, the exterior architecture for the indoor gun range shall be consistent with the building materials and architecture found nearby. The creative use of decorative block, brick, stone, or a combination of such materials is encouraged. Bright colors are prohibited. The Planning Commission shall determine whether the architecture of the building is appropriate.

## Section 4.22 Gun Range – Outdoor

- (A) Individual ranges, areas containing more than one range, or the entire property shall be enclosed with a minimum six (6) foot fence. Range fencing shall enclose the range proper, backstop, side walls, or greenbelt, shot fall area for shotgun ranges, firing line, ready areas, and any other area in which a person might unwittingly subject himself to reasonable hazard.
- (B) “NO TRESPASSING” or “DANGER” signs designating the hazard, not less than two (2) square feet nor more than four (4) square feet in area and spaced not more than two hundred (200) feet apart, shall be posted on the upper portion of the fence enclosing the range. The sign shall also be posted at each gate and/or other entry.
- (C) Outdoor ranges may be operated for light arms only during the daylight hours between 9:00 AM and 9:00 PM, or dusk, whichever is earlier. The ranges may be operated for heavy arms only during the daylight hours between 1:00 PM and 6:00 PM only. Light arms are defined as shotguns, .22 caliber rim fire cartridges only. All other firearms are to be considered heavy arms.
- (D) Trap, skeet, or other shotgun ranges shall be placed such that the firing positions are not less than nine hundred (900) feet from the nearest property line in the direction of fire. No backstop is required for such shotgun ranges. Back stops shall comply with the standards of the [Sport Shooting Ranges Act, PA 269 of 1989](#), as amended, MCL 691.1541, et seq.
- (E) All outdoor pistol and rifle ranges shall be provided with a secondary backstop and a primary bullet-stop immediately behind the target line. The primary bullet-stop shall consist of inclined steel plates with sand pits, or heavy timbers backed

with earth. The steel plates shall be backed with sand or other sound deadening material. The secondary backstop shall be constructed of earth and shall be of sufficient height to subtend an angle of not less than six (6) degrees above the horizontal when viewed from the firing line, shall be equal to or greater than its distance from the firing line plus the width of the firing line. This backstop may be a natural rise of ground if free of stone and exposed rock and lying entirely within the fenced area. Alternative construction affording equivalent protection and noise reduction are allowed with the approval of the Planning Commission.

- (F) In addition to the primary and secondary backstops, all outdoor pistol and rifle ranges shall be enclosed on the remaining three (3) sides by a dense greenbelt of bushes, brush, or trees not less than ten (10) feet in height and not less than two hundred (200) feet in width. As an alternative to the greenbelt, an earthwork may be constructed such that the top of the earthwork subtends an angle of not less than six (6) degrees from the horizontal when viewed from any point on the firing line, or not less than ten (10) feet in height, whichever is greater. In case of the earthwork, the two hundred (200) feet distance between the firing line and the property line shall be maintained. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the Planning Commission.
- (G) Outdoor gun ranges must be operated in compliance with the [Sport Shooting Ranges Act, PA 269 of 1989](#), as amended, MCL 691.1541, et seq. and all other applicable County, State, and Federal laws.
- (H) There shall be no very serious impairment to the quiet enjoyment of properties due to noise or stray bullets from the Outdoor Gun Range. The Township reserves the right to revoke the [Uses with Specific Standards Permit](#) of any Outdoor Gun Range found in violation of this provision. In the event of a dispute about the level of impairment, the Planning Commission shall determine whether or not to revoke the Uses with Specific Standards Permit. The Planning Commission may request a report from the Monroe County Sheriff's Department regarding the use of the property.

## **Section 4.23      Hazardous Substances Storage**

Hazardous materials storage facilities shall comply with all standards of this Ordinance, and all standards established by all Township, County, State, and Federal agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

- (A) Description of all planned or potential discharges of any type of wastewater, vapors, or gas to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater must be submitted.
- (B) Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum

quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.

- (C) Description of any transportation, on site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers, including days and hours of operation.
- (D) Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
- (E) Description of the process for maintaining and recording of all shipping manifests.
- (F) Description of how to maintain levels of protection as required by the Planning Commission.

## Section 4.24 Home Based Businesses

The conducting of business in residential dwelling units may be permitted under the provisions of this Ordinance. It is the intent of this Ordinance to permit Home Based Businesses, while ensuring that Home Based Businesses are compatible with other uses permitted in residential districts, and to maintain and preserve the character of a residential neighborhood and promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed. Home Based Businesses are permitted in the zoning districts indicated in this Ordinance, subject to the following requirements:

- (A) **Intensity of Use.** Home Based Businesses must be conducted within a principal dwelling unit and shall be clearly subordinate to the dwelling unit's use for residential purposes.
- (B) **Performance Standards.**
  - (1) There shall be no change in the outside appearance of the structure or uses, or other visible evidence of the conduct of a Home-Based Business, other than permitted signage as described in [Section 5.08](#). There shall be no external alterations to the structure that are not customarily found in a residential area.
  - (2) The outdoor storage of materials, equipment, or refuse in excess of what is common for a residential use shall be prohibited.
  - (3) No equipment or process shall be used in a Home-Based Business shall create noise, vibration, glare, fumes, or odor in excess of what is common for a residential use that is noticeable in or near the nearest housing unit.
  - (4) The home must be the primary residence of the business operator. No employees other than residents of the home may work regularly at the dwelling.

- (5) Adequate parking must be provided to accommodate safe and efficient parking for any business-related vehicles.
- (6) The business shall not have regular hours during which it is open to the general public.

## Section 4.25 Hospitals

- (A) The facility must have at least two driveways or roadways with access to a thoroughfare that can, in the opinion of the Planning Commission and the [Monroe County Road Commission](#), absorb the traffic from the facility.
- (B) Ambulance and emergency entrance areas shall be located at least 100 feet away and visually screened from adjacent residential uses.
- (C) Helipad for air ambulance and emergency entrance associated with the helipad shall be located at least 100 feet away and visually screened from adjacent residentially used or zoned property. In siting the helipad, consideration shall be given to the impact of take-off and landings and the potential impact on adjacent properties.
- (D) No power plant or laundry shall be located nearer than one hundred (100) feet to any adjacent residential use or district.
- (E) Hospitals shall be constructed, maintained, and operated in conformance with all applicable State and Federal laws.

## Section 4.26 Hotel/Motels/Extended Stay Hotels

- (A) Each unit shall contain a bath and at least one bedroom and encompass a minimum gross floor area of two hundred and fifty (250) square feet.
- (B) Extended stay hotels shall meet the following requirements:
  - (1) Units occupied for more than fourteen (14) days consecutively shall have a minimum gross floor area of three hundred fifty (350) square feet and, at a minimum, shall contain a refrigerator and microwave.
  - (2) Shall provide laundry facilities for guests on site.
- (C) **Conversion of a Previously Approved Hotel to an Extended Stay Hotel.** Hotels with an average occupancy of more than fourteen (14) days per occupant over a one-year period shall be required to be upgraded to an Extended Stay Hotel. In order to convert a previously approved hotel that does not meet the standards of Section B into an Extended Stay Hotel, the hotel must be in a Commercially zoned district

and be renovated/upgraded to include the following features.

- (1) All units with an average occupancy of more than fourteen (14) days must be at least 350 square feet in area.
  - (2) All units with an average occupancy of more than fourteen (14) days must contain a kitchen with a refrigerator and microwave.
  - (3) Laundry facilities for guests must be provided.
- (D) **Hotels shall not be used for permanent housing.** Permanent housing shall be considered residence at a hotel for more than 90 consecutive days and/or with the use of the hotel as an address for the purposes of the post office, public schools, or bills for monthly expenses.
- (E) Single room occupancy (SRO), as defined in [Section 8.02](#), shall be prohibited.

#### **Section 4.27 Indoor Self-Storage**

- (A) All storage units with exterior doorways must be accessed by a drive aisle meeting the dimensional requirements of this Ordinance. The drive aisles must be paved.
- (B) The hours of operation of the facility must be approved by the Planning Commission.

#### **Section 4.28 Resource Reclamation Facility (Junk Yard)**

- (A) The minimum lot area shall be five (5) acres.
- (B) All material shall be stored at least four hundred fifty (450) feet from the center line of any adjacent roadway and two hundred fifty (250) feet from any residentially used or zoned lot or parcel. The principal building on the lot shall be subject to the required setbacks of the district within which it is located.
- (C) All resource reclamation facilities shall be enclosed and screened on all sides of the subject property by a solid wall or fence of at least solid eight (8) feet tall. The fence may be located in the roadside yard. When the proposed facility abuts a street, a ten-foot planting strip between the fence and the street setback line. The ten-foot planting strip shall consist of a minimum of one tree for every thirty (30) feet of fencing provided. In addition, flowering trees and shrubs in sufficient quantity and location shall be provided to break up the mass of the screen fencing. The planting strip shall be parallel to the street and shall extend the full length of the frontage. In the event of a conflict between this section and Section 5.09, this section shall supersede.



- (D) A roadway shall be provided, graded, paved, and maintained from the street to the rear of the property to permit free and full access of fire trucks and other emergency vehicles at all times.
- (E) [Ancillary Vehicle Repair](#) or servicing must be approved separately by the Township, must meet all relevant standards of this Ordinance, and is only permitted in Zoning Districts where Vehicle Repair is permitted by right or by [Uses with Specific Standards](#).
- (F) The Township reserves the right to require a remediation bond in order to ensure adequate clean-up in the event the use ceases operation.
- (G) The site design must include adequate protections, in the opinion of the Township Engineer, against excess or polluted stormwater runoff.
- (H) The use must be in compliance with all relevant County, State, and Federal regulations, including, but not limited to, obtaining, and retaining a valid license from the State.

## Section 4.29 Landfills

### (A) General Requirements.

- (1) **Design and Operation Standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the [Michigan Department of Environment, Great Lakes, and Energy](#) and other applicable or successor regulatory agencies.
- (2) **Environmental Impact Assessment.** An environmental impact assessment shall be prepared and submitted to the Township Board for review and approval.

### (B) Landfills and Dumping.

- (1) **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
- (2) **Scope of Application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish, or other solid waste, including cans, bottles, wastepaper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
- (3) **Permit Requirements for Landfills and Dumping.**

- (a) **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
- (b) **Review Procedures.** Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of [Uses with Specific Standards in Section 7.04](#). Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.
- (c) **Performance Guarantee.** To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee. The performance guarantee shall be held in escrow and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

- (4) **Application Requirements.** The following information shall be provided on an application for a landfill or dumping permit:
  - (a) **Aerial Photography.** Vertical aerial photographs of the site, enlarged to a scale of one-inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
  - (b) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one-inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.
  - (c) **Engineering Report.** An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
  - (d) **Master Plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and

restoration shall be included with each annual permit request.

- (e) **Restoration Plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township [Master Plan](#). The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two-foot contour intervals.
  - (f) **Operating Specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 5, following.
- (5) **Standards.** All landfill and dumping activity shall be subject to the following standards:
- (a) **Minimum Lot Area.** A landfill shall require a minimum lot area of 320 acres.
  - (b) **Limits of Approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
  - (c) **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 1,000 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.
  - (d) **Noise, Dust, Debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - (e) **Road Treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
  - (f) **Frontage and Access.** The subject site shall have a minimum frontage of 250 feet on county primary road or state highway.
  - (g) **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:

    - (i) Where slopes steeper than 30 degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six-foot high cyclone fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.

- (ii) Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.
- (iii) **Slopes.** Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.
- (iv) **Topsoil and Seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.
- (v) A ten-foot-high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography acts as a natural berm.

## Section 4.30      **Manufactured Housing**

- (A) **Minimum Lot Area.** A manufactured housing park shall not be permitted on parcels of less than fifteen (15) acres in net area. In determining net area all dedicated interior and exterior right of way equal to or greater than eighty-six (86) feet in width shall be excluded. This shall not prohibit adding parcels of more or less than fifteen (15) acres to an existing manufactured housing park provided that the total park area (existing park plus the added parcel) shall be fifteen acres or greater in net area.
- (B) **Overall density, yard, and area requirements.**
  - (1) Overall density for the manufactured housing park shall not exceed 6.5 dwelling units per acre.
  - (2) The manufactured housing park shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet requirement for any one site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 of the Michigan Administrative Code, as amended.
  - (3) **Compliance with State and Local Requirements.** Manufactured housing park developments shall comply with all requirements of [Act No. 96 of the Public Acts of 1987](#), State of Michigan, as amended. Further all manufactured

housing parks shall comply with this Ordinance, and all rules and regulations as established by the Michigan Manufactured Housing Commission of the State of Michigan.

- (4) Location of Manufactured housing.** No manufactured housing shall be located anywhere within Frenchtown Charter Township except, in a manufactured housing park, in an authorized manufactured housing sales dealership or if it meets the criteria in this Ordinance for a single-family dwelling unit.

  - (a)** The business of selling new and/or used manufactured housing as a commercial operation in connection with the operation of a manufactured housing development is prohibited. New or used manufactured housing located on lots within the manufactured housing development to be used and occupied within the manufactured housing park may be sold by a licensed dealer and/or broker. This Section shall not prohibit the sale of a new or used manufactured housing by a resident of the manufactured housing development provided the development permits the sale.
- (5) Manufactured Housing Standards.** Each manufactured housing shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems as commonly found in modern manufactured housings. Each manufactured housing shall comply with the regulations of the U. S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Manufactured housings constructed prior to June 15, 1976, shall be in full compliance with [NFPA 501B--1974/ANSI 119.1- 1975 standards](#).
- (6) Permit.** It shall be unlawful for any person to operate a manufactured housing park unless a license for such operation, in compliance with the requirements of [Michigan Public Act 96 of 1987](#), as amended has been obtained. A certificate of occupancy shall be required for each manufactured housing unit.
- (7) Inspections.** The Building Official shall conduct periodic inspections. Whenever, the Building Official finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission. A copy of such notification shall be sent by certified mail to the park owner or agent. The Building Official or other agents authorized by the Township are granted the power and authority to enter upon the premises of any manufactured housing park as specified by [Michigan Public Act 96 of 1987](#), as amended at any time for the purpose of determining and/or enforcing any provision of this Ordinance.
- (8) Roadway Standards.** All roadways and driveways shall be hard surfaced and

so constructed as to handle anticipated peak roads, drainage, and shall be lighted for safety and ease of movement of vehicles. All roads shall meet or exceed the engineering standards as established by the Manufactured Housing Commission. The interior road system shall be developed to service the residents of the manufactured housing park and shall therefore remain private.

- (9) Width of Access Drives.** Two-way streets within a manufactured housing park shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one side, and thirty-three (33) feet where parallel parking is permitted along both sides.

**(10) Utilities and other similar or related services.**

- (a)** The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
- (b)** An adequate amount of running water to individual manufactured housing sites shall be piped to and meet the requirements of the County and State Health Departments and shall be adequately protected from frost.
- (c)** Storm drainage facilities shall be constructed so as to protect the health, safety, and welfare of those that will reside in the manufactured housing park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to ensure rapid drainage and prevent accumulation of stagnant pools of water in or adjacent to the park consistent with part 4 of the Michigan Department of Public Health drainage standards.
- (d)** All electric, telephone and other utility lines intended to serve any use in a R-M-H Manufactured Housing District, whether designed for primary service from main lines or for distribution of services throughout the site shall be placed and maintained underground at all points within the boundaries of the manufactured housing park. When separate meters are installed, they shall be uniformly located. Wiring shall comply with the recommended Detroit Edison standards for manufactured housing parks. Potable water utility shall comply with the Manufactured Housing Commission Rules and local water system ordinances.
- (e)** Any park fuel oil and gas storage shall be developed consistent with "Manufactured Housing Commission Rules".
- (f)** Any proposed street and yard lights shall be consistent with "Manufactured Housing Commission Rules"

- (g) All plumbing fixtures shall be connected to a public sanitary sewer or approved facilities and shall meet the requirements of the Monroe County Health Department and Michigan State Health Department.
- (h) Television service if provided shall be from a master antenna, satellite dish etc. installed with underground connections to each manufactured housing site.
- (11) Fire extinguishing equipment.** Every manufactured housing park shall be equipped at all times with fire extinguishing equipment in good working order consistent with "Manufactured Housing Commission Rules". No open fires shall be permitted at any place which may endanger life or property and shall comply with Township burning ordinances. No fires shall be left unattended at any time.
- (12) Greenbelt and berm.** A greenbelt not less than twenty (20) feet in width shall be located and continuously maintained along all exterior boundary lot lines, except where the park abuts an exterior road.

  - (a) In the case where the park abuts an exterior road, the greenbelt shall be increased to forty (40) feet. The greenbelt area shall be measured from the property line or in the case where the park abuts an exterior road, the street setback line, exclusive of any required lot or active open space area. All greenbelt areas shall include berming, evergreen and deciduous trees and shrubs. The Commission shall determine upon recommendation of the planner, the adequacy of each element (evergreen tree, shrub etc.) proposed by the developer.
  - (b) There shall be provided at least one (1) deciduous tree (minimum caliper of 2-2 1/2 inches) in the roadside yard of every other manufactured housing site. All dead trees shall be removed immediately and replaced.
- (13) Grading.** All yards and open space areas in R-M-H Manufactured Housing District shall be graded in a manner which shall avoid the ponding of storm water unless said conditions have been designed to occur as part of a storm water management facility which has been approved by the Planning Commission as part of the Preliminary or Tentative Site Plan Approval.
- (14) Pads, mats, or platforms.** Pads, mats, or platforms shall be installed in compliance with the "Manufactured Housing Commission Rules" State of Michigan.
- (15) Anchoring.** Installation and anchoring systems shall comply with all requirements as established in the "Manufactured Housing Commission Rules" State of Michigan.
- (16) Skirting.** A uniform skirting shall be required to surround the base of a manufactured housing and installed within sixty (60) days after placement of said manufactured housing. Skirting shall comply with requirements as found in the "Manufactured Housing Commission Rules" State of Michigan.

**(17) Storage Areas.** No personal property shall be stored outside or under any manufactured housing. Storage sheds may be used to store property but need not be supplied by the owner of the manufactured housing development. If provided said sheds shall be uniform as to size and location throughout the manufactured housing park site and shall require a building permit for their construction or alteration. All sheds shall be located not closer than ten (10) feet to any adjacent structure or adjacent to a manufactured housing or site boundary line, maintained in good condition, kept clean and well painted. Further, sheds must comply with R125.1941, Rule 941(1)(c) of the Michigan Administrative Code, as amended.

**(18) Open space between manufactured housings.** The areas between manufactured housings and other open areas located on each manufactured housing lot/site shall be seeded or sodded with grass or lawn and landscaped with trees and shrubs and thereafter shall be maintained so as to provide a utilitarian and healthful area free from debris or other outdoor storage.

**(19)** Lot line fences if permitted in the individual manufactured housing park shall be uniform in height and shall not exceed thirty-six (36) inches in height and shall be constructed in such a manner as to provide firefighters access to all sides of each manufactured housing and shall be in accordance with the “Manufactured Housing Commission Rules”, State of Michigan. Further, fences shall not be constructed of old or used material unless such material shall be reasonably sound in the judgment of the Building Official. Fences shall not be made of or contain barbed wire, electric current, or charges of electricity or sharp or pointed projections of any kind; provided if such fence is constructed of pickets, the pickets shall be made of not less than 1 inch by 3-inch material and shall have an angle at the top of not less than 90 degrees.

The fence shall comply with the requirements of the building code. Plastic or other types of stripes intertwined in cyclone fencing shall be prohibited.

**(20)** No manufactured housing may be occupied until a Certificate of Occupancy has been issued by the Building Official.

**(21)** Operator of manufactured housing parks shall provide a plan to adequately address regular solid waste removal.

## **Section 4.31 Marina**

**(A)** Storage of boats in a marina shall be permitted all year round (January through December). The requirements for Outdoor Storage in this Ordinance shall not apply - instead, the standards in this section shall govern the design and operation of marinas.

**(B)** All dredging, construction or development shall be subject to the requirements of all applicable Frenchtown Charter Township, County, State and Federal laws,



regulations, and requirements.

- (C) The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner.
- (D) Each marina shall provide suitable, safe, and sanitary toilets and refuse facilities within buildings designed for that purpose. No less than (1) toilet shall be provided for each forty (40) boat spaces within not more than one thousand (1,000) feet of walking distance of each boat space. Refuse and garbage containers, with covers, shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred and fifty (150) feet of walking distance of each boat space. All such facilities shall be subject to the approval of the [Monroe County Health Department](#).
- (E) The general design, layout, and locations of uses and support systems shall be developed in a manner which will enhance the waterfront property and the natural environment. A sufficient greenbelt (minimum 75 feet) shall be maintained between the shore's edge and any marina development. The 75-foot greenbelt may be penetrated with pedestrian walks, etc. within the intent of this Section. The Frenchtown Charter Township Planning Commission may approve alternatives as it deems necessary to accommodate peculiar circumstances or unforeseen problems to carry out the spirit and intent of this Section of the Article - maintenance of open space as the predominant waterfront character.
- (F) All marina facilities shall conform to all applicable Frenchtown Charter Township, County, State and Federal Fire Codes and Standards. All structures and items which could require fire protection shall be readily accessible by fire and emergency vehicles.
- (G) Method and location of trash pick-up shall be presented to the Frenchtown Planning Commission for review and approval. All trash pick-up points, dumpsters, etc. shall be screened. All dumpsters shall be located on a concrete pad sufficient in size (area) to accommodate the dumpster and the dumpster pick up vehicle.
- (H) The site shall be developed in a manner which will meet all Frenchtown Charter Township, County, State and Federal Health Regulations or Standards.
- (I) The Planning Commission may require the entire site or portions thereof to be fenced. Said fencing shall be six (6) feet in height.
- (J) Storage locations for boats shall be clearly delineated on the site plan. Access drives between boat storage spaces must meet the dimensional requirements of this Ordinance. No storage shall be permitted in the required roadside setback.
- (K) All boats stored or docked at a marina must have current registration through the State of Michigan.
- (L) The following accessory uses are permitted as part of a marina and require no

additional approvals. These accessory uses are permitted on marina sites in all zoning districts where marinas are permitted.

- (1) Storage of Boats, as described in Subsection (A) above.
- (2) Locker Room or Restroom Facilities.
- (3) Private club or indoor recreation space that is open only to users of the Marina, and not the general public, and not including restaurants.
- (4) Gas pumps or other boat fueling facilities.
- (5) Outdoor Recreation Space does not open to the General Public
- (6) Deck and dock box storage

(M) The following accessory uses must be approved separately and must meet all requirements of this Ordinance separately from the Marina, including obtaining any required [Uses with Specific Standards](#) approvals. These uses shall be prohibited accessory to marinas if they are not permitted in the Zoning District where the marina is located within.

- (1) Restaurants
- (2) Party Store
- (3) Vehicle repair (including boats)
- (4) Boat Sales (including part sales)
- (5) Residential Uses
- (6) Hotel/Motel or other Lodging
- (7) Event or Recreation space open to the General Public
- (8) Camping

## Section 4.32 Mineral Mining

This Section is intended to regulate and establish the conditions for the use of land for all types of strip and tunnel or shaft Mineral Mining, including the mining of metals, the mining of bituminous coal and lignite, the mining of sand, the mining of limestone and other minerals. The extraction of oil and gas is not regulated by this Section

(A) **Uses regulated by this Section.** “Mineral Mining” is intended to be construed broadly and includes all aspects of the Mineral Mining operation, including, but not limited to processing, storage, loading, stockpiling and transportation of minerals. However, “Mineral Mining” shall not include the removal from a single parcel of land during any calendar year of:

- (1) less than 1,000 cubic yards of materials when such removal is NOT attendant to development in accordance with a subdivision preliminary approval, or
- (2) less than 10,000 cubic yards of material when such removal is attendant to development in accordance with a subdivision preliminary approval.

(B) “Mineral Mining” shall not include the removal of material from a construction site that has been approved under this Ordinance, or is otherwise legal in the Township, for a non-mineral mining use.

- (C) Mineral Mining Uses with Specific Standards application:** An application for a [Uses with Specific Standards](#) permit for Mineral Mining shall be submitted jointly on behalf of, and signed by, each person or entity having any interest in the land on which the use is to be located, including, but not limited to, all Applicants and all Lien holders (as those terms are defined in the following Subsections).

The following information must be submitted with the application, in addition to all information ordinarily required for [Uses with Specific Standards](#) Applications under this Ordinance.

- (1) Sworn statement that the applicant has not defaulted on any bond, in any municipality, posted to ensure performance in connection with any Mineral Mining and/or construction activity, or if any of the Applicants has defaulted on any such bond, a brief description of the circumstances surrounding the default, including the name of the surety, date of default and any remedial action which was taken.
- (2) The name of each Applicant's carrier for public liability and property damage insurance and policy limits thereof, together with current certificates of insurance for coverage's required under this Ordinance.
- (3) Aerial photographs, enlarged to a scale of one (1) inch equals two hundred (200) feet covering all land proposed to be mined throughout the entire lifespan of the mineral mining operation. All aerial photographs shall be taken not more than sixty (60) days prior to the date of the application of which they are a part.
- (4) A topographic survey, prepared by an engineer or surveyor licensed by the State of Michigan to prepare such a survey, drawn to a scale of one (1) inch equals two hundred (200) feet with topographic contours drawn at two-foot intervals on U.S.G.S. datum, covering all land proposed to be mined throughout the entire lifespan of the mineral mining operation.
- (5) An isopach survey or other comparable geologic data indicating the location of deposits to be mined and the basic data and collection methods upon which such survey is based. Elevations shall be based on U.S.G.S. datum.
- (6) An estimate of the quantity of excavation on the site, the type of material to be excavated, the quality of resources to be excavated, and the extent of resources on undeveloped land within one mile of the site.
- (7) Report by a qualified independent professional regarding the surface water, the level of the water table and the size and location of existing and new water bodies on the site and within one mile of the site. The report shall include an opinion as to the impacts of the mineral mining operation on the water table and private wells, throughout the entire Township, during and subsequent to the operation. The report shall also include an opinion as to whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impairment

to the general public. The report shall include a ground and surface water quality analysis based on samples taken not more than one year prior to the date of the application of which the report is a part.

- (8)** A "Fiscal and Market Analysis" describing expected impacts on property values in the vicinity, expected tax benefits to the Township, anticipated costs to provide municipal services, and the need for such a facility to serve demand in the surrounding area.
- (9)** A detailed Operations Plan for the extraction of the natural resource deposits. The plan shall:
  - (a)** Set forth in detail the arrangement and nature of all operations, including the quantity of each type of material to be removed and the machinery, equipment, and methods to be used in the operation. The operations plan shall delineate the following:
    - (i)** Area of active and requested excavation
    - (ii)** Area of active and requested settling ponds and washing plant facilities;
    - (iii)** Area of existing and requested treatment facilities and sand and gravel storage;
    - (iv)** Area of existing and requested production facilities for resource-related industry;
    - (v)** A detailed explanation as to routing of commercial vehicles and their size, weight, and frequency of trips. If different routes are used at different stages of the operation, a timetable for routing shall be included. Approval of the haul routes by the Township, the [Monroe County Road Commission](#), and the [Michigan Department of Transportation](#) will be required. The Township may impose time limits on the use of the approved haul routes
    - (vi)** Set forth in detail the types and amounts of explosives proposed to be used, and the areas to be blasted, as well as the hours when blasting will occur. The operation shall notify the Township prior to any blasting on the site.
    - (vii)** Set forth in detail the amount and source of water to be utilized in processing, and the anticipated means and location of dispersal of such water following use.
    - (viii)** Set forth in detail the proposed measures to ensure that the operations have minimum negative impact on adjacent areas and on areas affected by the routing of trucks and other commercial vehicles.
    - (ix)** Set forth in detail the procedures to be employed to protect

ground water, water courses, water bodies, subsurface aquifers, and wetlands, from contamination and erosion directly or indirectly caused by extraction and restoration activities. Procedures should include the use of monitoring wells and the periodic sampling of water courses and water bodies and the termination of Mineral Mining activities if any of the periodic samplings indicate damage from contamination or erosion.

- (x)** A detailed pre-blast survey of the existing conditions of the foundations of permanent structures within one mile of the operation.
  - (xi)** A detailed analysis of the impact of the operation on the drainage pattern of the Township, to be approved by the Township and the [Monroe County Drain Commissioner](#).
  - (xii)** Set forth in detail a timetable for each stage of the operation.
  - (xiii)** The location of a truck wheel wash facility which will remove all dirt and soil on vehicles existing at the site to insure minimal impact on public roads.
- (b)** A detailed Restoration Plan, to be put into practice at the end of the useful lifespan of the Mineral Mining operation:
- (i)** The use or uses to which each restored area will be put. The restoration plan must include active, taxable uses around the entire perimeter of the area to be mined.
  - (ii)** The dates by which areas will be restored, as interim restored areas and final restored areas.
  - (iii)** The restoration topography drawn as contours at an interval of two (2) feet on U.S.G.S. datum.
  - (iv)** The location of water bodies and other major physical features. The Restoration Plan shall also include steps taken to prevent the overflow of water from the unused quarry after the ceasing of operations, and the steps taken to ensure hydraulic pressure does not undermine the edges of the quarry and the structures that will be built along the quarry edge according to the Restoration Plan.
  - (v)** The location of areas to be portioned or subdivided, and the proposed layout of such areas.
  - (vi)** The methods and materials proposed for reclamation include top soiling and the amount and type of planting.
  - (vii)** Roads and other improvements to be made on the site.
  - (viii)** A plan for disposal or treatment of any harmful or toxic material

found in any foundations penetrated by the Mineral Mining operation or produced during the processing of minerals on the affected land and of chemicals or materials used during the Mineral Mining or processing operations.

- (ix) A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan.
  - (x) The Restoration Plan must be progressive - i.e., it must include steps to be taken during the operation of the quarry to ensure that the land is safe, geologically, and hydrologically sound, and ready for redevelopment once the quarry ceases operations.
  - (xi) A detailed post-blast survey of the conditions of the foundations of permanent structures within one mile of the operation after operations have ceased including a mitigation plan for any blast related deterioration of those foundations.
- (D) At the expense of the Applicant, the Planning Commission may require technical reviews pertinent to the application. Technical reviews shall address such issues as land use impacts, land value impacts, undermining/subsidence impacts, traffic flow and traffic safety impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs and other technical issues. Technical reviews shall be prepared by appropriately qualified professionals chosen by the Township to a level of detail appropriate to the potential scope of the proposed Mineral Mining operation.
- (E) Mineral Mining [Uses with Specific Standards](#) permits shall be issued for a period which is not less than twelve (12) months, and which is not longer than 120 months. They Uses with Specific Standards permits may be renewable upon submission and approval of an application for renewal. In order for an application for renewal to be approved, it shall:
  - (1) meet all the requirements set forth for initial applications
  - (2) contain satisfactory evidence of compliance with the requirements of this Ordinance and any conditions of approval applicable to the permit for which renewal is sought.
  - (3) Applications for renewal of Mineral Mining Uses with Specific Standards permits shall be submitted not more than six (6) months prior to expiration of the permit for which renewal is sought.
- (F) The following standards shall apply to Mineral Mining operations:
  - (1) No excavation shall be permitted within three hundred feet (300') from any public or off-site private roadway; and any property line.
  - (2) Excavation, washing and stockpiling of extracted material shall not be

conducted closer than three hundred feet (300') to the channel margins (or banks) of any stream or waterway without written permission from the [Michigan Department of Environment, Great Lakes, and Energy](#), and [Monroe County Drain Commissioner](#) approval.

- (3) The outward one hundred fifty (150') feet of the area of excavation shall be limited so as to be excavated at a slope not to exceed a steepness of seven (7') foot horizontal for one (1') foot vertical with the beginning of the grade being the existing grade. The purpose of this subsection is to provide a safe swim area in the event the excavation area is proposed to be restored as a lake.
- (4) **Elevation of processing facilities:** All processing facilities and stockpiling inventories shall be located within the excavation area at an elevation as much lower than the general level of the surrounding terrain as is reasonably practicable in order to reduce the visual, noise and dust impacts of the plant.
- (5) **Subsidence Prohibited:** No Mineral Mining that causes subsidence of overlying land on property not owned by the applicant shall be permitted in the Township. The Township reserves the right to deny any [Uses with Specific Standards](#) approval upon the determination that subsidence is likely to occur on land not owned by the applicant. If any subsidence occurs on land not owned by the owner of the operation, the owner of the operation responsible for the subsidence shall pay all costs related to the repair of any structures, infrastructure, foliage, or anything else above-ground that is damaged by the subsidence. The owning of mineral rights shall not constitute ownership of the land above ground for the purposes of this section. The Township shall not, under any circumstances, be required to pay for damage stemming from illegally caused subsidence in the Township.
- (6) **Screening:** All active excavating and Mineral Mining operations shall be visually screened from view from all adjacent public or private highways, roads and streets and residentially used parcels. Any of the following methods shall be used, as determined by the Planning Commission to reduce the potential negative impact of the proposed use on adjacent properties or public highways, roads, and streets:

Construction of a raised earth berm along the property lines. During the next planting season following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent property. The outer slope of the berm shall have slopes no steeper than one (1) foot vertical to four (4) feet horizontal; the inner slopes of the berm shall have slopes no steeper than one (1') foot vertical to three (3') feet horizontal or less steep if necessary to provide a sufficiently stabilized berm. The outer toe of the berm shall be located at least one hundred sixty (160') feet from the centerline of the road or nearest property line. The vegetation of the berm shall be kept mowed so that the height of the vegetation does

not exceed six (6") inches.

OR

Planting coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening, as determined by the Planning Commission.

In addition to the required screening, all Mineral Mining sites shall be fenced prior to the commencement of operations. The fence must meet the standards of [Section 5.04](#) and must remain in place throughout the lifespan of the operation.

(G) In addition to the standards in [Section 7.04](#), the Planning Commission shall use the following criteria in determining whether to approve a Mineral Mining Uses with Specific Standards.

- (1) **Off-site impacts:** There will be no very serious impairment to the safety of motorists, cyclists, and pedestrians as a result of increased vehicular congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower trucks with faster automobile traffic, or any other cause.
- (2) Existing roadways are adequately improved to carry traffic which will result, or there are funds available from sources other than the Township to make necessary improvements.
- (3) There will be no very serious consequences to the quiet enjoyment of properties due to noise, dust, or traffic delays from truck or rail traffic generated by the Mineral Mining site. In making such a finding, consideration shall be given to the nature of existing development and the planned development envisioned by the [Master Plan](#).
- (4) There will be no very serious consequences to the general level of air quality due to noise dust, exhaust, or other emissions from off-site hauling of mined materials.
- (5) There will be no very serious impairment to the quiet enjoyment of properties due to noise from the Mineral Mining or processing of materials on the site. In making such a finding, consideration shall be given to the nature of existing development and the planned development envisioned by the [Master Plan](#).
- (6) There will be no contamination of ground water from the Mineral Mining operations.
- (7) There will be no very serious drawdown of ground water levels or alteration of the direction or flow rate of aquifers.
- (8) There will be no very serious negative aesthetic impact from open pits, processing structures, stockpiles of mined material, refuse piles or other similar facilities.
- (9) Potential attractive nuisance or other dangers associated with Mineral



Mining operations will be minimized by appropriate safety precautions.

- (10) The use of land after reclamation will be compatible with the existing and planned development of surrounding areas.
  - (11) There will be no very serious loss of agricultural land and/or development opportunities.
  - (12) There will be subsidence or undermining of property not owned by the owner of the operation.
  - (13) The cumulative impact of existing and proposed Mineral Mining operations. [Uses with Specific Standards](#) approval shall not be granted if the Planning Commissions finds that very serious consequences will result from the cumulative impact of existing and proposed Mineral Mining operations in the Township.
- (H) To ensure compliance with the provisions of this Ordinance including any conditions established pursuant to Uses with Specific Standards approval, a specialist in mine operations and engineering, chosen by the Township, shall conduct not less than one (1) inspection of each Mineral Mining operation every six (6) months. Employees and agents of the Township of Frenchtown shall be permitted to come upon the lands subject to a Mineral Mining Uses with Specific Standards permit for the purpose of inspecting, monitoring and/or administering this Ordinance and other ordinances and lawful regulations of the Township. The cost of all compliance inspections shall be paid by the applicants and such other persons, firms or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Each such person, firm or corporation shall be jointly and severally responsible for the full cost of compliance inspections.
- (I) Public improvements required as part of the restoration plan including, but not limited to, street lighting, sanitary sewers, public water, drainage, and other types of infrastructure shall be paid for through a fund to be created at the time of approval and funded throughout the lifespan of the Mineral Mining operation. The Township engineer shall determine the approximate cost of providing the necessary public improvements. The Township shall have the right to update this estimate every five years. The funds shall be maintained by monthly deposits made by the operators of the Mineral Mining operation.
- (J) Should the Township determine that a probable violation of the provisions of this Section exists, a written notice of the probable violation and the pertinent facts relating thereto shall be provided to the operator of the Mineral Mining operation. The operator shall have twenty (20) days from the date of mailing to file a response to the notice and to provide the Building Official with facts and information demonstrating compliance. Should such facts and information not be provided within thirty (30) days, or should the Building Official determine that the facts and information filed fail to demonstrate compliance, the Building Official shall provide a second notice. The persons, firms and/or corporations to whom the

notice is mailed shall have twenty (20) days to file a response to the second notice and to provide the Building Official with additional facts and information demonstrating compliance. Should a satisfactory response not be provided to the second notice, the Building Official shall file a notice of probable violation with the Township Board.

Following the Board's receipt of the notice of probable violation, the Board shall schedule a public hearing for the purpose of hearing comments pertaining to the probable violation. The hearing shall be noticed as required by Michigan law for Uses with Specific Standards review.

Following the public hearing, the Township Board shall determine if the subject use has been operated in violation of the terms of this Ordinance, including any conditions established pursuant to Uses with Specific Standards approval. Should the Board determine that the subject use has been operated in violation of the terms of this Ordinance, including any conditions established pursuant to Uses with Specific Standards approval, the Board shall implement such remedies as are appropriate to the circumstances. The remedies which the Board may implement shall include any one or more of the following:

- (1) Order that the operation and the property be brought into compliance.
- (2) Order the restoration of all areas disturbed by Mineral Mining operations in accordance with the approved restoration plan.
- (3) Revoke the Uses with Specific Standards permit for Mineral Mining operations.
- (4) Levy fines.
- (5) Order such remedial actions as the Board may determine necessary to correct environmental or other on site and/or off-site damage which have resulted from operation of the subject use.

The cost of any and all corrective actions shall be paid by the operator of the Mineral Mining operation at the time of the violations.

- (K) So as to assure faithful restoration, the applicants shall deposit with the Township a surety bond which is in form and substance satisfactory to the Township Board.
- (L) The operator of the Mineral Mining operation shall indemnify, protect, defend, and save harmless the Township and its agents, employees and professional consultants from and against any and all claims and demands for damages to public and/or private property and injury or death to persons and against any and all claims and demands of any nature which may arise out of or be caused by any of the activities permitted by this Ordinance. The owner of the land involved, the operator and the holder of any permit issued under this Ordinance shall carry insurance to protect Frenchtown Charter Township and its agents, employees, and professional consultants from and against any and all claims, demands, actions, judgments, costs, expenses, and liabilities of every name and nature which may

arise or result, directly or indirectly, from or by reason of any Mineral Mining operation activities. All insurance required shall cover the owner, operator, and permit holder and the Township and its agents as their respective interests may appear and shall remain in force the entire life of any Mineral Mining operation including any period of time used for restoration and reclamation.

Such insurance policies shall include an endorsement that the insurer will not cancel or change the policy of insurance issued except after thirty (30) days written notice given to the Township by registered mail.

Unless changed by the Township Board, the owner, operator, and permit holder shall carry public liability and bodily injury insurance of at least \$1,000,000.00 for one person, \$2,000,000.00 for each occurrence, and 1,000,000.00 property damage insurance with a \$10,000,000.00 umbrella. This insurance shall cover injury or damage occurring on the site of the operation, as well as injuries occurring upon adjoining property as a result of conditions or activities conducted upon the Applicant's property.

The owner, operator and permit holder shall submit to the Township Board certificates of insurance showing the coverage required. No permit granted under this Ordinance shall be valid until such certificates of insurance are submitted to the Township Board.

### **Section 4.33 Outdoor Sales Space**

- (A)** Vehicle sales shall not be subject to this section and shall instead be subject to [Section 4.07](#).
- (B)** In the C-1, R-1-O, and OS districts, the outdoor sales space must be accessory to a permitted indoor use. In the AG, C-2, C-3, and I-1 districts, the outdoor sales space may be the principal use of the property, but a permanent structure of at least 500 square feet must exist on the same lot and must contain at least one restroom open to customers of the business. In all other districts, outdoor sales space is prohibited.
- (C)** A fence or landscape screen meeting the standards of this Ordinance must be erected to screen the outdoor sales space from any adjacent residentially zoned or used land from which it would otherwise be visible.
- (D)** The outdoor sales space must be designed to keep debris from blowing onto neighboring lots. Fences must be constructed if determined to be necessary by the Planning Commission.
- (E)** No additional signage shall be allowed for the outdoor sales space beyond what is described in [Section 5.08](#).
- (F)** All outdoor sales space must comply with all Township, County, State, and Federal health, building, and fire codes, and any other relevant regulations.

## Section 4.34 Temporary Outdoor Events and Sales

- (A) Temporary Outdoor Events and Sales, including food trucks or other vendor trucks, shall be approved for a Temporary Event Permit by the Building Official if they meet the following standards. A site plan and all required supporting documentation, including a signed authorization by the property owner, must be submitted to show compliance. Each individual event or sale shall require separate approval. The Building Official may consult with the Township Planner, Engineer, Fire Inspector, or other relevant professionals prior to issuing an initial approval.
- (1) Parking must be provided on the site, with spaces meeting the dimensional and construction standards of the Township. The number of spaces provided shall be at least 75% of the required parking for the permanent, principal use of the site, plus 100% of the parking required for the temporary outdoor event or sale. Parking spaces covered or otherwise rendered unusable during the event shall not count towards the required parking.
  - (2) To indemnify the Charter Township of Frenchtown, and its agents and its citizens against damage, loss, injury, or costs attributable to cleaning up the site and/or adjoining area, a bond from a corporate bonding company, in the amount required by the Building Official shall be provided by the applicant for the building permit.
  - (3) Before the issuance of an approval, the applicant may be required by the Building Official to obtain public liability insurance with limits of not less than \$1,000,000.00 and property damage insurance with a limit not less than \$500,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amount for the duration of the event.
  - (4) Sufficient restroom facilities for the anticipated number of attendees, customers, volunteers, and/or employees must be provided.
  - (5) All lights, wires, poles, fences, stands, machinery, or other items incidental to the event shall be removed from the premises no later than one week after the closure of the event.
  - (6) In the R-1, RMH, and R-3 districts, the event or sale may only be approved accessory to an approved non-residential use.
  - (7) No lot may hold a temporary outdoor event more than twice in the same calendar year.
  - (8) Temporary outdoor events or sales may not last more than two consecutive weeks. Once an event or sale has concluded, no temporary outdoor event or sale shall be held on that lot for at least 30 days.

(9) If the temporary event or sale is located within a parking lot, sufficient protections, such as temporary fencing, cones, or other visual barriers, must be used to define and demarcate pedestrian waiting areas from parking areas.

(10) The following standards shall apply to food trucks and vendor trucks:

(a) All sites with food trucks or vendor trucks must provide five customer parking spaces for each truck.

(b) Waste receptacles shall be provided for the general public in the vicinity of the food or vendor truck.

(c) Food trucks or vendor trucks shall comply with all relevant Township, County, State, and Federal regulations, and shall demonstrate compliance to the Building Official prior to receiving a Zoning Permit.

(d) Multiple food trucks or vendor trucks may operate simultaneously on the same site. However, in the R-1, RMH, and R-3 Districts, no more than two vendor trucks may operate simultaneously on any site.

(e) Food trucks or vendor trucks shall not be permitted to operate in the public right-of-way.

(f) The standards above shall not apply to food trucks that do business by travelling on public rights-of-way from neighborhood to neighborhood, such as ice cream trucks. Such vendor trucks shall not be regulated by this Ordinance.

(B) Waivers from this section, including the time and frequency restrictions, may be obtained from the Planning Commission through the Uses with Specific Standards process described in [Section 7.04](#).

## Section 4.35 Outdoor Storage

(A) All such open storage shall be enclosed and screened on all sides of the subject property by a solid eight (8) foot tall wall or fence. When the proposed facility abuts a street the enclosure fence shall be setback at least eight feet and a planting strip shall be provided on the street side of the fence. The planting strip shall consist of a minimum of one tree for every thirty (30) feet of fencing provided. In addition, flowering trees and shrubs in sufficient quantity and location shall be provided to break up the mass of the screen fencing. The planting strip shall be parallel to the street and shall extend the full length of the frontage.

(B) A driveway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free and full access of fire trucks and other

emergency vehicles at any time.

- (C) All materials stored higher than 8 feet shall require [Uses with Specific Standards](#) approval, even in districts where outdoor storage does not otherwise require Uses with Specific Standards approval. The applicant shall propose screening, including some combination of fences, walls, berms, and landscaping, and the Planning Commission shall determine whether the screening is sufficient.
- (D) Outdoor storage may be permitted accessory to other uses. Additionally, ancillary uses may be permitted accessory to outdoor storage, but must be approved separately, including Uses with Specific Standards approval, if required. Ancillary uses must be permitted uses or approved Uses with Specific Standards in the zoning district the lot in question is located within.
- (E) All stored vehicles shall be duly licensed pursuant to the applicable statute and shall not be wrecked, disabled, abandoned, unlicensed, worn out, junked or incapable of operating. If this standard is not met, the facility shall be considered a Resource Reclamation Facility. No vehicles of any type, including, but not limited to, automobiles and boats, shall be stored in the required roadside setback for principal buildings.
- (F) All storage areas shall be kept in a neat orderly condition free from weeds, trash, blowing papers and other debris.

## Section 4.36 Radio / TV Transmitters

- (A) Transmitters with power under 75 watts shall be considered accessory structures unless they are attached to the principal structure and shall be permitted by right in all Zoning Districts. The setbacks for each antenna support structure from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of the tower above the ground. No antenna or support structure shall be located in a roadside yard.
- (B) Transmitters with power over 75 watts shall be considered principal uses of land and shall be permitted by Uses with Specific Standards in the PS, C-2, C-3, and I-1 districts. The following standards shall apply:
  - (1) The Planning Commission may approve a height for the tower above the maximum height permitted in the zoning district, but only if the applicant can demonstrate that the operation of the transmitter would be restricted by complying with the height standard.
  - (2) Adequate security fencing must be provided around the transmitter and any ground equipment.
  - (3) The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of each tower above the ground.

- (4) No antenna or support structure shall be located in a roadside yard.
- (5) The transmitter must comply with all County, State, and Federal standards.

### Section 4.37 Small Scale Manufacturing/Production

- (A) In the AG district, small scale production shall not be permitted on lots of less than five acres of gross lot area. Additionally, in the AG district, no more than five employees that do not reside on the site may be employed by the operation.
- (B) In the C-1, C-2, and C-3 districts, not more than fifteen (15) persons may be employed for the production portion of the operation. In the I-1 district, there shall be no limit on the number of employees.
- (C) The production shall not be discernible on the exterior by way of noise, odor, smoke, vibration or other variable.
- (D) Any outdoor storage must be approved separately by the Township, must meet all relevant standards of this Ordinance, and is only permitted in Zoning Districts where outdoor storage is permitted by right or by [Uses with Specific Standards](#).

### Section 4.38 Solar Energy Systems

- (A) **Purpose and Intent.** Frenchtown Charter Township supports the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems. Accessory, On-Site Use Solar Energy Systems and Utility Generation Solar Energy Systems, as defined in this section, shall comply with the provisions of this section.
- (B) **Definitions.** Words and phrases used in this Section shall have the meaning set forth below. Words and phrases not defined herein but defined in [Article 8](#) shall be given the meanings set forth in [Article 8](#). All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.
  - (1) Solar Array: Any number of solar energy devices connected to provide a single output of energy.
  - (2) Solar Energy Devices: Mechanical equipment, including but not limited to photovoltaic cells, panels, or collectors, which take in light and/or heat from the sun to produce energy.
  - (3) Solar Energy System: Solar energy devices or design features of a building used for the collection, storage, and distribution of solar energy for space heating, space cooling, lighting, electric generation, or water heating.
  - (4) Solar Energy System, Abandoned: Any solar energy system or solar array

that no longer functions or is inoperative to the extent that it does not collect, store, or distribute solar energy.

- (5) Solar Energy System, On-Site Use: A solar energy system where the solar array is smaller than the footprint of the principal building on the same lot and is intended to service the uses on the same property where the system is located.
- (6) Solar Energy System, Utility Generation: A utility-scale solar energy system where the primary use of the solar arrays is to generate solar energy for the sale, delivery, or consumption of the generated energy by a multitude of users not located on the property.
- (7) Solar Energy System Project Area: The total land area necessary for a solar energy system to operate and comply with Township ordinance standards including the solar arrays, access roads, storage facilities, transmission equipment, landscape screening and required setback areas.

**(C) On-Site Use Solar Energy Systems.** Solar energy systems with solar arrays that are smaller than the footprint of the principal building on the same lot shall be considered permitted accessory structures in all Zoning Districts, and shall be subject to the following standards:

- (1) Solar arrays may be freestanding or on the roof of another structure. Freestanding solar arrays shall not be located in a yard abutting a road. They shall be located in the rear yard or the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission.
- (2) Lot coverage and building height standards for the district the solar arrays are located within may not be exceeded.
- (3) On-site use solar energy systems must meet the setback requirements for accessory structures in the district they are located within.
- (4) Freestanding on-site use solar energy systems shall not exceed 15 feet in height.
- (5) On-Site Use Solar Energy Systems shall not count towards the maximum number of accessory structures on a lot. On-Site Use Solar Energy Systems shall count towards lot coverage calculations.
- (6) Any On-Site Use Solar Energy Systems erected on a building shall not extend beyond the peak of the roof. For systems erected on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- (7) Any On-Site Use Solar Energy Systems mounted on the roof of a property must be installed with a minimum of three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- (8) All On-Site Use Solar Energy Systems must conform to all applicable Township codes and ordinances, including, but not limited to, the Michigan Building Code.
- (9) An abandoned On-Site Use Solar Energy Systems, as defined in this Ordinance, shall be removed by the property owner within six (6) months.
- (10) An On-Site Use Solar Energy Systems used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from these standards.



(11) On-Site Use Solar Energy Systems may be installed over a paved vehicle parking lot to encourage dual use of a site.

**(D) Utility Generation Solar Energy Systems.** Freestanding Solar Panel Arrays that are larger than the footprint of the principal building on the same lot, which are accessory to a principal use, shall be permitted as an Accessory Use by [Uses with Specific Standards](#) approval in the Industrial District and shall be subject to the following standards:

**(1) Uses with Specific Standards.** Utility Generation Solar Energy Systems shall be permitted by the Uses with Specific Standards approval in the I-1 District subject to the application, review, and approval standards of [Section 7.04, Uses with Specific Standards](#).

- a. Standards for Uses Approval. In determining whether a given site is appropriate for a utility generation solar energy system, the Planning Commission shall consider the following:
- b. Proximity to existing electric transmission lines, and feasibility of connecting to the existing transmission network.
- c. Existing physical features of the site that would be impacted by the new solar arrays, including wildlife impacts.
- d. Aesthetic impact of the solar arrays.
- e. Loss of industrial land due to the solar arrays.

**(2) Site Plan Review.** Utility Generation Solar Energy Systems shall be required to obtain site plan approval in accordance with the standards of [Section 7.03, Site Plan and Development Review](#). In addition to providing all required application information of Section 7.03, the site plan submitted for review shall include the following:

- a. The location of all existing and proposed on-site and off-site electric transmission lines that shall be required to connect Utility Generation Solar Energy Systems which generate electricity for sale and distribution to the regional transmission system.
- b. A decommissioning plan in compliance with the standards of Section (19) below.

**(3) Setbacks.**

- a. Minimum setbacks shall be two hundred (200) feet from any property with a residence and one hundred twenty-five (125) feet from all other properties. This shall be measured from the property line of the adjacent property to the closest point of the solar array at minimum tilt or any solar energy system components.
- b. Setback from wetlands, creeks, and other water bodies. Utility Generation Solar Energy Systems shall be at least two hundred (200) feet from the boundary of any lake, drain, wetland, creek, or other surface water body.

**(4) Height.** Freestanding Utility Generation Solar Energy Systems and solar arrays shall not exceed 20 feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt. Other components of the Utility Generation Solar Energy Systems or associated buildings shall not exceed the maximum height allowed in the district in which they are located.

**(5) Installation and safety.** Utility Generation Solar Energy Systems shall be

properly installed to ensure safety, and meet the following requirements:

- a. Utility Generation Solar Energy Systems shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the Uses with Specific Standards application and shall be subject to the Planning Commission's approval.
- b. Utility Generation Solar Energy Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the Uses with Specific Standards application. The [Uses with Specific Standards](#), if granted, may be subject to the Zoning Administrator's or Building Official's inspection to determine compliance with the manufacturer's directions.

**(6) Compliance with construction and electrical codes.** Utility Generation Solar Energy Systems, and the installation and use thereof, shall comply with all applicable construction codes and electric codes, including state construction codes and the National Electric Safety Code.

**(7) Fencing.**

- a. Any fencing proposed for the facility shall be shown on the required site plan. Screening of the fencing shall be required adjacent to any residentially zoned, used, or planned property.
- b. As a condition of Uses with Specific Standards approval, the Planning Commission may require additional screening exceeding the minimal requirement, as necessary to ensure compatibility between adjacent uses while not placing an undue burden on the facility operator. This requirement is evaluated on the specific property and surrounding conditions.
- c. Barbed wire is prohibited.

**(8) Signage.** Signage, including any text, company insignia, advertising, graphics or other inscriptions or designs shall not be located on any part of the solar arrays. All other signage on the site of a utility generation solar energy system shall comply with the standards of [Section 5.08, Signage](#).

**(9) Sound.** The sound pressure level of a Utility Generation Solar Energy Systems and all ancillary solar equipment shall not exceed 45 dB(A) at the property line of adjacent properties or the exterior of any habitable structure, whichever is closer. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.

**(10) Lighting.** Utility Generation Solar Energy Systems lighting shall be limited to inverter and/or substation locations only. Any lighting shall be directed downward and be placed to keep the light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

**(11) Glare.** Any photovoltaic component shall use non-reflective surfaces to minimize glare onto nearby properties or roadways. Any reflective surfaces which are utilized to concentrate heat or light shall not be visible from any adjacent property.

**(12) Drainage.** Drainage on the site shall be maintained in a manner consistent with, or improved upon, natural drainage patterns. Any disturbance to drainage or water management practices must be managed within the

property and on-site, in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to natural patterns following decommissioning.

**(13) Wildlife Corridors.** Utility Generation Solar Energy Systems developments shall have access corridors for wildlife to navigate through the development. Corridors shall be provided with a break in the fencing every one thousand (1,000) feet and shall be kept open to allow for movement of migratory animals and other wildlife. This may be modified by the Planning Commission as part of the Uses with Specific Standards permit.

**(14) Landscaping/Screening.** Landscaping shall be provided in accordance with the standards required in [Section 5.09](#) as well as the following additional screening requirements if determined appropriate by the Planning Commission:

- a. At least four (4) trees provided every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.
- b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total evergreen/ornamental trees shall be made up of evergreen trees.
- c. Each tree shall have a minimum nature height of fifteen (15) height.

**(15) Distribution.** For Utility Generation Solar Energy Systems generating electricity for sale and distribution, the applicant must submit a plan for connecting to the electrical transmission grid, including the design, and routing of electrical transmission lines on-to and off-of the site. The applicant shall provide written permission from the impacted transmission owner and/or verification from the Midcontinent Independent System Operator, Inc (MISO) or its successor Independent System Operator (ISO) or Regional Transmission Organization (RTO) that the regional system has been evaluated and will be capable of effectively accepting the electrical capacity generated on site. Any equipment, substation, transmission lines or other improvements necessary to transmit the generated energy shall not be defined or regulated by the Township as an essential service.

**(16) Certified Solar Array Components.** Components of a Utility Generation Solar Energy System shall be approved by the Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.

**(17) Transfer of Ownership/Operation.** Prior to a change in the ownership or operation of a Utility Generation Solar Energy System, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Utility Generation Solar Energy Systems and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Utility Generation Solar Energy Systems shall not be permitted to operate that system until compliance with the terms of this Section, including

requirements for decommissioning guarantee funds, has been established.

**(18)Ground Cover and Property Management.** Utility Generation Solar Energy Systems shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned when not installed over existing paved surfaces. The required site plan must include a ground cover establishment and long-term management plan for vegetation on the facility. The operator shall not allow the facility to become a nuisance. The use of native species is encouraged for any proposed ground cover and to minimize the maintenance required on site.

a. Ground cover at sites shall utilize one or more of the following types of dual use alternatives:

1. Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
2. Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
3. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

b. **Co-Location.** Solar energy systems may be installed over a paved vehicle parking lot to encourage dual use of a site so long as it does not cause the number of parking spaces required for the principal use to be reduced.

**(19)Decommissioning.** A decommissioning plan is required at the time of application to be reviewed and approved by the Planning Commission. The decommissioning plan shall include:

- a. The anticipated manner in which the project will be decommissioned, including a description of the process for removal of all structures and foundations, restoration of soil to a depth of four (4) feet and vegetation, and how all above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property consistent with the zoning district.
- b. The projected decommissioning costs for removal of the system (net of salvage value in current dollars) and site restoration/soil stabilization, less the amount of the surety bond posted with the State of Michigan.
- c. The method of ensuring that funds will be available for site decommissioning and stabilization. This financial security guarantee must be posted at the time of receiving a construction permit for the system. The security shall be in the form of a cash bond, irrevocable bank letter of credit, or performance bond in a form approved by the Township. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
- d. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be reviewed every three

(3) years, for the life of the project, and approved by the Frenchtown Charter Township Board upon recommendation of the Building Official or Township Engineer.

- e. A Utility Generation Solar Energy Systems owner may at any time either proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

**(20)Abandonment.** In the event that a Utility Generation Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year without a waiver from the Planning Commission), the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated, in compliance with the approved decommissioning plan. If the abandoned system is not removed or repaired, amongst other available remedies, the Township may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure. The Township may utilize the benefit of any financial security being held under this Section to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the Township to enter the parcel of land for this purpose.

**(21)Annual Reports.** For Utility Generation Solar Energy Systems, an annual report shall be submitted to the Planning Commission by a date determined at the time of Uses with Specific Standards approval. The annual report shall document all complaints received regarding the commercial solar energy system along with the status of complaint resolutions and the actions taken to mitigate the complaints.

**(22)Additional approvals and agency reviews.** The following approval and agency reviews shall be required, as applicable:

- a. Local Fire Chief;
- b. Department of Environment, Great Lakes, and Energy (EGLE);
- c. Monroe County Drain Commissioner's Office;
- d. Federal Aviation Administration (FAA);
- f. Local Airport Zoning (if applicable);
- g. Building Department; and
- h. Tax Assessor.

**(23)Operations Agreement.** The applicant shall provide the Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Building Official shall be notified and provided copies of any changes. The operations agreement shall be recorded with Monroe County.

**(24)Maintenance and Repair.** Repair, replacement, and maintenance of components is permitted without the need for a new Uses with Specific Standards permit. Proposals to change the project footprint of an existing system shall be considered a new application.

## Section 4.39 Stables

- (A) Animals shall be provided with a covered and enclosed shelter and outdoor fenced area of adequate size to accommodate all animals kept on the premises. All structures for the keeping of animals shall be set back at least sixty (60) feet from all property lines and be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
- (B) All manure shall be stored at least one hundred (100) feet from any property line and shall be removed from the premises at least once per week.
- (C) For breeding, rearing, and housing of horses, mules or similar domestic animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of five (5) acres or more.
- (D) An accessory building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.

## Section 4.40 State Licensed Residential Facilities

All [State Licensed Residential Facilities](#) must demonstrate compliance with all requirements of the State of Michigan prior to the issuance of a certificate of occupancy.

## Section 4.41 Travel Trailer Park/Campground

- (A) The minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" for the purpose of determining "minimum lot size" shall mean the entire area of the campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
- (B) Each camping site proposed on a lot shall accommodate one travel trailer or tent only. Each proposed camping site shall be provided with individual electrical outlets and individual barbecue facilities. The purpose of the campground or travel trailer park shall be to provide temporary recreational sites and opportunities and not intermediate or long-term housing. Occupancy within the park shall not exceed twenty-one (21) days within a sixty (60) day period or forty-two (42) days within a twelve-month period.
- (C) Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites. The minimum size of any such structure shall be five hundred (500) square feet.

- (D) Each lot containing more than sixty (60) sites shall provide a building containing machine laundry (wash and dry) facilities.
- (E) No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites. Said building shall provide parking space as provided in [Section 5.05](#).
- (F) Hard-surfaced, dust-free vehicle parking areas shall be provided for site occupants and guest as follows:
  - (1) Guest parking shall be provided at the ratio of not less than one (1) parking space per each of two (2) camping sites. Guest parking shall be located within four hundred (400) feet of the site it is intended to serve.
  - (2) Occupant parking shall be provided at the ratio of not less than two (2) parking spaces for each camping site. Occupant parking shall be located on the specific camping site it is intended to serve except in the case of sites limited to tents only. Parking intended to serve such sites shall be located a maximum of four hundred (400) feet from said sites.
- (G) No camping site shall have a minimum area less than fifteen hundred (1,500) square feet. The minimum area for camping sites designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
- (H) A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet per each camping site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the complex.
- (I) Each camping site and all parking areas shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Access streets shall be asphalt roadways with a minimum surface thickness of three (3) inches, MDOT mixture 1100T bituminous, laid in two courses, weigh 330 pounds per square yard on an eight (8) inch minimum thick base course placed in two compacted four (4) inch layers of MDOT specification 21A, crushed limestone or slag or equivalent as approved by the Township Engineering Consultant. Sites specifically designated and used only for tent camping, need not have direct vehicular access to any street or road. These camping sites shall be provided pedestrian access by way of an adequately cleared and marked pathway which shall originate at the designated parking area provided for the given camp sites.
- (J) Any open drainage ways must have banks with slopes not to exceed 3:1 and shall be designed to properly drain all surface waters into the County drain system, subject to approval by the [Drain Commission](#) of Monroe County. All banks shall be

stabilized by lawn area or other method approved by the Commission.

- (K) All sanitary facilities shall be designed and constructed in strict conformance to all applicable [Monroe County Health](#) regulations.
- (L) The development of the entire lot is subject to all applicable requirements of the [Department of Natural Resources](#).
- (M) A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- (N) The Planning Commission may require fences and greenbelts. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

## Section 4.42 Truck Stop/Travel Plaza

- (A) All individual component uses (gas station, restaurant, retail, vehicle repair, drive thru, vehicle wash, etc.) must comply with all relevant standards in this Ordinance.
- (B) All truck scales shall be located on the site to eliminate the potential for the obstruction of auto traffic on the site and/or of all traffic on public roadways by lines of trucks that are waiting to use the scales or fuel dispensers.
- (C) When the facility contains activities for both automobiles and trucks the site shall be designed in a manner that will separate the automobile user from the truck user.
- (D) A designated pedestrian circulation system that includes raised curb sidewalks and striped pedestrian areas in vehicle travel lanes shall be required between all the individual components of the use.

## Section 4.43 Wind Energy Facilities

- (A) **Agricultural Wind Energy Facilities:** This system shall be permitted only in an AG Agricultural and R-1-E Single Family Zoning Districts and shall be considered an accessory and incidental use in an AG Agricultural Zoning District provided all of the following standards and requirements are met. This category of [Wind Energy Conversion System \(WECS\)](#) must be accessory to a permitted farm or agricultural operation and must be designed and built to serve the needs of the residential use, farm, and/or agricultural operation with the intent of reducing on site consumption of utility power or the cost of said consumption. The subject property shall be a minimum of 5 acres in order for the Wind Energy Facility to be approved.

An application shall be submitted to the Building Official for review and approval. The application shall include a plot plan indicating the location of the proposed tower, the height of the proposed tower, the distance from the base of the tower to



all buildings, roads, street setback lines and property lines. Standard drawings of the wind turbine structure, including the tower, base, and footings must be submitted. The proposed tower shall be constructed in accordance with the State Building Code and specifications as provided by the manufacturer of the system.

- (B) Principal Use Wind Energy Facilities:** This shall include any Wind Energy Conversion System (WECS) that is accessory to a principal non-farm, non-agricultural use located on the same lot or parcel and is designed and built to serve the needs of the principal use with the primary intent to reduce on site consumption of utility power or the cost of said consumption. A Principal Use Wind Energy Conversion System (PUWECS) may be permitted on lots greater than the minimum lot areas listed below in the following zoning districts subject to Uses with Specific Standards Approval from the Planning Commission provided the PUWECS meets all of the conditions and requirements in this section.

ZONING DISTRICT	MINIMUM SIZE PROPERTY IN ACRES
A	2 AC
R-1-E	2 AC
OS	5 AC
C-2	5 AC
C-3	5 AC
I-1	5 AC

- (C) Commercial Wind Energy Facilities:** Shall mean any Wind Energy Conversion System (WECS) that is designed and built primarily to provide electricity to the electric utility’s power grid. A [Commercial Wind Energy Conversion System \(CWECS\)](#) may be permitted on lots meeting the following minimum lot area standards in the following zoning districts subject to Uses with Specific Standards and Site Plan Approval from the Planning Commission and all of the conditions and requirements of this section are met.

ZONING DISTRICT	MINIMUM SIZE PROPERTY IN ACRES
PS	20 AC
I-1	20 AC

- (D) Sufficient Wind Resources.** An application for installation shall require documentation that the wind resources at the site are sufficient for the operation of the proposed wind turbine. A one-year study of sufficient wind resources shall be included with the application.
- (E) Site Analysis.** Prior to submittal for approval an avian and wildlife impact study and an environmental impact analysis will be required.
- (1)** A copy of an Avian and Wildlife Impact Analysis by a third-party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to

minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- (2) A copy of an Environmental Analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (F) **Setbacks.** Each Wind Energy Facility shall be setback from all property lines, structures, or overhead transmission lines and power poles by a minimum of 1½ time the height of the tower.
- (G) **Maximum Height.** The maximum height from the base to the tip of the blade at its highest point shall not exceed 300 feet. The Planning Commission may increase the height if the following conditions are met:

  - (1) The increased height will result in the preservation of a substantial stand of trees, existing landforms or structures that would otherwise be removed to increase wind velocity.
  - (2) The increased height will not result in increased intensity of lighting due to FAA requirements.
- (H) **Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades shall be no less than 20 feet measured from the ground within one blade radius from the base of the tower.
- (I) **Tower Separation.** Wind turbine separation shall be based on industry standards, manufacturer's recommendation, and the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between turbines of not less than three times the rotor diameter.
- (J) **Noise Levels.** The audible noise level due to Wind Energy Facility operations shall not be greater than 55 (dbA) at the boundary of the proposed project site.
- (K) **Vibrations.** Any proposed Wind Energy Facility shall not produce vibrations humanly perceptible beyond the boundaries of the site on which it is located.
- (L) **Transmission Lines.** All electrical transmission lines connecting the Wind Energy Facility to the public utility electricity distribution system shall be located underground.
- (M) **Shadow Flicker.** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker.

- (N) Electromagnetic Interference.** Any Wind Energy Facility shall be constructed and operated so that it does not interfere with television, telephone (land line and cellular), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator shall be responsible for all mitigation measures necessary to correct the interference problem including relocation or removal of the facility.
- (O) State and Federal Standards.** Any proposed Wind Energy Facility shall meet or exceed all standards or regulations of the [FAA](#), the [Michigan Public Service Commission](#), [National Electric Safety Code](#), [U.S. Fish and Wildlife Service](#), and any other agency of the state or federal government with the authority to regulate wind energy system or other tall structures at the time of Uses with Specific Standards approval is granted.
- (P) Aesthetics and Lighting.** Each Wind Energy Facility shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness and to prevent any visible oxidation or corrosion. The Planning Commission shall approve the color and may determine an alternate color if the facility is suspected of being located within a bird migratory route or if an alternate color would otherwise benefit the Township.

The only allowable light will be in accordance with FAA standards and if possible, shall be a red top light that does not pulsate or blink.

No advertising, company insignia, or graphics shall be on any part of the tower, hub, or blades.

- (Q) Type of Tower.** Each Wind Energy Facility shall be a monopole or monopole style of construction and shall not utilize guy lines.

**(R) Safety and Security.**

- (1)** Each Wind Energy Facility shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. All generator(s) shall be equipped with redundant braking systems.
- (2)** All generator(s) shall be grounded
- (3)** Each Wind Energy Facility shall be designed and constructed in such a manner that access is limited to authorized personnel. All access doors and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present.
- (4)** A sign shall be posted that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

**(S) Site Reclamation.**

- (1) Inoperable.** A wind turbine shall be declared inoperable if it has not

generated power for six (6) months and shall be promptly dismantled and removed from the property.

- (2) **Unsafe.** Any wind turbine that is found to present an imminent physical threat to life or property shall be immediately shut down and repaired or otherwise made safe and certified by a qualified engineer prior to resumption of operation.
- (3) The owner/operator shall remove all equipment, above and below ground, and restore the site to its original condition when the wind turbine(s) is considered inoperable or unsafe.
- (T) **Certificate of Insurance.** Owner/operator shall maintain liability and other insurances for the duration of the use including decommissioning and reclamation of the property. The insurance carrier shall be instructed to notify all applicable governmental authorities of any delinquency in payment of premiums. Failure to provide such insurance shall be considered abandonment and full and sufficient grounds for termination of the Uses with Specific Standards approval and disposal of the equipment as stated herein.
- (U) **Abandonment and Removal.** The applicant shall prepare a decommissioning plan, agreement, and bond for submittal with the Uses with Specific Standards application. The plan must address what improvements shall be removed and what is proposed to remain, including any structures below-grade on the site. The plan shall outline the procedures for those structures and facilities proposed for removal and disposal offsite. The plan shall require that the proposed abandonment and restoration plan must be completed within 180 days of becoming an abandoned wind energy facility.

The owner of a wind energy facility shall be required to inform the Township when any operational system has been determined to be at the end of its operational life, has become obsolete or economically unviable. The Building Official at their discretion, may have a site inspection conducted to determine if a wind energy facility is still functioning within acceptable energy generation standards and inform the owner of the findings. When the owner informs the Township that a facility is no longer functioning or when an inspection has determined that energy is no longer being generated then such a facility shall then be designated for abandonment. Upon such a determination, the applicant shall perform decommissioning and removal of the wind energy facility and all its components as outlined in the approved decommissioning plan and agreement.

- (V) **Restoration Escrow.** Upon Uses with Specific Standards approval, the applicant shall provide to the Township security acceptable to the Township, such as a cash deposit, irrevocable letter of credit, or surety bond, in order to ensure full compliance with this Section and all conditions of approval. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the wind energy facility. The amount shall be determined based on a contractor's estimate to restore the site. The estimate shall be updated every five years and the security shall be increased to cover any

additional costs based on the update. Such financial guarantee shall be deposited or filed with Township Clerk after a Uses with Specific Standards permit has been approved but before construction commences on wind energy facility. Such financial security shall be kept in full force and effect during the entire time that the wind energy facility exists or is in place, and such financial security shall be irrevocable and non-cancelable. Should the facility change ownership, any such change in ownership shall require the new owner to provide the Township with the security described by this section prior to a return of the security to the previous owner.

## Section 4.44 Wireless Telecommunication Facilities

- (A) New Facilities.** New wireless telecommunications facilities, as defined in the [Michigan Zoning Enabling Act](#), shall be permitted by [Uses with Specific Standards](#) approval in all Zoning Districts, regardless of whether a new support structure (tower) will be constructed or not, subject to the following standards:
- (1)** Before constructing a new facility, the applicant must demonstrate that they cannot achieve the needed service improvement by co-locating at an existing facility.
  - (2)** The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why co-location is not possible.
  - (3)** If an owner or operator of an existing tower refuses to allow a co-location, written evidence of the denial of the co-location request must be submitted to the Township, and must include the reason for the denial.
- (B)** To the extent practical, all ground equipment associated with the facility must be enclosed within a locked building.
- (C)** Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.
- (D)** Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
- (E)** Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence.
- (F)** If a new tower is to be constructed for the facility, it shall meet the following standards:
- (1)** The tower must be set back from all property lines by a distance equal to 1.5 times its height unless an applicant can demonstrate that a required fall zone occupies a lesser distance.

- (2) Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.
- (3) The tower must be a monopole design. Guyed and lattice towers are prohibited.
- (4) No signage shall be placed upon the tower structure.
- (5) The tower must be the shortest possible height required to provide the service desired by the applicant. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why the requested height is necessary. The Township may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine for itself whether the requested height is necessary.
- (6) The base of the tower and all associated equipment must be surrounded by a locked, opaque screening fence meeting the standards of the zoning district that the tower is located within.
- (7) The applicant must demonstrate the number of co-location sites that will be available on the tower.
- (8) A structural analysis, signed and sealed by a licensed engineer, must be submitted demonstrating that the proposed tower will be able to support all proposed antennae, including co-locations.
- (9) The applicant must submit renderings or photo-sims of the proposed tower as viewed from the following locations:
  - (a) The nearest public roadway.
  - (b) The nearest residential use.
  - (c) Any other location requested by the Township from which the tower may potentially be visible
- (10) The applicant must pay all required fees, as designated by the Township Board.

**(G) Co-Locations and Modifications to Existing Facilities.**

- (1) Co-locations and modifications to existing facilities shall not require Uses with Specific Standards or Site Plan Approval, except as described in Subsection b, below. The Building Official shall have the authority to approve all co-locations and modifications that meet the standards of this Section and shall be able to request the input and recommendation of the Planner and Engineer at their discretion.
- (2) Under the following circumstances, co-locations and modifications shall

require Uses with Specific Standards approval, regardless of the zoning district they are located in:

- (a) The applicant proposes to increase the height of an existing tower by more than 20 feet, or ten percent of its original height, whichever is greater.
- (b) The applicant proposes to increase the width of the tower by more than the minimum necessary for structural stability given existing and proposed antennae.
- (c) The applicant proposes to increase the ground-level compound to more than 2,500 square feet in area.
- (d) Co-locations and modifications must meet the following standards in order to be approved, either administratively or by Uses with Specific Standards.
- (e) The applicant must submit a structural analysis, signed, and sealed by a licensed engineer, demonstrating that the tower, in its present condition, has the structural capacity to support any proposed new antennae or other tower-mounted equipment.
- (f) The applicant must submit the results of an inspection of the condition of the tower and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the modification of the co-location.
- (g) Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.
- (h) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
- (i) No lighting may be added to the tower unless required by the Federal Aviation Administration.
- (j) Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence. No signage shall be placed upon the tower structure.
- (k) The applicant must pay all required fees, as designated by the Township Board.

**(H) Timeline for Approval.** The Township will comply with all State and Federal

requirements for approval timelines. In the event of changes to Federal or State law, this section shall be void and the laws in place at the time of application shall be followed.

- (1) For new facilities, the Township shall request all required information within 14 business days of the application being filed with the Building Department. The Township shall issue a decision on the Uses with Specific Standards within 90 days of the application being deemed complete by the Township.
  - (2) For modifications and co-locations, the Township shall request all required information within 14 business days of the application being filed with the Building Department. The Building Official shall issue an administrative approval within 60 days of the application being deemed complete by the Township.
  - (3) Once the Township has notified an applicant that an application is incomplete, if the applicant does not provide any new information for 180 days, the application will be deemed to have been withdrawn. Any new information submitted after 180 days shall be deemed a new application for the purposes of this Ordinance and the [Michigan Zoning Enabling Act](#).
- (I) **Abandonment and Removal.** The applicant shall prepare a decommissioning plan, agreement, and bond for submittal with the Uses with Specific Standards application. The plan must address what improvements shall be removed and what is proposed to remain including any structures below-grade on the site. The plan shall outline the procedures for those structures and facilities proposed for removal and disposal offsite. The plan shall require that the proposed abandonment and restoration plan must be completed within 180 days of becoming an abandoned wireless telecommunications facility.

The owner of a wireless telecommunications facility shall be required to inform the Township when any operational facility has been determined to be at the end of its operational life, has become obsolete or economically unviable. The Building Official at their discretion may have a site inspection conducted to determine if a wireless telecommunications facility is still functioning and inform the owner of the findings. When the owner informs the Township that a facility is no longer functioning or when an inspection has determined that the facility no longer functions it shall then be designated for abandonment. Upon such determination, the applicant shall perform decommissioning and removal of the wireless telecommunications facility and all its components as outlined in the approved decommissioning plan and agreement.

- (J) **Restoration Escrow.** Upon Uses with Specific Standards approval, the applicant shall provide to the Township security acceptable to the Township, such as a cash deposit, irrevocable letter of credit, or surety bond, in order to ensure full compliance with this Section and all conditions of approval. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the wireless telecommunications facility. The amount shall be determined based on a contractor's estimate to restore the site.



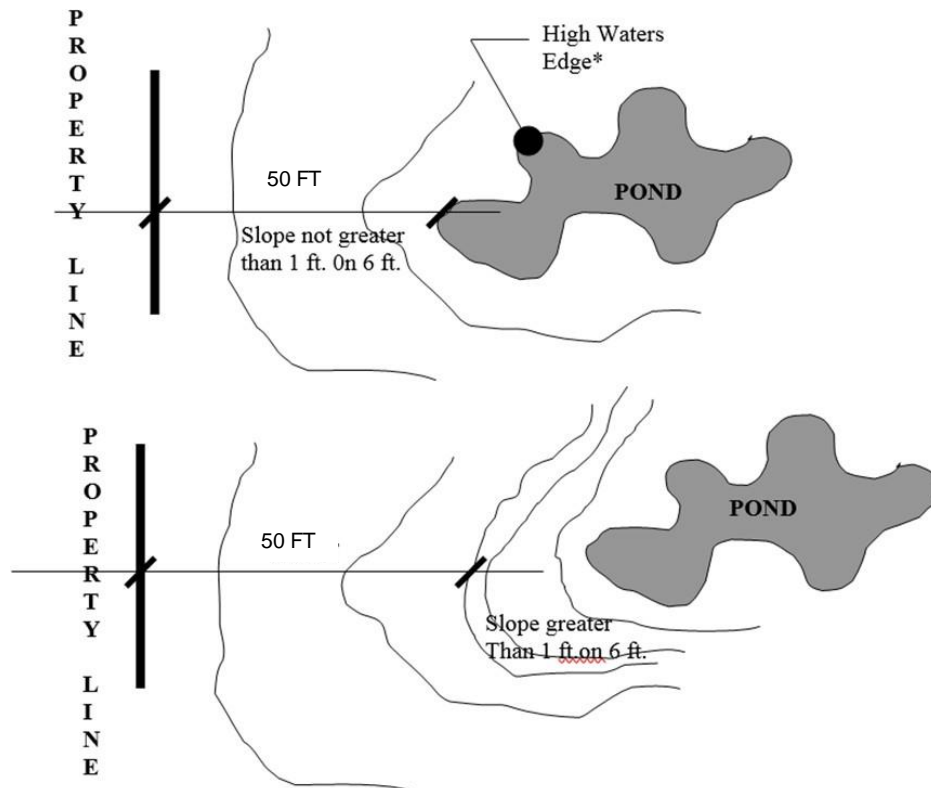
The estimate shall be updated every five years and the security shall be increased to cover any additional costs based on the update. Such financial guarantee shall be deposited or filed with Township Clerk after a Uses with Specific Standards permit has been approved but before construction commences on the wireless telecommunications facility. Such financial security shall be kept in full force and effect during the entire time that the wireless telecommunications facility exists or is in place, and such financial security shall be irrevocable and non-cancelable. Should the facility change ownership, any such change in ownership shall require the new owner to provide the Township with the security described by this section prior to a return of the security to the previous owner.

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# ARTICLE 5: DEVELOPMENT STANDARDS

## Section 5.01 Ponds

- (A) Ponds with all the following characteristics must be secured by totally enclosing the pond or the subject property with a fence which shall be a minimum of four (4) feet in height.
- (1) The pond is greater than four (4) feet in average depth and greater than three hundred (300) square feet in area.
  - (2) The pond is set back less than fifty (50) feet from any property line.
  - (3) The side slopes of the pond are greater than one (1) foot of elevation change for six (6) feet of horizontal distance.
- (B) Ponds that do not meet the description in Section A shall not be required to be enclosed by a fence.
- (C) When determining a required setback from the proposed pond to a property line the setback measurement shall be from the property line to the proposed high



waters edge when the slopes are no greater than 1 ft. elevation change in 6 ft. horizontal distance. When the side slopes are greater than 1 on 6 the measurement shall be from the property line to the point where the grade begins. See illustration.

- (D) All ponds shall be subject to all applicable County, State, and Federal requirements.
- (E) Spoils from the excavation of a pond shall not be removed from the site where the pond is located.
- (F) The excavation of a pond shall not result in a measurable increase in stormwater runoff to adjacent properties.

## Section 5.02 Outdoor Lighting

- (A) **Intent.** The regulations in this section are intended to achieve the goals of the Township's [Master Plan](#) (adopted July 25, 2017): "to minimize light pollution and preserve dark skies to preserve the rural character of the Township and contribute to the public appreciation of the night sky." (Land Use Goals, Goal 1, Objective 8, Page 38.)

These regulations will require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to promote dark skies in all parts of the Township and to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that promotes energy efficiency and conservation in the Township.

- (B) **Definitions.** Words and phrases used in this Section shall have the meaning set forth below. Words and phrases not defined herein but defined in Article 8 shall be given the meanings set forth in Article 8. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

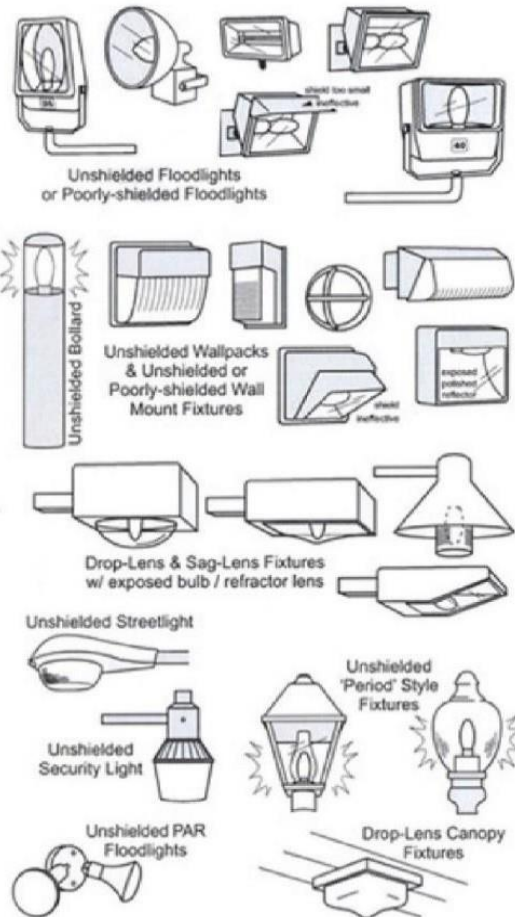
- (1) **Correlated Color Temperature (CCT):** A measure in degrees Kelvin (K degrees) of light's warmth or coolness. Lamps with a CCT of less than 3,200 degrees K are pinkish and considered warm. Lamps with a CCT greater than 4,000 degrees K are bluish-white and considered cool.
- (2) **Diffuser:** A device used to distribute light from a source.
- (3) **Drop Lens:** A type of diffuser which extends below the shield or other opaque element of a light fixture.
- (4) **Fixture:** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), the ballast, housing, and the attachment parts.
- (5) **Footcandle:** Illuminance produced on a surface one foot from a uniform point source of one candela or when one lumen is distributed into an area of

one square foot.

- (6) **Fully Shielded Fixture (also known as “Hidden Source”):** An outdoor lighting fixture that is shielded or constructed so that the source of light is not visible when the fixture is viewed from a horizontal orientation. The light emanating from the fixture shall not emanate above any horizontal plane.
  - (7) **Glare:** Intense and blinding light that reduces visibility. A light within the field of vision that is brighter than the brightness to which the eyes are adapted.
  - (8) **Laser Source Light:** An intense beam of light in which all photons are monochromatic, directional, and coherent.
  - (9) **Light Source:** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” denotes the bulb and its housing.
  - (10) **Light Trespass:** Light falling where it is not wanted or needed (also called spill light).
  - (11) **Luminaire:** A lighting unit consisting of one or more electric lamps with all the necessary parts and wiring.
  - (12) **Lumens:** The unit of luminous flux, equal to the luminous flux emitted in a unit solid angle by a point source of one candle intensity.
  - (13) **Ornamental Light:** Light fixtures designed to provide decorative light, rather than fixtures used to illuminate an area for safety or security reasons. Ornamental lighting is intended to set a mood, create a play of shadows, highlight a given area or element, but is not signage or advertising. This type of lighting is not intended to address the general lighting needs of the site.
  - (14) **Recessed Canopy Fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with, or recessed within, the ceiling.
  - (15) **Rope Lighting:** Lighting that is primarily used as a decorative or ornamental lighting fixture, featuring small light sources linked together and which may be encased in a clear, flexible material so as to create a rope.
  - (16) **Sky Glow:** The effect of multiple lights that creates an unnaturally bright hue in the night sky, obscuring the view of celestial objects and/or negatively affecting bird migration.
  - (17) **Tube Light:** Any light fixture that has the appearance of a “tube” of light, including neon, LED, or other lighting types.
- (C) **Applicability.** The provisions of this Section shall apply to any exterior light fixture installed on any property in the Township.

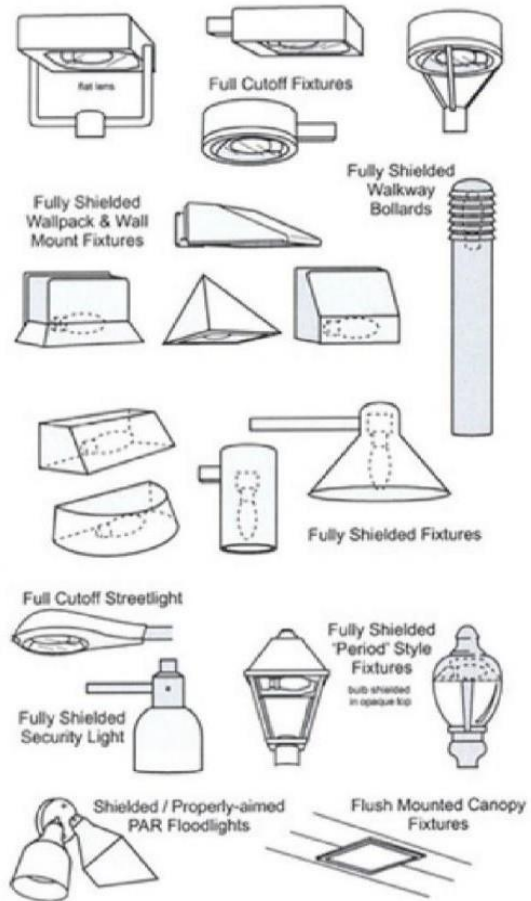
## Unshielded Fixtures Examples

Fixtures that produce glare and light trespass



## Shielded Fixtures Examples

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



BC 903

**(D) Examples of Fixtures.** The following chart shows examples of those unshielded fixtures that are prohibited and those shielded fixtures that are acceptable. The chart is merely to demonstrate options and is not regulatory in and of itself.

**(E) Lighting Zones:**

Table 5.02.E: Lighting Zone Descriptions		
Zone	Description	Zoning Districts
LZ 1	Dark	AG
LZ 2	Low	R-3-A, R-3-B, RMH, Non-Residential Uses in R-1 Districts
LZ 3	Medium	R-1-O, OS, C-1, C-2, C-3, I-1, GM, PS
This table shall not apply to residential uses in the R-1 districts, which shall be subject instead to Sub Sections G and H.		

**(F) Footcandle Standards.** The following table lists the required minimum and maximum footcandles at grade, during the hours of operation for the site, for the various outdoor site areas. A photometric topography map of the lot and all areas within 25 feet of the lot boundaries shall be submitted with all Site Plan applications where outdoor lighting is proposed. Lighting shall not be required in any area not listed below. This table shall not apply to single family homes, which shall instead be subject to the standards of Sub Sections G and H.

Table 5.02.F: Footcandle Standards by Lighting Zone						
Lighting Application	LZ 1		LZ 2		LZ 3	
	Min	Max	Min	Max	Min	Max
Parking lots, plazas, hardscape lighting, driveways, on site private roads, and outdoors sales areas (average must be between minimum and maximum)	0	2.5	1	2.5	2.5	5.0
Sidewalks, walkways, and bikeways (all areas must be between minimum and maximum)	0	1.0	1.0	2.0	2.0	3.0
Building entrances (without canopy) (light level must be between minimum and maximum within five feet of door)	0.5	1.0	2.5	5.0	2.5	5.0
Building entry, drive-up sales, and areas underneath canopies (such as hotel entrances and gas pumps) (average must be between minimum and maximum)	NA	NA	2.5	5.0	2.5	5.0

**(G) General Requirements for other than Single Family Residential Uses**

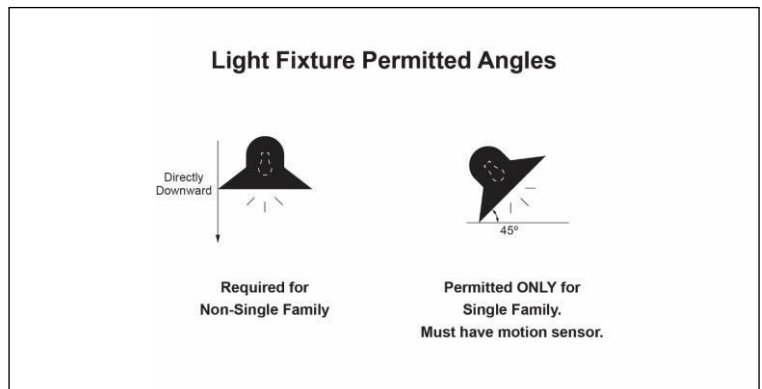
- (1) All non-residential outdoor light fixtures shall be installed and maintained in their directly downward facing position and shielded so as to conceal the source of the light, except as otherwise described in this Ordinance.
- (2) Non-essential lighting on private, non-residential property shall be turned off after business hours, leaving only that lighting that is necessary for security. Site plans shall designate the lights that will remain on after hours for security purposes. Between 11 PM and 6 AM, all outdoor lighting on private, non-residential property shall be either turned off or equipped with a motion sensor ensuring that the light only illuminates when the motion sensor is triggered. Businesses that operate legally between the hours of 11 PM and 6 AM shall be exempt from this requirement.

- (3) In the LZ1 and LZ2 districts, no light produced on a given lot shall trespass onto any adjacent lot. In the LZ3 district, no light produced on a given lot shall trespass more than 25 feet onto any adjacent lot. In all three lighting districts, no light produced on a given lot shall trespass more than 25 feet onto any adjacent right-of-way.
- (4) Gas station canopies and similar structures shall have fully recessed lighting fixtures.
- (5) Lighting poles shall be located in a manner that will not interfere with pedestrian or automobile circulation. Light fixtures shall not exceed 30 feet in height, measured from grade to the bottom of the fixture.
- (6) **Ornamental Lighting:** Ornamental lighting must be a hidden source, and designed to directly illuminate a building, landscaping, or structure (such as public art or a flagpole). Ornamental lighting shall not exceed 350 lumens in illumination. Ornamental lighting shall not have any movement or simulation of movement, nor shall it change color.
- (7) The Building Official shall cause to be removed any light fixture that is in violation of this section.

**(H) General Regulations for Single Family Homes**

- (1) No light fixture shall be installed or operated that causes glare or light on neighboring properties, and no light fixture shall be installed or operated that causes a danger to passing motorists or pedestrians through glare or light intrusion onto a public or private roadway.
- (2) All light fixtures shall be equipped with a shield that conceals that source of the light when the light is in a directly downward facing position.

- (3) All residential outdoor lighting fixtures shall be installed to shine downward. The fixture shall not be tilted at an angle greater than 45 degrees beyond its directly downward facing position. Any fixture tilted at any angle other than its directly downward facing position shall be required to be equipped with a motion sensor.



- (4) The Building Official shall remove or cause to be removed any light fixture that is in violation of this section.
- (5) **Ornamental Lighting:** Ornamental lighting must be a hidden source, and



designed to directly illuminate a building, landscaping, or structure (such as public art or a flagpole). Ornamental lighting shall not exceed 350 lumens in illumination. Ornamental lighting shall not have any movement or simulation of movement, nor shall it change color.

**(I) Prohibited Lighting**

- (1) The use of upward directed decorative light to illuminate a façade for non-residential uses shall be prohibited.
- (2) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited. Drive-in movie theaters shall be exempt from this prohibition, but all projections must be onto approved screens.
- (3) The operation of searchlights for advertising purposes is prohibited.
- (4) Any outdoor light emitting “blue” light, which shall be defined as any light emitted at greater than 5,000 degrees Kelvin on CCT Scale, is prohibited.
- (5) Uplighting of landscaping for non-residential uses is prohibited.
- (6) No light fixture attached to a building may be farther from grade than the highest point of the structure.
- (7) Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement, are prohibited.
- (8) Any light that creates glare (as defined in this Ordinance) outside of the site the fixture is located on, including lights shining from inside a building, must be removed or otherwise mitigated.
- (9) Drop lenses and drop lens diffusers are prohibited.
- (10) Lights that change color are prohibited, except as used in permitted signage.
- (11) Rope lighting, tube lights and strips/ribbons of LED lighting are prohibited, including those located on the interior of a building but designed to be visible through a window.

**(J) Exempt Lighting.** The following light fixtures shall be exempt from this section, including exempt from the list of “prohibited lighting”:

- (1) Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency. Light fixtures may remain in place but may not be activated except for emergencies.
- (2) Lighting that is required by the County, State, or Federal government,

including, but not limited to, airport lighting and lighting of wireless telecommunications facilities, shall be exempt from this section.

- (3) Underwater lighting for fountains, swimming pools, and other man-made bodies of water shall be exempt from the lamp type and shielding provisions of this section but shall comply with all other regulations.
  - (4) Lighting of the U.S. flag, as recommended by the Flag Code, is exempt from this Section, provided that the fixtures must illuminate only the flag. Fixtures in all Lighting Zones shall be shielded. The number of fixtures used to light one U.S. flag shall not exceed three (3). Each fixture shall not be greater than 7000 lumens in LZ 3 and shall not be greater than 5,000 lumens in LZ 1 and LZ 2. Illumination of additional flags in the LZ 3 shall require Uses with Specific Standards approval.
  - (5) Special Temporary Non-Commercial Lighting for Christmas, Halloween, etc., provided it is not in place for more than 90 days.
- (K) **Lighting of Public and Private Roadways.** Lighting of roadways shall be subject to the following requirements only and shall be exempt from all other subsections of this [Section 5.02](#).
- (1) Lighting of State Trunklines and County Primary Roads shall be determined by the Monroe County Road Commission or the Michigan Department of Transportation.
  - (2) Lighting of County Local Roads shall be determined by the Monroe County Road Commission, unless the Planning Commission determines that Subsection 3 should apply to that road.
  - (3) The lighting of private roads shall meet the following standards, by Zoning District. The Planning Commission may also require County Local Roads to meet these requirements.
    - (a) Street lighting in conformance with this section shall be required within all subdivisions or site condominiums where lot widths are less than 100 feet. The Planning Commission may also require street lighting in conformance with this section within any other subdivision or site condominium, or along any other private road.
    - (b) **Light Fixture Design.** Light fixtures 20 feet in height or greater shall be downward facing at a 90-degree angle and shielded so as to conceal the source of the light. Light fixtures under 20 feet in height shall be exempt from that requirement.
    - (c) **Blue Light Prohibition.** Any light fixture emitting “blue” light, which shall be defined as any light emitted at greater than 5,000 degrees Kelvin on CCT Scale, is prohibited.
    - (d) **Pole Height.** Light fixtures in R-1 and R-3 districts shall not exceed 25 feet in height. Light fixtures in all other Zoning Districts shall not

exceed 30 feet in height.

**(e) Lighting Required at Intersections.** Lighting shall be provided at all intersections, including intersections with a pre-existing thoroughfare.

**(f) Pole Spacing.** Light fixtures must be provided as shown in the table below. The required poles at intersections shall count towards this requirement. At each location where a pole is required, there needs only be a pole on one side of the street.

**Table 5.02.K.3.f:**

Zoning District	Maximum Distance between Light Poles (feet)
PS	300
AG	300
R-1-A	200
R-1-B	200
R-1-C	150
R-1-D	200
R-1-E	200
R-1-R	150
R-3-A	200
R-3-B	200
RMH	Shall comply with Section 4.29 and the Michigan Mobile Home Commission.
R-1-O	200
OS	200
C-1	300
C-2	300
C-3	300
I-1	300

**(L) Uses with Specific Standards for Lighting.** Uses listed in this Section may be approved for lighting that does not meet the requirements of this [Section 7.04](#) by Uses with Specific Standards Approval, provided that the Planning Commission determines that they meet the following criteria as well as the general Uses with Specific Standards criteria elsewhere in this Ordinance.

**(1)** The lighting must be accessory to a use for which lighting that does not meet the requirements of this Ordinance is an important and necessary component of the operation of the use, including the following:

- Sport fields and stadiums.
- Bridges.
- Specialized Theme Park lighting.

- Public monuments, public buildings, and religious institutions.
  - Industrial uses where operational needs require lighting that does not meet the requirements of this Section is necessary, in the opinion of the Planning Commission.
- (2) To obtain a Uses with Specific Standards, applicants shall demonstrate that the proposed lighting installation:
- (a) Utilizes fully shielded luminaires and, if required, side shielded and internally shielded luminaires that are installed in a fashion that maintains the shielding characteristics unless certified in writing by a registered engineer or by a lighting certified professional that such shielding is impractical. Where fully shielded fixtures cannot be utilized, acceptable luminaires shall include only those which are installed with minimum aiming angles of 25 degrees upward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire's maximum lumens as certified by independent testing agency.
  - (b) Has received every reasonable effort to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a lighting certified professional describing the mitigation measures.
  - (c) Will not create glare, sky glow, or light trespass.
  - (d) Meets all requirements of this Ordinance in order to be approved for a Uses with Specific Standards.
- (3) The Planning Commission may impose conditions on the Uses with Specific Standards related to the lighting, such as hours of operation, automatic dimmers, etc.

### Section 5.03 Accessory Structures

- (A) **Building Permit.** Accessory Structures greater than 200 square feet shall be reviewed under a building permit and meet the adopted building code standards.
- (B) **Exempt Accessory Structures.** The following accessory structures shall be exempt from the regulations of this section and shall instead be subject to the regulations listed below. Notwithstanding the exemption from this article, all accessory structures shall count towards the maximum lot coverage required in [Article 3](#).
- (1) **Residential Playground Equipment.** Playground equipment on residential lots must be set back at least three (3) feet from all lot lines and shall not be taller than the principal structure on the lot.

- (2) **Attached Porches/Decks.** Attached unenclosed porches and decks shall be subject to the standards in [Sec. 3.02](#) and shall not be considered Accessory Structures under this section.
- (3) **Structures Under 200 Square Feet Without Roofs (Example: Pergola, Detached Deck).** Structures under 200 square feet without roofs shall be exempt from this [Section 5.03](#), except that they must maintain the required setbacks for detached accessory structures (except the required setback from the principal structure, which shall not apply), and shall not be taller than the principal structure on the lot. Fences shall not be considered accessory structures or structures without roofs and shall not be regulated by this Section. Section shall regulate fences [5.04](#).
- (4) **Gas Station Canopies and Similar Structures.** Canopies such as those at gas stations and other uses shall only be permitted in the C-1, C-2, C-3, and I-1 zoning districts, and shall meet the following standards:

  - (a) Canopies may be located in a roadside yard but must be set back at least 15 feet from all lot lines.
  - (b) The height of the top of the canopy roof shall not exceed 20 feet. The height of the bottom of the canopy roof shall not be less than 13 feet, 6 inches off the ground.
  - (c) Lighting on or within the canopy shall comply with [Section 5.02](#).
  - (d) Signs on the canopy shall comply with [Section 5.08](#).
- (5) **Structures Regulated Elsewhere in this Ordinance.** Structures that have specific regulations elsewhere in this Ordinance, including, but not limited to, wireless telecommunications facilities, radio/tv antennas, solar energy facilities, wind energy facilities, and fences, shall be regulated by the relevant section of this Ordinance, which shall supersede this section.
- (6) **Temporary Portable Storage Structures.** On lots where a residential or commercial tenant is vacating the property and needs temporary storage, temporary portable storage structures (such as PODS) may be placed on a lot for up to 30 days without a permit.
- (7) **Temporary Structures During Construction.**

  - (a) **Storage Structure.** A temporary storage structure may be permitted on a lot during an ongoing construction project on the same lot. A permit from the Building Official shall be required prior to the construction of the temporary storage structure. The following requirements must be met:

    - (i) The storage structure shall meet all setback requirements and building height limits for accessory structures in the zoning district where the structure is located, except that the structure

may be located in a roadside yard, provided that it meets the required roadside setback.

(ii) The storage structure shall be removed upon completion of construction. The permit shall expire one year after issuance and shall only be renewed upon demonstration to the Building Official that construction is ongoing and will be completed in a timely manner.

(iii) A \$500 bond must be submitted with the application to ensure the removal of the structure once construction is completed.

(b) **Office.** A temporary office structure may be permitted on a lot during an ongoing construction project on the same lot. A permit from the Building Official shall be required prior to the construction of the temporary office structure. The following requirements must be met:

(i) The office structure shall meet all setback requirements and building height limits for accessory structures in the zoning district where the structure is located, except that the structure may be located in a roadside yard, provided that it meets the required roadside setback.

(ii) The office structure shall be removed upon completion of construction. The permit shall expire one year after issuance and shall only be renewed upon demonstration to the Building Official that construction is ongoing and will be completed in a timely manner.

(iii) A \$500 bond must be submitted with the application to ensure the removal of the structure once construction is completed.

(c) **Dumpster.** A dumpster may be permitted on any property during an ongoing construction project on the same lot. No permit shall be required, but the dumpster must be removed upon completion of construction. The Building Official may require the removal of a dumpster that has been on a lot for more than one (1) year, upon determination that no construction is ongoing on the site.

**(8) Pre-Assembled Structures/Shipping Containers.** The use of a fully enclosed pre-assembled structure/shipping container as a detached accessory structure shall be permitted in accordance with the following standards. No pre-assembled structure shall be permitted as an attached accessory structure or as a primary structure.

(a) **Permit Required.** The use of any form of a pre-assembled structure/shipping container as an accessory structure shall require a zoning permit prior to placement on property.

**(b) Types of Pre-assembled Structures Permitted.** Any fully enclosed structure/shipping container wholly constructed off-site and comprised of durable all-weather material and as defined in the Definitions section may be permitted with Zoning approval. Pre-assembled structures/shipping containers shall comply with all other detached accessory structure ordinance requirements.

**(c) Location.**

- (i)** Pre-assembled detached accessory structures/shipping containers shall be allowed with a permit in the agriculture, residential, commercial, office, and industrial districts as specified in section (8)(d) below.
- (ii)** A pre-assembled detached accessory structure/shipping container shall be located in the rear yard or side yard so that installation and removal may be done without the use of a crane or rig lifting the structure over any other structure. All side yard setbacks of the district must be maintained. Where placement of the structure/container is not possible in the side or rear yard, the Planning Commission may waive the side and rear yard requirements upon demonstration to the Commission that the structure/container is necessary for the use of the property and that no other area practically exists. Any waiver shall be conditioned upon enhanced screening of the structure/container.
- (iii)** A minimum 15-foot-wide access lane to the structure's location shall be provided at all times.
- (iv)** A pre-assembled detached accessory structure/shipping container shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
- (v)** No pre-assembled detached accessory structure/shipping container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

**(d) Size Limitations.**

- (i)** In the Residential districts, a pre-assembled structure/shipping container, measuring no greater than 200 square feet may be placed on a parcel with a permit. The height may not exceed 12 feet and shall not be stacked above the height of a single-story container when used for storage purposes.
- (ii)** The structure/container shall be located on a graded flat surface that provides a stable foundation and be securely mounted to a concrete slab not less than 4 inches thick with a 6-inch wide by 12-inch-deep rat wall.
- (iii)** In an Agriculture or Residential districts, on lots with a minimum lot size of 2 acres, a pre-assembled structure/shipping container, with a maximum size of 40 feet (40' length x 8' width) may be placed on a parcel with a permit. The maximum height of a pre-assembled structure shall be 12 feet and shall not be stacked above the height of a single-story container (when used for storage purposes.)

- (iv) In the Commercial, Office, and Industrial districts, a pre-assembled structure/shipping container, with a maximum size of 40 feet (40' length x 8' width) may be placed on a parcel with a permit. The maximum height of a pre-assembled structure shall be 12 feet and shall not be stacked above the height of a single-story container (when used for storage purposes.)
- (e) **Foundation.** A pre-assembled detached accessory structure/shipping container shall be located on a graded flat surface that provides a solid foundation (road base material/gravel or better).
- (f) **Exterior Facade.** All pre-assembled detached accessory structure/shipping container's exterior facade shall be free from dents, rust, or damage and shall be comprised of materials and colors that match and complement the principal structure on the lot or parcel. All structures/containers shall be painted in a solid color matching the principal structure, shall not display signage or be used for any advertising purpose, and shall be kept clean of all alpha-numeric signage and writing.
- (g) **Ability to Exit.** A door or entry for a pre-assembled detached accessory structure/shipping container shall be designed and installed to allow for any person to open the door from the inside of the structure, e.g., a deadbolt with an interior thumb turn knob. No pre-assembled detached accessory structure/shipping container shall be secured with a padlock or other method of securing the door that cannot be unlocked from the inside of the structure.
- (h) **Utilities.** No electricity or plumbing may be run or connected to a pre-assembled detached accessory structure/shipping container.
- (i) **Fire Code.** Pre-assembled detached accessory structure/shipping container shall not be used to store hazardous materials, as defined by the Township Fire Code.
- (j) **Habitation.** No pre-assembled detached accessory structure/shipping container may be used as living quarters. No livestock or pets may be stored in pre-assembled structure/shipping container.
- (k) **Removal of Deteriorated Structures.** Any pre-assembled detached accessory structure/shipping container which has suffered excessive deterioration, which includes but is not limited to, excessive rusting, corrosion, rot, loss of material or has become unsafe shall be subject to removal of the structure and foundation improvements by the Building Official.

**(C) Standards for Accessory Structures.**

- (1) Accessory buildings and structures may be erected in any zoning district



only as an accessory to an existing Principal Building (which includes being built simultaneously with the construction of the Principal Building).

- (2) Accessory buildings and structures may not be constructed on a lot without a Principal Building.
- (3) An accessory structure shall not remain on a lot where the principal structure has been intentionally demolished with the consent of the property owner, unless construction on a new principal structure begins within one year of demolition. The Building Official may require a removal bond to be deposited prior to the issuance of the demolition permit and may use the bond funds to demolish the accessory structure if no construction on a principal structure has commenced within one year.
- (4) In the event of the destruction of a principal structure by weather, fire, unauthorized demolition, or other circumstances beyond the control of the property owner, any accessory structures on the site may remain in place for up to one year. Within that year, construction must commence on a new principal structure for the site. The Township Board may grant extensions of the deadline to begin construction on a new principal structure upon demonstration of circumstances beyond the property owner's control that are preventing the timely reconstruction of the principal structure.
- (5) **Attached Accessory Structures.** All structures and portions of structures attached to the Principal Building shall be considered an element of the Principal Building and shall therefore comply in all respects with the requirements of this Ordinance that apply to the permitted Principal Building, including but not limited to setback and height requirements, unless specifically stated to the contrary herein. The term "attached" shall mean that the accessory structure is connected by a roof structure to the principal structure.
- (6) **Number of Detached Accessory Structures.**
  - a. On residentially zoned lots which are less than five (5) acres in size, two (2) detached accessory structures are allowed.
  - b. In the AG district, lots greater than three (3) acres shall have no limit on the number of detached accessory structures.
  - c. In all other districts, lots greater than 20 acres in area shall have no limit on the number of detached accessory structures.
- (7) **Construction of Detached Accessory Structures.** Detached accessory structures must be sided with hard, durable materials such as brick, wood, or siding, must have a roof of hard durable materials, and must be permanently affixed to the ground. Structures under 200 square feet in an area shall be exempt from these requirements. Structures over 200 square feet that do not meet these requirements may be erected but shall be considered temporary accessory structures for the purpose of this Ordinance and shall not remain in place for more than 60 consecutive days in a rolling calendar year.

**(8) Size Requirements for Detached Accessory Structures.** For the purposes of this section, the term “footprint” shall mean the ground area covered by the structure, plus the ground area covered by all overhangs, except for overhangs that extend one foot or less away from the exterior wall, in which case those overhangs shall not be included in the calculation of the footprint. The total footprint of all detached accessory structures on a lot (other than those listed as exempt above) shall not exceed the square footage listed in the table below. Each individual detached accessory structure must have a footprint smaller than the footprint of the principal structure (including roof overhangs in both cases). Additionally, detached accessory structures shall count towards the lot coverage requirements in Article 3.

**Table 5.03.B.8:**

Lot Area in Acres	Maximum Total Footprint of Detached Accessory Structures on a Lot
Less than one (1) acres	50% of the area of the rear yard, not to exceed 2,000 square feet
One (1) acre, but less than two (2) acres	2,000 square feet
Two (2) acres, but less than five (5) acres	3,000 square feet
Five (5) acres, but less than ten (10) acres	4,000 square feet
Ten (10) acres, but less than fifteen (15) acres	6,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	8,000 square feet
Twenty (20) acres or more	Unlimited

**(9) Height Restrictions for Detached Accessory Structures.** On lots smaller than one acre, no detached accessory structure shall exceed 20 feet in height. On lots between two (2) and four (4) acres, no detached accessory structure shall exceed 30 feet in height, or the height of the principal structure on the lot, whichever is greater. On lots greater than five (5) acres, no detached accessory structure shall exceed 35 feet in height.

**(10) Setback Requirements for Detached Accessory Structures.**

- (a)** Detached accessory structures must be located in a rear yard, except in the following circumstances:
  - (i)** On lots abutting Lake Erie, detached accessory structures shall be located in the roadside yard, but must meet the roadside setback requirement for principal buildings.
  - (ii)** On lots where the placement of detached accessory structures is encumbered by a utility easement, a detached accessory may encroach into the side yard by the minimum amount necessary to comply with the requirements of the utility easement, provided

that the following requirements are met.

- (iii) The accessory structure meets all required setbacks of this Ordinance, including the required setback from the principal structure.
  - (iv) The accessory structure must be set back at least 5 feet behind a line even with the front wall of the principal structure on the same lot and 5 feet behind a line even with the front wall of the nearest principal structure on an adjacent lot.
- (b) Setbacks shall be measured from the nearest wall of the detached accessory structure, except in the case of structures without walls (gazebos, etc.), in which case they shall be measured from the closest element of the structure.
- (c) Detached accessory structures shall be set back in accordance with the following table.

**Table 5.03.B.10.b:**

<b>SETBACKS</b>					
<b>Zoning District</b>	<b>From Principal Building</b>	<b>From Side Lot Line</b>	<b>From Rear Lot Line</b>	<b>From Other Accessory Building or Structure</b>	<b>From Body of Water*</b>
<b>PS</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>AG</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>R-1-A</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>R-1-B</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>R-1-C</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>R-1-D</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>R-1-E</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>R-1-R</b>	10 feet	3 feet**	3 feet**	5 feet	50 feet
<b>R-3-A</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>R-3-B</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>RMH</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>R-1-O</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>OS</b>	10 feet	5 feet	5 feet	5 feet	50 feet
<b>C-1</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>C-2</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>C-3</b>	10 feet	10 feet	10 feet	10 feet	50 feet
<b>I-1</b>	10 feet	10 feet	10 feet	10 feet	50 feet

\*For the purposes of this chart, “bodies of water” shall include all naturally occurring lakes, rivers, streams, and ponds, including but not limited to Lake Erie, River Raisin,

Stoney Creek, Sandy Creek, and Swan Creek. "Bodies of water" shall not include manmade water bodies, including but not limited to retention ponds, farm ponds, and quarries.

\*\*Swimming pools in the R-1-R district must be at least 5 feet from all side and rear lot lines.

**(11) Accessory Dwelling Units.** Detached accessory structures shall not contain dwelling units.

## Section 5.04 Fences

Fences and Obscuring Walls shall be permitted in all zoning districts, subject to the following standards:

- (A)** No fence shall exceed seven (7) feet in height.
- (B)** No fence in a required roadside yard shall exceed four (4) feet in height. On lots with multiple street frontages, all yards abutting street frontage shall be considered roadside yards.
- (C)** Fences in a required roadside yard shall be at least 75% transparent. There must be three (3) times as much see-through or empty space for every square inch of fence material. Space between the top of the fence and a line four (4) feet from grade may be considered "empty space."
- (D)** Clear corner vision as described in Section 3.03 must be maintained at all intersections of roadways or driveways.
- (E)** No structure shorter than three (3) feet tall shall be considered a fence. Structures shorter than three (3) feet tall shall be considered landscaping.
- (F)** Pool fences shall comply with the requirements of the Building Code. If the Building Code requirements conflict with the requirements of this Ordinance, the Building Code requirements shall apply.
- (G)** Fences that enclose animals must be designed sufficiently to prevent the animal from escaping the enclosure, subject to approval by the Building Official.
- (H)** Barbed wire or any other sharp point or instrument designed to prevent access and located on the top or on the side of any fence shall only be permitted in the AG, I-1, and PS districts where the parcel's principal use is not residential.
- (I)** Electrified fences are only permitted in the AG, I-1, and PS districts where the parcel's principal use is not residential. This section shall not apply to invisible electric fences designed to enclose animals.
- (J)** For lots abutting Lake Erie, regardless of Zoning District:

- (1) Fences in a lakeside yard shall be at least 75% transparent, as defined in Section 5.04.C above.
  - (2) No fence shall be permitted in the required lakeside yard, which is a fifty (50) foot setback from break wall, or if there is not a break wall, the Ordinary High-Water Mark, as defined in [Section 8.03](#).
  - (3) Notwithstanding the above, property owners at the edge of a plat may erect a fence up to seven (7) feet tall that extends to the Lake Erie edge of the break wall. The fence must be 75% transparent as defined in Section 5.04.C above, and space between the top of the fence and a line seven (7) feet from grade may be considered “empty space.”
- (K) **Conflicts.** In the event of a conflict between this section and another regulation or standard in this ordinance, the specific standard, not this section, shall apply. In cases where the Ordinance requires fencing for screening or security, the Township may permit the fence to exceed the standards of this section, if needed to achieve a screening or security goal.

## Section 5.05      Off-Street Parking and Loading

### (A) Off-Street Parking Requirements

- (1) **General Applicability.** In all zoning districts, off-street parking facilities for the parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of newly erected buildings, altered buildings, or extended buildings shall be provided and maintained in accordance with this Article.
  - (2) **Change in Use.** Parking facilities shall be provided in accordance with this Ordinance whenever the existing use of a building, structure or parking lot is changed. A change in use shall be deemed to have occurred after either the site has been vacant for six months OR a use begins operation that is classified by the Township under a different category under this Zoning Ordinance than the previous use. Any waivers from this section which may have been approved for an existing lot prior to this proposed change will not be applicable.
  - (3) **Increase in Floor Area.** When the intensity of use for a structure existing prior to the effective date of this Ordinance is increased by adding more dwelling units, floor area, seating capacity, or other similar means, additional off-street parking shall be provided. The parking facility (existing and additional) shall be brought into compliance with the requirements of this Ordinance.
- (B) **Existing Parking Facilities.** Off-street parking facilities existing at the effective date of this Ordinance which do not meet the requirements of this Ordinance and serve an existing use shall be declared as non-conforming and may continue to

be used thereafter provided the size of the off-street parking facility, parking bay, and aisles are not reduced below the requirement of this Ordinance. Modifications in the existing use resulting in change of use or increase of floor area will require modification of the off-street parking facility consistent with this Article.

**(C) Parking Space vs. Loading Space, Stacking Space, and Storage Space.**

- (1) Loading space as required in [Section 5.06](#), stacking or drive-through spaces as required in Article 4, and parking spaces as required in [Section 5.05.G](#) shall be considered separate and distinct requirements and as such shall be treated as separate components on the proposed site plan. In no case shall one component be construed as meeting the requirement of one of the other required components.
- (2) For the purposes of this Ordinance, parking space is considered to be a distinct and different use from storage space. A parking space shall be a designated area for use by an owner, occupant, employee, or patron of the business, office, industrial, residential, or other use of the property. The parking space is intended to permit said persons to leave their automobile for a temporary period to utilize the facility. A storage space is intended to be used to place or leave an automobile for preservation or later pickup or disposal

**(D) Site Plan Approval – Building Permit.** A building permit will be required for the construction of any driveway or parking lot constructed of hard surfaced materials.

Any proposed parking lot shall be shown on a site plan submitted to the Township for approval. If the proposed parking lot is not part of a development which must receive site plan approval, the owner, developer, etc. must submit a parking development plan to the Building Department, consistent with the requirements of this Ordinance.

**(E) General Requirements.** In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed.

**(1) Parking Location**

- (a) Single-Family, Two-Family Dwellings.** Parking facilities for one- and two-family dwellings shall be located on the same lot or parcel as the dwelling they are intended to serve. Said facilities shall consist of a parking strip, parking space, and/or garage. No parking shall be permitted elsewhere on the lot or on abutting public right-of-way except upon a paved street where such parking is otherwise permitted. No parking is permitted on lawns (both private property and right-of-way). Paved or gravel parking areas shall not exceed thirty-five (35%) percent of the total area of the roadside yard.
- (b) Other Residential Including Multiple Family.** The off-street parking facilities for other residential uses, including multiple family, shall be located on the same lot or parcel as the building they are intended to serve. In the case of multiple family residential and similar uses where

there are a number of buildings on one parcel, the required parking shall generally be located within three hundred (300) feet of the building for which the specific parking facility is intended. Parking facilities shall not be closer than twenty (20) feet from any multiple family residential structure. Parking in the public right-of-way shall only be permitted in accordance with the regulations of the agency with jurisdiction over the right-of-way, and parking in the public right-of-way shall not count towards the minimum parking requirement for a given use.

- (c) **All Other Uses.** The off-street parking facilities for all other uses shall be located on the same lot, parcel, or site as the building they are intended to serve, except that the Planning Commission may approve parking on another site within 300 feet of the building for which the parking is intended. Parking in the public right-of-way shall only be permitted in accordance with the regulations of the agency with jurisdiction over the right-of-way, and parking in the public right-of-way shall not count towards the minimum parking requirement for a given use.
- (d) **Exemptions.** Whenever the Township Board establishes off-street parking facilities by means of a special assessment district or other means, or when the Board approves a joint off-street parking facility cooperatively developed by a number of property owners, after recommendation by the Planning Commission, the Board may determine upon completion of said facility that all buildings erected or uses established thereafter within the special assessment district(s) or on properties owned by the cooperating property owners at the time of completion of the facility, shall be exempt from the requirements of this Section for supplying off-street parking facilities on their individual lot, parcel, or site.

## (2) Parking Restrictions

- (a) It shall be unlawful for any person, firm, partnership, or corporation to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, and/or trustee of said property.
- (b) It shall be unlawful for any person, firm, partnership, or corporation to park or store any motor vehicle on private or public parking lot with or without the consent of the owner, holder, occupant, lessee, agent, and/or trustee of said parking lot unless said parking lot is in compliance with all the requirements of the Township Zoning Ordinance.
- (c) It shall be unlawful for any person, firm, partnership, or corporation to park or store any motor vehicle used in the operation of the business on a private or public parking lot with or without the consent of the owner, holder, occupant, lessee, agent, and/or trustee of said parking

lot unless said parking location has been reviewed and approved by the Planning Commission.

- (3) Collective Parking Facilities** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that the following requirements are met:
- (a)** The total required amount of parking shall be calculated by taking 70% of the requirement for each use (as listed in [Section 5.05.G](#)) and adding them together. Thus, for uses X, Y, and Z, the requirement shall be 70% of the requirement for X, plus 70% of the requirement for Y, plus 70% of the requirement for Z.
  - (b)** At the time of Site Plan Approval, the applicant must demonstrate, to the satisfaction of the Planning Commission, that all proposed uses can operate efficiently with a reduced number of parking spaces.
  - (c)** The uses in question must have a written agreement or other set of written rules governing the joint management of the parking lot, including maintenance, cross-access between parcels, and any reserved spaces for any individual use.
- (4)** The Planning Commission may permit a reduction in the total number of parking spaces required provided that sufficient space is allocated on the site for future parking expansion (“banked parking”). The future parking expansion area must not include any structures or required landscaping.
- (5)** Any property owner may allow the temporary use of a parking lot for overflow from a use within 500 feet, under the following conditions:
- A written agreement between the two property owners must be submitted to the Township.
  - The overflow parking must be limited to no more than 12 hours per week.
  - The overflow parking area must be paved and must meet the standards of this Ordinance and the Township’s [Engineering design standards](#).
- (6) Use of a Parking Lot Restricted.** It is the intent of this Ordinance to clearly indicate that a parking lot facility is designed for the temporary parking of non-commercial motor vehicles. It shall be unlawful for any person, firm, partnership, or corporation to park or store any motor vehicle used in the operation of the business on a private or public parking lot with or without the consent of the owner, holder, occupant, lessee, agent, and/or trustee of said parking lot unless said parking location has been reviewed and approved by the Planning Commission. The storage of merchandise wrecked or junked cars, inoperable motor vehicles, unlicensed vehicles, sale of motor vehicles or other merchandise, or repair of motor vehicles is prohibited. Emergency services required to start or move a motor vehicle are permitted.
- (7) Parking Duration.** Except when land is used as a storage space in direct



connection with an approved use such as a repair or service garage, a maximum eighteen (18) hour time limit for parking in a non-residential off-street parking area shall prevail.

- (8) Barrier-Free Parking Spaces.** Barrier-free parking spaces are required and included as part of the total parking space requirement of this Ordinance. A barrier-free parking space shall be a minimum of 96 inches wide (eight feet) and 240 inches (20 feet) long with an access aisle minimum width of 60 inches (five feet) for standard accessible spaces, and 96 inches (eight feet) for van-accessible spaces. Barrier-free parking spaces shall comply with the State of Michigan Building Code including Barrier-Free Design, Michigan Public Act No. 1 of 1966 MCL 125.1351 et seq. as amended, and the Township Building Code. The number of barrier free spaces must also meet the State requirement.

Barrier-free spaces shall be located as close as possible to elevators, ramps, walkways, and entry areas. The accessible route connected to the access aisle shall be a minimum of 36 inches (three feet) wide. Where a curb exists between a parking lot and sidewalk, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than five (5) feet shall be provided for wheelchair access.

- (9) Extension of Building Into Existing Parking Lot.** Nothing in this Ordinance shall prevent the extension of or addition to an existing building into an existing parking area provided a new parking lot or area shall be constructed which provides parking in an amount sufficient to meet the requirements of this Ordinance for the new building square footage.

- (10) Continuing Parking Obligation.** The schedule of requirements for off-street parking space applicable to newly erected or altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and requires vehicle parking. It shall be unlawful for an owner of any building affected by this Ordinance to discontinue, change, or dispense with, or to cause the discontinuance, sale, or transfer of the structure, without establishing alternative parking space which meets with the requirements of and is in compliance with this Ordinance. It shall also be unlawful for any person, firm, or corporation to use such a building without acquiring land for vehicle parking which meets the requirements of and is in compliance with this Ordinance.

- (F) Off-Street Parking Development Regulations.** The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and this Section and such construction shall be completed and approved by the Building Official and the Township Engineer before actual use of the property as a parking lot and before a certificate of occupancy is issued for the building the parking is intended to serve. Plans for the development of any parking lot must be submitted to the Building Official, in compliance with the [Engineering Design Standards](#) Ordinance and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot in accordance with Township site plan requirements.

The plans shall be prepared in a form consistent with this Ordinance and the Township [Engineering Design standards](#) by a registered civil engineer and shall reflect conformance with the following provisions.

- (1) All off-street parking lots providing space for more than four (4) vehicles, except those for single family homes, shall comply with the following development regulations prior to the issuance of any Certificate of Occupancy, except as specifically stated otherwise herein;
- (2) Plans for the development of any parking lot shall be submitted as part of the approval process designated by the Township Building Official for the overall development of the site (Either Administrative or Planning Commission review and approval). The plans and construction must be in accordance with the [Engineering Design Standards Ordinance](#). The construction of the entire parking lot shall be completed to the satisfaction of the Building Official before a Certificate of Occupancy may be issued. In the event that due to inclement or cold weather conditions said parking lot cannot be paved or constructed, a six (6) month temporary certificate of occupancy can be issued by the Building Official provided a cash deposit or irrevocable letter of credit is deposited with the Township Treasurer equivalent to one hundred and ten percent (110%) of the cost of construction of the parking lot, as determined by the Building Official. The cash deposit or irrevocable letter of credit shall be forfeited if said parking lot is not fully completed within said six (6) month period.

The cash deposit or irrevocable letter of credit shall be accompanied by a fully executed contract prepared and reviewed by the Township Attorney. The contract shall clearly indicate that the forfeiture is to pay for the completion of the pavement of the parking lot and the agreement shall grant the Township and its agents the right to enter the property and complete the pavement of the parking lot.

- (3) Adequate but reasonably limited points or means of ingress and egress shall be provided and shown in the plan submitted. All such egress/ingress points shall be designed and developed consistent with the engineering standards of the Township and the agency having jurisdiction for said egress/ingress i.e., M.D.O.T., Monroe County Road Commission.
- (4) Such parking lots shall be consistent with the requirements of the Township [Engineering Design Standards](#) Ordinance. No surface water shall be allowed to drain onto adjoining properties.
- (5) Curbing or other means approved by the Planning Commission or Building Official must be provided and maintained throughout the parking lot to assist in defining circulation patterns, separate paving areas from landscape areas, provide protection for the public, and provide protection for adjoining properties, streets, and sidewalks.
- (6) Entrance to parking areas shall be only from the principal use being served or adjoining right-of-way, unless otherwise approved by the Planning Commission.

- (7) All parking lots must be paved with asphalt, concrete, or permeable pavers designed to meet the Township’s [Engineering Design Standards](#), except in the AG and R-1-E districts, where parking lots may be gravel.
- (8) All approaches to paved public roads must be paved between the connection to the road pavement and the right-of-way line, regardless of whether or not the connecting parking lot is paved.
- (9) Plans for the layout of the parking spaces and aisles shall be in accordance with the following minimum regulations.

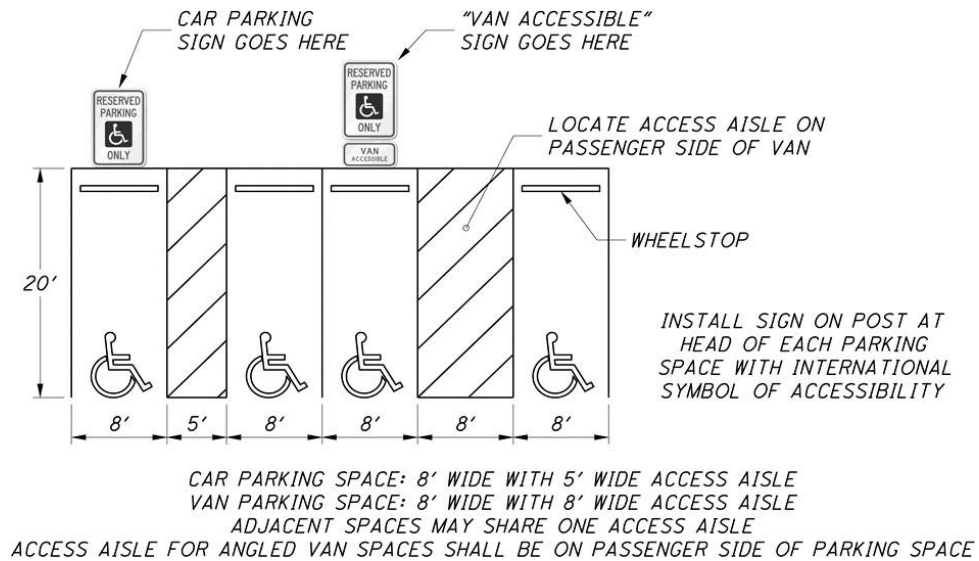
**Table 5.05.F.9:**

Dimension (in feet)	Stall Angle			
	45°	60°	75°	90°
A. Stall Depth to Wall	20.9	22.1	21.8	20
B. Stall Depth Parallel to Vehicle	20	20	20	20
C. Aisle Width	14	18	22	24
D. Stall Depth to Interlock	17.5	19.7	20.5	20
E. Stall Depth Reduction Due to Interlock	3.4	2.4	1.2	0
F. Stall Width (Parallel to Aisle)	13.4	11	9.8	9.5
G. Stall Width Perpendicular to Vehicle	9.5	9.5	9.5	9.5
H. Module Width Wall to Wall	55.7	62.1	65.6	64
I. Module Width Interlock to Interlock	49	57.4	63.1	64

Table 5.05.F.9 Notes:

- For bumper overhang deduct 1.5 feet from stall depth to wall or 3 feet from wall to wall for 45° and 60° parking. Deduct 2 feet from stall depth to wall or 4 feet from wall to wall for 75° and 90° parking.
  - Where natural and/or man-made obstacles, obstructions, or other features, such as but not limited to landscaping, support columns or grade differences exist, the Township Engineer may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle access must be considered and incorporated into the parking lot design.
- (10) The minimum parking space dimension for any development not provided for in the preceding table shall be: (1) 9.5 feet in width, (2) 20.0 feet in length, and (3) 190 square feet in area.

All parking facilities and business establishments shall keep the exterior lot and parking areas free of paper, flying debris, equipment, merchandise and other items and products.



(11) All parking lots shall be striped and maintained showing the individual parking bays. Said strips shall conform with the minimum layout requirement as required in this Section and as designated on the approved plan.

(12) Curb cuts to access parking lots from public roads must be spaced apart by at least a distance equal to the minimum lot width of the Zoning District the parcels are located within (see [Article 3](#)). If the parcels are located in two different zoning districts, then the larger lot width shall govern. In the event that a curb cut cannot be built for a given parcel, then access shall be obtained using a shared access agreement with a neighboring parcel. If that is not possible, the Planning Commission may grant a waiver from this requirement.

**(13) Electric Vehicle Charging Stations.**

- (a) Up to five (5) electric vehicle charging stations may be installed in any parking lot. Additional charging stations beyond the first five (5) are permitted, but for each charging station beyond the first five (5), an additional parking space must be added elsewhere on the lot to replace the space with the charging station.
- (b) Shall not be considered accessory structures, nor shall they be subject to setback requirements.
- (c) The placement of the electric vehicle charging stations shall not interfere with the orderly and safe navigation of the parking lot by vehicles and pedestrians and shall not cause parking spaces or drive aisles to be reduced in size below the minimum dimensional requirements.

**(G) Minimum Required Parking Spaces**

- (1) General Minimums.** For all uses not listed in subparagraph (2), (3), or (4) below, the following minimum number of parking spaces shall be required. Fractions of spaces shall always be rounded up.

**Residential Uses:** Two (2) parking spaces per dwelling unit

**Commercial Uses** (excluding restaurants and bars): One (1) parking space per 300 square feet of gross floor area.

**Industrial Uses:** One (1) parking space per 500 square feet of gross floor area

- (2) Specific Use Requirements.** The following uses shall have the following minimum parking requirements. Fractions of spaces shall always be rounded up.

Bed and Breakfast	1.2 spaces per guest room
Car Wash	5 spaces, in addition to stacking spaces
Seasonal Roadside Stands	5 spaces
Gas Station	1 space per pump. Parking spaces adjacent to pumps shall not be considered sufficient to comply with the parking requirement for any accessory commercial uses or vehicle repair.
Gun Range (Indoor or Outdoor)	1.2 spaces per firing bay
Hotel	1.3 spaces per guest room
Hospitals	4.75 spaces per hospital bed
Houses of Worship	One space per three people in the capacity of the worship space, plus required spaces for accessory uses
Indoor Self-Storage	10 spaces, plus the minimum distance between buildings containing units shall be 37 feet, in order to allow for parallel parking adjacent to units.
Municipal/Public Buildings	Shall be considered Commercial Use for the purpose of parking requirements

Outdoor Sales Space (Non-Vehicle)	1 space per 500 square feet, in addition to the requirement for the indoor sales space
Restaurants and Bars	1 space per 150 square feet of gross floor area
Senior Housing	1.2 spaces per dwelling unit
Theaters (Indoor)	One space per 2 people in the total seating capacity of the facility
Truck Stop/Travel Plaza	The total of the minimum parking requirement for all component uses (gas station, vehicle repair, retail, etc.)
Vehicle Repair	Two spaces per service bay. Spaces may not be used to store cars waiting to be serviced.
Vehicle Sales	1 space per 1,500 square feet of outdoor display space, plus the required number of spaces for the indoor space.

**(3) Requirement to Be Determined During Approval.** In the case of the following uses, the applicant shall provide a proposed number of parking spaces, along with a justification based on the specifics of the use, for review by the Planning Commission. The Planning Commission may choose to accept or alter the proposal. The purpose of this flexibility is to acknowledge that these uses may vary significantly in terms of their size and scope, and therefore vary in their parking needs.

- Agri-Tourism
- Airports
- Alcohol/Drug Rehab Center
- Bus Station
- Campground
- Cemetery
- Child Care Facilities
- Composting Facilities
- Concrete Plants
- Essential Service
- Greenhouses
- Hazardous Substances Storage
- Institutions of Higher Education
- K-12 Schools
- Kennels
- Lumber Yards
- Marinas

- Mineral Mining
  - Parking Lots with No Other Principal Use
  - Parking Structures
  - Power Plant (Non-Wind or Solar)
  - Private Recreation (Indoor or Outdoor)
  - Public Recreation
  - Temporary Outdoor Events and Sales
  - Theaters (Outdoor/Drive In)
- (4) **No parking requirement.** In the case of the following uses, there shall be no minimum parking requirement.
- Agriculture
  - Keeping of Animals
  - Outdoor Storage
  - Radio/TV Transmitters
  - Solar Panel Arrays
  - Wind Energy Facilities
  - Wireless Telecommunications Facilities
- (5) **Pick-Up Space Bonus.** Because pick-up spaces for online ordering reduce the overall parking needs of a retail facility, each such space shall count as 1.5 spaces towards the minimum parking requirement. This provision shall not apply to carry-out spaces at restaurants.
- (6) **Waivers and Alterations.** The Planning Commission may waive or alter the minimum number of parking space requirement upon determining that the parking required by the Ordinance is excessive or unnecessary. The following criteria shall be used in making the determination.
- (a) The presence of nearby public transit stops, sidewalks, and/or bicycle paths.
  - (b) A demonstration by the applicant, to the Planning Commission's satisfaction, that the use can operate with less parking than would otherwise be required.
  - (c) Opportunities for banked parking, or other future expansions of the parking lot. The Planning Commission may require a specific area of the lot to be set aside for banked parking and may impose triggers that require the construction of the banked parking, or may authorize the Building Official to require the banked parking to be constructed, upon a determination that the parking on the lot has become insufficient for the use.

## Section 5.06 Off-Street Loading Requirements

- (A) Loading spaces shall be located on site and shall not interfere with public use of the streets, alleys, or any required access aisles for off-street parking areas.

- (B) Loading and unloading space shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, having paving suitable for the zoning district wherein located, and shall be provided according to the following schedule:

**Table 5.06.B:**

Gross Floor Area	Loading and Unloading Spaces Required in Terms in Square Feet of Square Feet of Gross Floor Area
0 - 2,000	None
2,000 - 20,000	One Space
20,000 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,000 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

- (C) The Planning Commission may modify or waive the requirement for off-street loading areas upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

## Section 5.07 Non-Motorized Pathways

- (A) **Purpose and Intent.** The purpose and intent of this section is to implement the Township [Master Plan](#)'s goal of improving non-automobile mobility throughout the Township, particularly through the construction of non-motorized pathways or sidewalks adjacent to major corridors in the most densely developed parts of Frenchtown. Constructing these pathways will promote safety, public health, and economic vitality for the corridors they are required along.
- (B) Non-motorized pathways must be constructed along the road frontage of parcels fronting the following roadways, within the areas listed. This requirement shall be enforced on any property within the designated sidewalk/pathway areas at the time of any physical improvement to the site requiring site plan approval from the Planning Commission, including any request for a Conditional or Uses with Specific Standards on the property. The Planning Commission may also require Pathways in other areas that they deem necessary and in accordance with the Township Non-Motorized Plan. All Pathways must comply with the requirements of this section.
- (1) Telegraph Road south of LaSalle Road.
  - (2) North Monroe Street south of LaSalle Road.
  - (3) Stewart Road between Blue Bush Road and North Monroe Street.
  - (4) Cole Road between North Monroe Street and Vivian Road.
  - (5) North Dixie Highway.



- (6) Any secondary street frontages adjacent to a parcel that abuts one of the roads listed above.
- (C) Where required, pathways shall be built to the following specifications:
- (1) May be constructed on private property or within the public right-of-way, if approved by the [Monroe County Road Commission](#).
  - (2) Must be at least five feet in width, except on the west side of Telegraph Road, north of Stewart Road, where a 10-foot-wide path shall be required and other areas in accordance with the Township Non- Motorized Plan.
  - (3) Must be paved, graded, and otherwise designed in accordance with the Township [Engineering Design Standards](#) for sidewalks and walkways.
  - (4) Must connect seamlessly to pathways on adjoining properties, including tapering if the width of the adjoining pathway is different.
  - (5) Must cross any drains, creeks, or drainage ditches on the property using a bridge designed adequately for the safety of pedestrians.
- (D) Property owners who build pathways as required under this section shall grant a permanent easement for access by the general public over the sidewalk. Maintenance of the sidewalk, including snow clearing, shall be the responsibility of the property owner, including for sidewalk located within the public right-of-way.
- (E) **Delayed Construction Option.** At the time of Site Plan Approval, for any parcel where a pathway is required but where no adjacent parcel has constructed a parcel or sidewalk, the applicant may opt to dedicate an easement for access by the general public of sufficient width to build the required pathway in the future. The easement must not be encumbered by parking, signage required landscaping, or any other physical feature that would prevent the construction of the pathway in the future. Any property on which such an easement has been dedicated shall vote “yes” on any proposed Special Assessment District to build non-motorized pathways that would impact the property in question. The required “yes” vote shall be included in the easement language.

## Section 5.08 Signage

This section is intended to protect and promote the health, safety, and welfare of the residents of Frenchtown Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

(A) For the purposes of this section, the following terms shall have the following meanings. For all terms not defined in this section, the definitions in Article 8 shall apply. For all terms not defined in [Article 8](#), the definition in the most recently published version of the Merriam-Webster Dictionary shall apply.

- (1) **Architectural Feature.** An integral element of a building that does not contain any discernable message.
- (2) **Architectural Gateway Element.** A structure constructed at the entrance to a neighborhood, multi-family residential complex, business park, public park, or other similar complex that contains architectural features designed to attract attention to the entranceway.
- (3) **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable message.
- (4) **Awning.** A roof-like cover intended to shade a window or door opening or provide protection from the weather which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building. Awnings may or may not be constructed so as to be raised or retracted to a position against the building when not in use. No structure that extends beyond a roofline shall be considered an awning for the purposes of this Ordinance.
- (5) **Building Frontage.** Any side of a building that either has a public entrance to the building or is visible from a public road or public parking lot. For the purposes of this section, “frontage” the definition in [Section 8.03](#). shall not apply.
- (6) **Business.** Any non-residential use occupying physical space on a lot, regardless of whether the use operates for a profit or not, regardless of whether the use is in the public or private sector, and regardless of whether the use is open to the general public. This definition shall only apply within this section.
- (7) **Canopy.** A structure with a roof and support posts, but no walls. A canopy shall not be attached to a building. This definition shall apply only within this section.
- (8) **Commercial Signs.** Signs that contain advertising for a product, service, or a business that offers products and services. The logos of educational institutions, units of government, and/or sports teams shall not be considered advertisements.
- (9) **Directional Signs.** Signs are located on a site in such a way as to direct pedestrian and/or automobile traffic through the site.
- (10) **Drive-Thru Service Window.** A window used for serving a product directly from a building to customers in a car.

- (11) **Electronic Messaging.** The use of changing lights or video screen(s) to form a sign message or messages in text or graphic or video display form wherein the messages and the rate of change can be modified by electronic process.
- (12) **External Illumination.** Lights designed to illuminate a sign that is not located within the sign itself.
- (13) **Flag.** A piece of non-rigid cloth that is not used as a commercial sign. This definition shall only apply within this section.
- (14) **Footcandles.** A unit of illuminance on a surface equal to one lumen per square foot.
- (15) **Freestanding Sign.** A sign supported by a base placed in or upon the ground and not attached to any building or other structure.
- (16) **Garage Sale Sign.** A temporary sign placed on residential property during a short-term sale of second-hand goods on the residential property.
- (17) **Government Sign.** Signs erected by or on behalf of or pursuant to the authorization of a government body.
- (18) **Internal Illumination.** Lights designed to illuminate a sign from within the sign itself.
- (19) **Main Pedestrian Entrance.** An entrance to a building where the general public is welcome to enter. If a building has multiple entrances where the general public is welcome, then the applicant shall designate a Main Pedestrian Entrance on the application for a sign permit.
- (20) **Marquee Sign.** A projecting sign that is taller, wider, or otherwise larger than the permitted maximum size for a projecting sign in this ordinance.
- (21) **Mural.** See “Artwork.”
- (22) **NIT.** A unit of luminance equivalent to one candela per square meter.
- (23) **Non-Commercial Signs.** Signs that do not contain advertising for a product, service, or a business that offers products and services. The logos of educational institutions, units of government, and/or sports teams shall not be considered advertising. Garage Sale Signs and Real Estate Signs, as defined in this Ordinance, shall be considered Non-Commercial Signs.
- (24) **Non-Conforming Sign.** A sign that was legally installed and existed prior to the adoption of this section does not comply with the provisions of this section.
- (25) **Off-Premises Signs.** Commercial signs that are not located on the same lot as the product, service, or business to which they are related. Non-Commercial signs shall never be considered off-premises.

- (26) **On-Premises Signs.** Commercial signs that are located on the same lot as the product, service, or business to which they are related.
- (27) **Permanent Sign.** Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, which has been in place for more than six months shall be considered a permanent sign.
- (28) **Permit.** A sign permit issued by the Building Department must be obtained prior to the installation of a sign.
- (29) **Portable Ground Sign.** A temporary commercial freestanding sign that is not permanently affixed to the ground.
- (30) **Projecting Signs.** A sign is constructed to be attached at one end to a building and to extend out from the building.
- (31) **Pylon or Pole Mounted Signs.** A sign supported by a single base that is less than 75% of the width of the sign.
- (32) **Real Estate Sign.** A temporary sign of any type placed on a property while that property, or a portion of that property, is for sale or for lease.
- (33) **Sign.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Architectural features, architectural gateway elements, and artwork that do not contain an explicit message shall not be considered signs.
- (34) **Sign Area. Sign Area.** The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display, or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.
- (35) **Sign Height.** The distance from the grade at the bottom of a sign to the upper-most point of the sign. If the sign is located on a berm, the height of the berm shall be included in the height of the sign.
- (36) **Storefront.** An entrance open to the general public that allows direct access to a single ground floor business. This definition shall only apply to this section.
- (37) **Temporary Signs.** Any sign not constructed and intended to be displayed for an indefinite, long-term period of time.
- (38) **Tube Lights.** Any light fixture that has the appearance of a “tube” of light, including neon, LED, or other lighting types.

**(39) Wall Signs.** Any sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.

**(40) Window Signs.** Any sign, located within a building or affixed upon a window, which is intended to be visible from the exterior of the building.

**(B) Permit Process.**

**(1) Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in Section 5.08, without first obtaining a permit in accordance with the processes set forth by the Township Board and Building Department. A permit shall require payment of a fee, which shall be established by the Township Board.

**(2) Removal Agreement or Bond.** The Building Official may require a performance guarantee to guarantee the future removal of a sign. All signs erected by a business must be removed within 30 days if that business closes. Freestanding sign structures may remain in place but must be fitted with a blank face or a Real Estate Sign until put in use again by a new business.

**(3) Exceptions.** A new permit shall not be required for changing the message of a previously approved sign without altering the size, shape or backing material of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in Section 5.08.

**(C) Signs Exempt from Permitting Requirements.**

The following signs shall not require a permit to be installed:

**(1)** Government Signs.

**(2)** Flags, as defined in this ordinance.

**(3)** All signs under one square foot in area.

**(4)** All signs are required to be erected by law.

**(5) Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, including murals, so long as such features or works do not contain an explicit message, words in any language, moving parts, or illumination. Murals must be painted with the permission of the property owner.

**(6) Temporary Non-Commercial Signs.** Temporary non-commercial signs shall not require a permit in any zoning district provided that the following standards are met. Signs that do not meet these requirements shall require a permit and shall only be permitted if they meet the applicable standards

of this Ordinance.

- (a) All signs must be freestanding signs or window signs.
- (b) The total area of temporary non-commercial signs on a single lot shall not exceed thirty-six (36) square feet. No individual sign may exceed sixteen (16) square feet.
- (c) The maximum sign height of each freestanding temporary non-commercial sign shall be four (4) feet.
- (d) Temporary non-commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area.
- (e) Any temporary non-commercial sign in place for more than six months shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.

**(D) Prohibited Signs.**

The following shall be prohibited throughout the Township:

- (1) Signs which incorporate in any manner or are illuminated by any flashing or moving lights, or where any illumination can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking area, or into any window of any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device.
- (2) Exterior pennant strings, feather flags, spinners, and streamers.
- (3) Any sign or object which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for electronic message signs and flags.
- (4) Any sign which is structurally or electrically unsafe, in the opinion of the Building Official, or which obstructs any fire escape.
- (5) Any sign erected on a tree or utility pole.
- (6) Any sign structure or frame that no longer contains a sign.
- (7) Roof signs or any sign which projects above the roof line or top of a canopy.
- (8) Any sign projecting into the public right-of-way.
- (9) Any sign erected on any property, public or private, without the consent of the property owner.
- (10) Any sign which simulates or imitates in size, color, lettering, or design, any

traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.

- (11) Any sign which incorporates any open spark or flame.
- (12) Pylon or pole-mounted signs.
- (13) Signs and murals that depict the “Specified Anatomical Areas” as defined in Article 8 nor the “Specified Sexual Activities” defined in Article 8.
- (14) Off-premises commercial signage, except where the regulations of another jurisdiction (for example MDOT) take precedence over this Ordinance.
- (15) Tube lights, whether LED, neon, or any other type of light.
- (16) Temporary Commercial Signs in Residential Zoning Districts other than AG (R-1-A, R-1-B, R-1-C, R- 1-D, R-1-E, R-1-R, R-3-A, R-3-B, and R-M-H).
- (17) Any sign which, in the opinion of the Building Official, has deteriorated to the point where it has become a blight on surrounding properties.
- (18) Township Building Official shall have the authority to immediately remove or cause to be removed any sign which has been placed or located within the public right-of-way contrary to the provisions of the Ordinance or not authorized by the Monroe County Road Commission. The Township or its agents shall not incur any obligation to retain, store, or maintain any materials or salvage resulting from the removal of such signs.

**(E) Temporary Commercial Signs.**

Property owners must receive a permit as described in this Article prior to the erection of any temporary commercial signs and must follow all applicable requirements as described below. Portable ground signs shall be considered temporary commercial signs under this section.

- (1) Temporary commercial signs shall be permitted in the AG, PS, C-1, C-2, C-3, OS, R-1-O, and I-1 Districts, and non-residential PUDs.
- (2) Each sign shall be placed outside only during the hours when the entrance is open to the general public and shall be stored indoors at all other times.
- (3) Temporary signs shall be limited to a total of sixteen (16) square feet.
- (4) Only one temporary sign is permitted per business at any given time.
- (5) The sign must be within ten feet of a public entrance to a building.
- (6) Signs must be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.

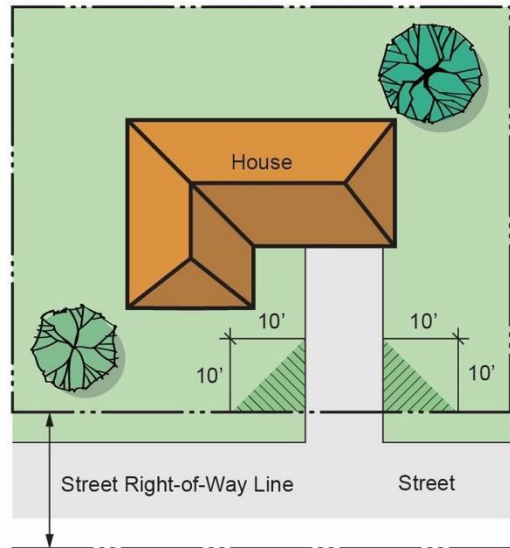
- (7) Each sign shall be placed in a manner which provides five feet of free passage for pedestrians and does not interfere with normal pedestrian or automobile traffic, including maintaining required clear corner vision.
- (8) All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.

**(F) Clear Corner Vision.**

All freestanding signs in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs must be under three feet tall within a triangle formed by two points, each 10 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them, as displayed below:

**(G) Signs Permitted in the AG District.**

- (1) **Non-Residential and Non-Agricultural Uses.** Non-Residential Uses and Non-Agricultural Uses in the AG district, including but not limited to churches and private schools shall be subject to the standards for the C-1, C-2, C-3, OS, R-1-O, and I-1 districts, in Section 5.08.K, except that internal illumination shall be prohibited.



- (2) **Wall Signs.** Wall signs are only permitted in AG district under the following circumstances:

- (a) Signs not requiring a permit, as described in Section 5.08, and temporary signs as described in Section 5.08.
- (b) One wall sign or window sign per lot, not to exceed four square feet, on a lot containing a Home-Based Business. The sign must be used to identify the business. The sign may be on the principal structure or may be on an accessory structure where the business is operated. The Home-Based Business must be in compliance with the standards of [Section 4.24](#) in order to be granted a permit for a sign.
- (c) Wall signage on Farm Buildings as defined in [Section 8.02](#), up to eight (8) square feet per side of the building.

**(3) Freestanding.**

- (a) Signs not requiring a permit, as described in Section 5.08, and temporary signs as described in Section 5.08.



- (b) One sign per lot used for agriculture, up to thirty-two (32) square feet.
- (c) All freestanding signs in the AG District must comply with the following standards:
  - (i) All freestanding signs must be set back at least four feet from all lot lines and street setback lines.
  - (ii) All freestanding signs shall have a maximum height of 8 feet.
- (d) All signs not specifically listed in this Ordinance are prohibited in AG district.

**(H) Signs Permitted in the R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R Districts.**

- (1) **Non-Residential Uses.** Non-Residential Uses in R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R districts, including but not limited to churches and private schools, shall be subject to the standards for the C-1, C-2, C-3, OS, R-1-O, and I-1 districts, in Section 5.08.K, except that internal illumination shall be prohibited.
- (2) **Wall Signs.** Wall signs are only permitted in R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R districts under the following circumstances:
  - (a) Signs not requiring a permit, as described in Section 5.08(C), and temporary signs as described in Section 5.08(E).
  - (b) One wall sign or window sign per lot, not to exceed four square feet, on a lot containing a Home-Based Business. The sign must be used to identify the business. The sign may be on the principal structure or may be on an accessory structure where the business is operated. The Home-Based Business must be in compliance with the standards of [Section 4.24](#) in order to be granted a permit for a sign.
- (3) **Freestanding Signs.** Freestanding signs are only permitted in R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R districts under the following circumstances:
  - (a) One sign per vehicle entrance of residential subdivisions or neighborhoods, subject to the following standards:
    - (i) Has a maximum height of six feet, except if it is integrally designed as part of an ornamental wall and the wall meets all applicable standards of this ordinance.
    - (ii) Signage shall not exceed 16 square feet in area. The signage may be a freestanding sign or may be wall signage affixed to an architectural gateway element. Architectural gateway elements are not considered signage and must receive approval from the Township in the same manner as any other structure.
    - (iii) All signs must have at least two legs or a continuous base at least

75% of the width of the sign.

- (b) All freestanding signs in the R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R districts must comply with the following standards:
  - (i) All freestanding signs must be set back at least four feet from all lot lines and street setback lines.
  - (ii) All freestanding signs shall have a maximum height of 8 feet.

**(l) Signs Permitted in the R-3-A, R-3-B, and RMH Districts.**

- (1) **Non-Residential Uses.** Non-Residential Uses in R-3-A, R-3-B, and R-M-H districts, including but not limited to churches and private schools, shall be subject to the standards for the C-1, C-2, C-3, OS, R-1-O, and I-1 districts, in Section 5.08.K.
- (2) **Wall Signs.** Wall signs are only permitted in R-3-A, R-3-B, and R-M-H districts under the following circumstances:
  - (a) Signs not requiring a permit, as described in Section 5.08(C), and temporary signs as described in Section 5.08(E).
  - (b) One wall sign or window sign per lot, not to exceed four square feet, on a lot containing a Home-Based Business. The Home-Based Business must be in compliance with the standards of Section 4.24 in order to be granted a permit for a sign.
  - (c) Signs on the exterior of buildings that front on a public road and contain more than two residential units shall be permitted under the following circumstances:
    - (i) Maximum of one wall sign per building frontage facing a public road.
    - (ii) Maximum one square foot of signage for every linear foot of building frontage, up to 32 square feet, regardless of the setback from the road center line.
- (3) **Freestanding Signs.** Freestanding signs are only permitted in R-3-A, R-3-B, and R-M-H districts under the following circumstances:
  - (a) One sign per vehicle entrance of residential subdivisions, neighborhoods, mobile home parks, and condominium/apartment complexes subject to the following standards:
    - (i) Maximum height of six feet, except if the sign is integrally designed as part of an ornamental wall or architectural gateway element and the wall or element meets all applicable standards of this ordinance.

- (ii) Signage shall not exceed 16 square feet in area. The signage may be a freestanding sign or may be wall signage affixed to an architectural gateway element. Architectural gateway elements are not considered signage and must receive approval from the Township in the same manner as any other structure.
  - (iii) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.
- (b) All freestanding signs in the R-3-A, R-3-B, and R-M-H districts must comply with the following standards:
- (i) All freestanding signs must be set back at least four feet from all lot lines and street setback lines.
  - (ii) All freestanding signs shall have a maximum height of 8 feet.
- (4) All signs not specifically listed in this Ordinance are prohibited in R-3-A, R-3-B, and R-M-H districts.

**(J) Signs permitted in the C-1, C-2, C-3, OS, R-1-O, and I-1 districts.**

- (1) **Wall Signs.** Wall signs in the C-1, C-2, C-3, OS, R-1-O, and I-1 districts are subject to the following standards:
- (a) The following shall apply when determining which parts of a building are considered “building frontages” for purposes of this Ordinance:
    - (i) Any side of the building that either has a public entrance to the building or is visible from a public road or public parking lot shall be considered a building frontage.
    - (ii) Where a business has multiple building frontages, the permitted wall signage shall be calculated separately for each building frontage. However, no building frontage shall have more square footage of signage than the building frontage with the main pedestrian entrance to the building, regardless of the width of any of the building frontages.
    - (iii) Any building frontage that contains a sign shall be designed to be architecturally compatible with the building frontage containing the main pedestrian entrance.
  - (b) Each business with a storefront is permitted 1 square foot of wall signage for every linear foot of building frontage, up to 100 square feet. Where multiple businesses share one building or lot, the building frontage of each business shall be calculated separately based on the width of the individual storefronts.
  - (c) Commercial or industrial buildings with no storefronts shall be

permitted 1 square foot of signage for each linear foot of building frontage, up to 100 square feet. Sign permits must be requested by the owner of the building, not individual tenants.

- (d) Businesses that are set back more than 200 feet from the center line of an adjacent roadway shall be permitted additional square footage of wall signage on the building frontage facing the roadway, based on the following:

200-299 feet:	25% additional square footage
300-399 feet:	50% additional square footage
400-499 feet:	75% additional square footage
500 feet or greater:	Double square footage

- (e) Businesses in the R-1-O and OS districts shall be limited to 50% of the maximum area of wall signage otherwise permitted in this section.
- (f) The width of any wall sign may not exceed 90% of the width of the building frontage it is attached to.
- (g) There shall be no limit on the number of wall signs permitted on a lot, provided that all other standards are met.
- (h) Canopy structures, such as those used for gas stations, shall be permitted 20 square feet of signage on each face of the canopy.

- (2) **Awning Signs.** An awning sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.

- (a) The awning shall not extend more than six feet over the sidewalk in front of the business, regardless of whether the sidewalk is private or in the public right-of-way.
- (b) The awning shall have a minimum ground clearance of eight feet.
- (c) Signage may not exceed 70% of the face area of the awning.
- (d) Awnings may be externally illuminated, but backlit or internally illuminated awnings are prohibited. Awning signs may not contain electronic messaging.

- (3) **Freestanding Signs.** Freestanding signs in the C-1, C-2, C-3, OS, R-1-O, and I-1 Districts are subject to the following standards:

- (a) Only one freestanding sign is permitted per lot, regardless of the number of businesses on the lot. Sign permits must be requested by the owner of the lot, not individual tenants.
- (b) The maximum height shall be eight feet.
- (c) The maximum area shall be 72 square feet.

- (d) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. The base of the sign shall not be considered part of the sign for the purposes of calculating the area but shall be considered part of the sign for the purposes of calculating the height.
  - (e) All freestanding signs must be set back at least four feet from all lot lines and street setback lines.
  - (f) Lots immediately abutting the right-of-way of a ramp to or from I-75 to or from Nadeau Road or Dixie Highway shall be permitted a second freestanding sign and shall be permitted to exceed the height and area standards listed above, provided they do not exceed the height or area of the largest sign existing in the Township at the time they are erected. The design of the sign shall be reviewed by the Planning Commission prior to the issuance of a sign permit.
- (4) **Directional Signs.** One directional sign shall be permitted per approved driveway from a public road, subject to the following:
- (a) A maximum sign area of four-square feet per sign.
  - (b) A maximum height of three feet.
  - (c) Directional signs may be internally or externally illuminated but may not contain electronic messaging.
  - (d) Additional signage shall be permitted adjacent to the drive aisles for a drive-thru service window, with the following standards:
    - (i) No more than six signs shall be permitted.
    - (ii) The maximum area of any sign shall be 48 square feet.
    - (iii) No more than two signs shall exceed 32 square feet in area.
    - (iv) The maximum height of any sign shall be 10 feet.
    - (v) No more than two signs shall exceed 8 feet in height.
  - (e) The Planning Commission may approve additional directional signs during the Site Plan Approval Process if the Commission determines they are necessary for efficient flow of traffic and pedestrians through a site.
- (5) **Projecting Signs.** Projecting signs are permitted in the C-1, C-2, C-3, OS, R-1-O, and I-1 districts, subject to the following:
- (a) Maximum sign area of 16 square feet.
  - (b) The faces of the sign must be parallel to each other and no more than six inches apart.
  - (c) The bottom of the sign must be at least nine feet from grade.
  - (d) The sign shall not extend above the roof line of the building.
  - (e) Electronic messaging is prohibited on projecting signs.

**(6) Window Signs.** Window signs are permitted in the C-1, C-2, C-3, OS, R-1-O, and I-1 Districts, subject to the following standards.

**(a)** Signage may not cover more than 25% of any window.

**(b)** Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.

**(K) Non-Conforming Signs.**

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or as to change its shape, size, type, or design unless such change shall make the sign conforming; nor shall a non-conforming sign be replaced by another non-conforming sign.

Notwithstanding anything else in this Ordinance, any sign structure that is without a sign or which identifies a use no longer in operation on the property for more than 90 days must be removed.

## **Section 5.09 Landscaping and Screening**

**(A) Purpose.** The purpose of this Article is to:

**(1)** Promote the health, safety, and welfare of the community by:

**(a)** Protecting the character, appearance, and thereby the value of land and residential neighborhoods

**(b)** Recognizing the role of trees and shrubs as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the Township.

**(c)** Reducing soil erosion and depletion and increasing water retention in the soil to reduce runoff.

**(2)** Protecting the stability of each parcel and lot within the Township by requiring screening or land use buffers between contiguous land uses of different or conflicting intensity of use.

**(3)** Enhance the appearance of commercial developments, vehicular use areas, off-street parking areas, street and road rights-of-way, and land directly abutting said rights-of-way, thereby reducing or eliminating conditions which may lead to blighted conditions.

**(4)** Enhance the public health, safety, and welfare of the community by assisting in the definition and recognition of traffic flows related to commercial, office and multiple family residential developments, vehicular use areas, off-street parking areas, street and road rights-of-way, and land

directly abutting said rights-of-way.

- (5) Implement the [Master Plan](#) Objective to “... preserve important natural features, such as wetlands, lakefronts, and landmark trees, when new development occurs.” (Page 38 of the 2017 Township [Master Plan](#)), to protect to the extent practical, the existing tree cover in the Township, ascertain when trees must be removed, and to sustain tree cover in the Township by replacing trees that are removed.

**(B) Minimum Standards.** The standards contained in this Section are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance, and value of the property.

**(C) Tree Protection: Removal and Replacement, Permit Required**

- (1) **Permit Required.** If more than 25% of the trees eight (8) inches in caliper or larger on a site are proposed for removal, the property owner must first notify the Building Official and obtain approval. The Building Official may require submittal of a proposed site plan for review and/or may send to the Planning Commission for approval.

- (2) **Normal Maintenance.** This section is not intended to prevent the removal of dead or diseased trees on a site.

- (3) **Tree Location Survey.** If the Building Official require a tree location survey, it shall be presented in a form acceptable to the Township and shall include at least the following information:

- (a) The scale of the tree location survey map shall be drawn at the same scale as the site plan, except a scale shall not be used that will make detail information illegible.

- (b) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.

- (c) The location and related setback dimensions of all buildings, structures, and off-street parking areas, along with all existing or proposed easements.

All such trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.

- (d) The location of all existing trees measuring six inches or more in diameter at breast height (DBH), including:

- i. All such trees within any adjoining street right-of-way, and
  - ii. All such trees on any abutting properties that are within twenty-five feet of the property lines of the subject property, and
  - iii. All such trees that may be affected by the development, including all such trees located in any off-site right-of-way or utility easement or other easement in which improvements, including off site utility work necessary to serve the new development will be extended.
- (e) All such trees that are proposed to remain, or which are proposed to be relocated, and all such trees that are proposed to be removed shall be clearly identified on the tree location survey map. The tree location survey map shall also contain a list of all of these trees. Their tag number will key the trees on the list to the trees on the survey map. The list shall include the common name of each tree, its DBH number, its condition, and the existing and proposed grade at the base of each tree. The condition of each such tree shall be determined by using the tree-rating matrix set forth in Section 5.09.14, in this section.
- (f) All tree location surveys shall be performed on the site as field surveys. A registered land surveyor shall map the location of each such tree and record the existing and proposed grades at the base of each such tree. The type, size, and condition of each such tree shall be determined in the field by a registered landscape architect, certified arborist, or forester. The name, address, and the phone and fax number, and any email address of those performing these responsibilities shall be provided on the tree location survey map, along with the date the field information was obtained.
- (g) Identify existing trees that will be relocated, their new location on the property, along with a statement as to how they will be protected and/or stored during land clearance and construction, and how these trees will be maintained in a living and growing condition, as required by ordinance.
- (b) A statement explaining how trees not included in item 5.09.C.g, in this subsection, and which will remain on site will be protected during land clearance, construction, including the proposed use of tree wells, protective barriers, tunneling or retaining walls, and explaining thereafter, how these trees will be maintained as a permanent part of the site's landscaping.
- (c) Figures that represent the number of trees that are six inches in DBH that will be removed from:
  - i. The property;
  - ii. The public rights-of-way along the property;



- iii. Any abutting property, if applicable;
  - iv. Any affected easements, if applicable; and
  - v. Any rights-of-way and/or easements beyond the site in which such trees must be removed to extend services to the site, if applicable
- (d) A tree location survey may be waived by the Township for any area or areas of a development site that lie fifty feet or more outside of the development's construction zone. For the purpose of this section the construction zone shall mean any area of the property that will be disturbed in any way by any new development taking place on the property. Prior to receiving a waiver, the applicant shall submit a statement to the Township identifying the most predominant species of trees in the waiver area, the total number of trees in the waiver area, and the estimated predominate tree size in the waiver area. A waiver area shall be physically separated from any designated construction zone on the property by a snow fence prior to any activity taking place on the property.

**(8) Tree Protection During Site Development.**

- (a) Prior to the land clearing stage of development and before a tree permit is issued, the owner, developer, or agent shall do the following:
- i. Clearly identify the on-site trees that are to be removed and those that are to be relocated by fluorescent orange spray paint or by red flagging tape. This responsibility shall be completed before any field inspection shall be conducted by the Township or its designee.
  - ii. Erect barriers of four-foot-high wooden fencing or orange snow with metal stakes ten feet on center (OC) which will shield and protect trees, no closer than six feet from the trunk or at the edge of the tree canopy, whichever is greater, of all such trees or groups of trees.
  - iii. Keep the area within the protective barrier clear of all debris or fill, and any equipment and material.
- (b) During the construction stage of development, the owner, developer, or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the storage of equipment, dumpsters, boulders, dirt, and excavated material, building or waste material, or any other material harmful to the life of a tree.
- (c) No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.

(d) The Township or its designee shall conduct periodic inspections of the site during land clearing and construction to ensure compliance with this section.

(9) **Emergency Tree Removal.** When high winds, storms, tornadoes, floods, freezes, fires, or other manmade or natural disasters damage or destroy trees in the Township, making it necessary to expedite the removal of these trees in the interest of promoting the public safety, health and general welfare of the Township, the requirements of this chapter may be suspended by the Township for a period of 30 days in the affected areas.

(10) **Penalties.** Each unauthorized removal of a tree that is protected by this section shall be deemed a separate offense. The Township's zoning code, as amended, shall be applicable to violations and penalties involving the unauthorized removal of a protected tree.

(11) **Tree Survey for New Development.** A tree survey shall be submitted with any site plan for new development. The survey shall identify the location, species, and size of existing trees on the proposed site that are to be removed or are within ten (10) feet of the removal area.

(12) **Replacement Trees.** Existing landmark trees that are planned to be removed shall be replaced on the site in accordance with the following standards:

(i) Removed landmark trees between eight (8) and eighteen (18) caliper inches shall be replaced at a rate of 50% of the total diameter breast height (dbh).

(ii) Removed landmark trees greater than eighteen (18) caliper inches shall be replaced at a rate of 75% of the total dbh.

(iii) Removed landmark trees greater than thirty (30) caliper inches shall be replaced at a rate of 100% of the total dbh.

(iv) Landmark trees that are dead or diseased, with no visible growth, as determined by the zoning administrator, are exempt from replacement requirements.

(v) A summary table of existing trees shall be provided, indicating those trees that will be removed.

(13) Landmark trees are defined by size and species, as listed in the table below:

COMMON NAME	SPECIES	MINIMUM DBH (IN.)
American Beech	<i>Fagus grandifolia</i>	18
American Chestnut	<i>Castanea dentata</i>	8

COMMON NAME	SPECIES	MINIMUM DBH (IN.)
Birch	<i>Betula spp</i>	18
Black Alder	<i>Acinus glutinosa</i>	12
Black Tupelo	<i>Nyssa sylvatica</i>	12
Black and White Walnut	<i>Juglans nigra, J. cinerea</i>	20
Buckeye	<i>Aesculus glabra</i>	18
Cedar, Red	<i>Juniperus spp</i>	12
Crabapple (cultivar)	<i>Malus spp</i>	12
Choke Cherry	<i>Prunus spp</i>	18
Douglas Fir	<i>Pseudotsuga menziesii</i>	18
Eastern Hemlock	<i>Nuga canadensis</i>	12
Flowering Dogwood	<i>Cornus florida</i>	8
Hickory	<i>Carya spp</i>	18
Horse-chestnut	<i>Aesculus camea</i>	18
Kentucky Coffeetree	<i>Bymnociadus diocius</i>	18
Larch/Tamarack	<i>Larix Laricina (Eastern)</i>	12
London Planetree/Sycamore	<i>Plantanus spp</i>	18
Maple	<i>Acer spp</i>	18
Oak	<i>Quercus spp</i>	16
Pine	<i>Pinus spp</i>	18
Sassafras	<i>Sassafins albidum</i>	15
Spruce	<i>Picea spp</i>	18
Tuliptree	<i>Liriodendron tulipfera</i>	18

**(14) Tree Health Condition Ranking Matrix.** Except as may be otherwise waived herein, the applicant shall be responsible for determining the condition (health) in the field of all trees that are to be removed or relocated. Compliance with the applicable requirements of this subsection may be waived by the Township, provided the applicant has properly requested a waiver from the applicable requirements of this section, in the manner set forth in this section:

- i. The applicant or his designee shall evaluate the condition of the tree trunk, the growth rate of the tree, its general structure, identify any insect infestations and/or diseases, the crown development of the tree, and the life expectancy of the tree. From this evaluation the expert examining the trees shall assign a point value to each such tree using the tree condition rating matrix provided in subsection b, of this section. The rating number shall be placed in the column listing all the trees as outlined in subsection b. of this section.
- ii. The ranking matrix that the expert shall use in the field to calculate the condition (health) of a tree is outlined:

Factor	5 or 4	3 or 2	1
<b>Trunk</b>	Sound and solid	Sections of bark missing	Extensive and hollow
<b>Growth/rate</b>	More than 6" twig elongation	2"–6" twig elongation	Less than 2" twig elongation
<b>Structure</b>	Sound	1 major or several minor limbs dead	2 or more major limbs dead
<b>Insects/diseases</b>	No pests present	1 pest present	2 or more pests present
<b>Crown/development</b>	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
<b>Life Expectancy-Remaining</b>	Over 30 years	15–20 years	Less than 5 years

iv. When the Township or its designee evaluates the applicant's tree condition data in the field, the rating matrix set forth in subsection b, of this section shall be used.

**(15) Incentives to Preserve Existing Trees.** The standards listed below are intended to encourage the preservation of quality and mature landmark trees by providing credits toward required landscape components:

- i. Trees intended to be preserved shall be indicated on the site plan.
- ii. To obtain credit, the preserved trees shall be arranged to meet the intent of this Article, be of high-quality, as confirmed by the Township, and at least 2.5" caliper in size for deciduous trees, 6 ft. in height for evergreen trees.
- iii. Each deciduous tree preserved that is between 2.5" to 7.9" caliper in size and evergreen tree that is between 6 ft. to 19 ft. shall be calculated as one (1) required tree, two (2) credits for deciduous trees with a caliper of 8" or greater and evergreen trees greater than 19 ft.
- iv. The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
- v. During construction, tree protection fencing shall be placed ten (10) feet beyond the dripline of the tree. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways, or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soil or other materials within the dripline is prohibited.
- vi. If trees are lost within three (3) years after completion of the construction, the property owner shall replace them with new trees equal

to the number of tree credits granted.

- vii. Tree credits may account for up to fifty percent (50%) of the required trees and be applied anywhere on the site.

**(D) Limitations on Removing Existing Trees.**

**(1) Applicability.** The tree removal regulations in this Section shall apply when compliance with other landscaping standards is required under Section 5.09.B. Consistent with that section, the regulations of this section shall not apply to properties in the AG district, nor for any construction project that does not require approval from the Planning Commission. Lots containing one single family home shall also be exempt from this section.

**(2) Exempt Organizations.** The following organizations shall be exempt from this section.

**(a) Public Utilities.** The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

**(b) Public Agencies.** The removal or trimming of trees if performed by or on behalf of the Township, County, State, or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

**(c) Tree Farms,** where the primary purpose of the operation is to grow trees for wholesale or retail.

**(E) Relationship to Landscape Requirements.** Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question. For example, a replacement tree may be located along the street frontage, and therefore fulfill a portion of the street tree requirement.

**(F) Public Tree Planting Option.** In lieu of planting a replacement tree (or trees) on the site of the removed tree(s), an applicant may choose to purchase a tree (or trees) for planting in a public park or other public site in the Township of the Township's choosing. The applicant shall pay \$350 per tree unless the Township board alters that amount by resolution at a future date. The tree(s), in combination with any replacement trees planted on the site of the removal, must meet the replacement requirements in Section 5.09.C.10.

**(G) When Required.**

**(1)** The provisions of this Section regarding the design of new landscaping shall apply to all parcels or lots on which an improvement or development is

proposed requiring Administrative Site Plan Review, Site Plan Approval from the Planning Commission (including Planned Unit Developments) or Uses with Specific Standards Approval.

- (2) For existing sites with a previously approved landscape plan, the Building Official or Planning Commission shall have the option of requiring the site to comply with its previously approved landscape plan, rather than altering the landscaping to comply with this section. In the event that an applicant is permitted to comply with the previously approved plan, rather than designing a new one, all plantings that are dead or otherwise in poor condition shall be replaced by a planting of similar species and size (at planting). If the applicant cannot produce a previously approved landscape plan, then the sites must be brought into compliance with this Ordinance. The Building Official shall enforce the provisions regarding installation and maintenance of landscaping during construction and the ongoing operation of the site in question.

#### **(H) Landscape Plan Specifications.**

- (1) A separate detailed landscape plan, prepared by a licensed/registered design professional, shall be submitted as part of the site plan review process.
- (2) The landscape plan shall demonstrate that all requirements of this section are met and shall:
  - i. Illustrate location, spacing, species, and size of proposed plant material.
  - ii. Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted.
  - iii. If applicable, identify compliance with the numeric requirements for tree replacement and preservation.
  - iv. Provide, as determined by the Planning Commission, typical cross sections to illustrate views from adjacent land uses and the slope, height and width of proposed berms or landscape elements.
  - v. Identify trees and other landscape elements to be preserved.
  - vi. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.
  - vii. Provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

- viii. Provide details to ensure proper installation and establishment of proposed plant material.
- ix. Identify grass areas and other methods of ground cover.
- x. Identify a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

**(I) Design Standards.**

- (1) Greenbelts. A greenbelt shall be planted or preserved along public rights-of-way, private road easements, and designated frontage roads and access drives. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following Table 5.09.C:
  - i. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
  - ii. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
  - iii. Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
  - iv. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Building Official or Planning Commission may adjust the location of the required materials so as long as the design intent is met.
  - v. The Building Official or Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.

**(J) Parking Lot Landscaping.** Parking lot landscaping shall be provided in accordance with the following standards and Table 5.09.C:

- (1) Landscaping shall be dispersed evenly throughout the parking lot to break up large expanses of pavement and assist with vehicular and pedestrian flow.

- (2) A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
  - (3) Parking lot islands shall be curbed and at least 200 square feet. However, designers are encouraged to consolidate the required landscaping into fewer large islands, rather than many small ones. The Planning Commission (or Building Official) shall review the plan and may request that islands be consolidated into larger landscape areas. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
  - (4) Landscape islands shall not be required for parking lots with fewer than 20 spaces.
  - (5) Landscape islands shall be covered with either grass or salt tolerant native plantings. In locations where residential buildings have a side-to-side relationship across property lines, rather than a back-to-back relationship, this requirement shall not apply.
  - (6) The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.
- (K) Buffer Zones.** A buffer shall be provided between residential and agriculturally zoned property and all adjacent properties, developed or undeveloped, in accordance with Table 5.09.C.
- (1) The Building Official or Planning Commission may reduce the following requirements if it is determined that the buffer zone cannot be reasonably accommodated due to existing site conditions.
  - (2) The Planning Commission shall use the Buffer Table (5.09.C) as the minimum requirements needed to attain the intended screening.

**(L) Schedule of Landscape Regulations.**

The following landscaping requirements shall apply in the zoning districts listed. There shall be no landscaping requirements in the AG district.

Table 5.09.C:	C-1, C-2, C-3, OS, R-1-O	I-1, PS	R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, R-1-R	R-3-A, R-3-B, RMH
<b>Street Frontage Greenbelt</b>				
Min. Width of Landscape Area	10 feet (a)	10 feet (a)	None	10 feet (a) (b)
Trees Per 50 Feet of Frontage	1	0.5	N/A	1
Shrubs Per 50 Feet of Frontage	8	4	N/A	8
<b>Parking Lot Landscaping</b>				



<b>Table 5.09.C:</b>	<b>C-1, C-2, C-3, OS, R-1-O</b>	<b>I-1, PS</b>	<b>R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, R-1-R</b>	<b>R-3-A, R-3-B, RMH</b>
	At least one (1) canopy tree shall be provided per fifteen (15) parking spaces provided	At least one (1) canopy tree shall be provided per fifteen (25) parking spaces provided	None	At least one (1) canopy tree shall be provided per fifteen (15) parking spaces provided
Trees Per 500 sq. ft. of Landscape Area	1	0.5	N/A	1
Shrubs per 500 sq. ft. of Landscape Area	8	4	N/A	8
<b>Parking Lot Interior</b>				
Total Square Footage	5% of total parking area(d)	None	None	5% of total parking area(d)
Island Minimum Size	200 sq. ft.(e)	N/A	N/A	200 sq. ft. (e)
Island Ground Cover	(f)	N/A	N/A	(f)
<b>Adjacent to Expressway</b>				
Min. Width of Landscape Area	50 feet	20 feet	50 feet	50 feet
Trees Per 50 Feet of Frontage	1	1	3(g)	3
<b>Snow Storage Area</b>	(i)	(i)	(i)	(i)
<b>Buffer Adjacent to Residential Zoning Districts (AG, R-1, or R-3)</b>	<i>Pick One Option (j)</i>	<i>Pick One Option (j)</i>	<i>Must Use Option 1</i>	<i>Must Use Option 1</i>
<u>Option 1: Landscape Buffer</u>	30-foot-deep landscape buffer 1 tree per 30 feet of property line 8 shrubs	50-foot-deep landscape buffer 1 tree per 25 feet of property line	20-foot-deep landscape buffer 1 tree per 25 feet of property line (h)	20-foot-deep landscape buffer 1 tree per 25 feet of property line (h)

Table 5.09.C:	C-1, C-2, C-3, OS, R-1-O	I-1, PS	R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, R-1-R	R-3-A, R-3-B, RMH
	per 30 feet of property line	(must be at least 50% evergreen trees)  8 shrubs per 30 feet of property line		
<u>Option 2: Evergreen Screen Buffer</u>	10-foot-wide landscape area  Staggered double row of evergreens forming a complete screen as viewed from the residential zone.	20-foot-wide landscape area  Staggered double row of evergreens forming a complete screen as viewed from the residential area.	N/A	N/A
<u>Option 3: Fence or Wall Buffer</u>	Masonry, Brick, or Vinyl  At least 6 feet tall, designed to completely screen, as viewed from the residential zone.	Masonry, Brick, or Vinyl  At least 6 feet tall, designed to completely screen, as viewed from the residential zone.	N/A	N/A

Footnotes:

- (a) The frontage landscape area must be entirely on private property and shall

not extend into the public right-of-way. A non-motorized pathway (or associated easement) may be located in the frontage landscape area. However, if a pathway (or easement) is located within the frontage landscape area, the landscape area must be increased to 15 feet in width.

- (b) In R-3-A, R-3-B, and RMH districts, the street frontage requirements shall only apply along adjacent thoroughfares and shall not apply to interior access roadways.
- (c) In R-3-A, R-3-B, and RMH districts, “paved area” shall include only parking lots that serve community amenities and/or multiple dwelling units. Roadways, driveways to individual units, and other paved areas shall not be included in the calculation of required landscaping.
- (d) This requirement shall not apply to individual single-family homes. It shall only apply when a subdivision, site condominium, RUD, or PUD is proposed.
- (e) A snow storage area must be designated adjacent to all parking lots. The snow storage area shall not contain the required landscape plantings.
- (f) At the time of site plan approval, the applicant shall propose a buffering option. The Planning Commission may require a specific option, rather than the one proposed, upon determining that the chosen option would not provide sufficient screening and buffering for the proposed use.

**(M) Nautical Theme North Dixie Highway.**

- (1) The North Dixie Highway Corridor (sometimes referred to as “Corridor”) extends on both sides of the North Dixie Highway from the City of Monroe City Limits to the Berlin Township limits, and applies in the C-1, C-2, and C-3 zoning districts.
- (2) In 1985 an analysis of the North Dixie Highway Corridor was conducted. The results of that study recognized that the approximate location of Lake Erie to the Corridor was an important Community resource unlike any other area in the Township.
- (3) Landscape development along a corridor frontage can have a positive impact on the image of that corridor. The landscaping along the North Dixie Highway Corridor frontage is important in establishing the image of the Corridor. The Landscape layout and elements of the Landscape Plan must reinforce a “nautical theme” and comply with the requirements and specifications in this Ordinance and as found in the document titled “NAUTICAL THEME REQUIREMENTS NORTH DIXIE HIGHWAY CORRIDOR” approved by the Township Planning Commission on July 18, 2013, or as thereafter amended. This approach is essential to achieving the Community’s desired aesthetic character, economic enhancement, and revitalization, and to support the public health, safety, and welfare of the North Dixie Highway Corridor.

**(N) Required Detention/Retention Pond Landscaping.** Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.

(1) Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one foot vertical for every four feet horizontal and shall be such that the perimeter of the pond shall not need to be fenced

(2) One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.

(3) Wild grasses and wetland plantings should be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize on-going maintenance, and provide improved filtering of sediments.

(4) Where a natural landscape is found not to be particular or desirable the Planning Commission may require some type of decorative fencing.

**(O) Interior Site Landscaping.** Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas.

**(P) Residential and Site Condominium Developments.** Landscaping for single-family and multiple-family residential developments shall be provided in accordance with the following requirements:

(1) Street trees shall be provided at a rate of one (1) tree per forty (40) linear feet of frontage, or thereof, along all interior roads. The Planning Commission may determine that existing trees preserved within ten (10) feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should be planted between the sidewalk and road curb, in consideration of intersection sight distance.

(2) The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings, and common open space areas.

**(Q) Accessory Site Components.** In addition to required screens or walls, site elements such as waste receptacles, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

**(R) Specifications for Landscape Improvements and Plant Materials.**

(1) **Wall Standards.** While walls are not necessarily encouraged, certain situations may be appropriate for provision of a wall. When provided, walls shall meet the following requirements:

- i. Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.
- ii. Walls shall be continuous except for openings for pedestrian connections as approved by the Building Official or Planning Commission.
- iii. Walls shall be constructed of the primary building material of the principal structure as determined by the Building Official or Planning Commission.
- iv. The height of any wall shall be as determined by the Building Official or Planning Commission based on the intended screening.

**(2) Berm Standards.** While berms are not necessarily encouraged, they may be appropriate in certain situations.

- i. In instances where wider open spaces are available between uses, the Building Official or Planning Commission may allow the substitution of a berm with additional landscaping in place of the wall requirement.
- ii. Berms shall be constructed with horizontal and vertical undulations to represent a natural appearance with a crest area at least four (4) feet in width.
- iii. Berms shall be planted with trees, shrubs, or lawn to ensure that it remains stable.
- iv. The exterior face of the berm shall be constructed as an earthen slope.
- v. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other similar method.
- vi. The maximum slope of the berm shall not exceed one (1) foot of vertical rise to three (3) feet of horizontal distance.

**(S) Plant Material.** All plant material shall be hardy to Frenchtown Charter Township, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds, no pebbles or stones are permitted.

**(T) Minimum Sizes and Spacing.** The minimum plant sizes and spacing shall be provided in accordance with the following:

- (1) Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

Minimum Sizes and Spacing		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Deciduous canopy trees	2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height	15 ft. on-center

	(clump form)	
<b>Evergreen trees</b>	8 ft. height	15 ft. on-center
<b>Narrow evergreen trees</b>	4 ft. height	12 ft. on-center
<b>Deciduous shrubs</b>	3 ft. height	4 ft.-6 ft. on-center
<b>Upright evergreen shrubs</b>	3 ft. height	3 ft.-4 ft. on-center
<b>Spreading evergreen shrubs</b>	18 in.-24 in. spread	6 ft. on-center

- (U) Mixing of Species.** The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.
- (V) Trees Not Permitted.** The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains, and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may, however, allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
- (W) Planting Beds.** Bark used as mulch shall be maintained at minimum of two (2) inches deep. Planting beds shall be edged with plastic, metal, brick or stone in residential districts and metal edging in all other zoning districts.
- (X) Topsoil.** Topsoil shall consist of a 4" base for lawn areas and an 8"-12" base within planting beds.
- (Y) Proximity to Utilities.** Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads, or other public facilities.
- (Z) Lawn Grasses.** Lawn grasses shall be planted in species normally grown as permanent lawns in Alger County. Grasses may be plugged, sprigged, seeded, or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

**(AA) Minimum Standards for Installation, Irrigation and Maintenance**

- (1) Timing of Planting.** All required plant material shall be planted prior to issuing a Final Certificate of Occupancy. If the project is completed during a time of year when planting is impractical, a financial guarantee for the amount of the remaining improvements shall be provided in a form of payment acceptable to the City.

- (2) **Completion of Improvements.** Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- (3) **Irrigation.** All landscaped areas shall be provided with an underground irrigation system.
- (4) **Maintenance.** Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days' written notice from the City or within an extended period as specified in said notice.

**(BB) Modifications to Approved Plan.** The Building Official may permit minor revisions and deviations from the approved Landscape Plan, provided:

- (1) The changes do not constitute a wholesale change of the approved Landscape Plan.
- (2) The revised plan is consistent with the spirit and intent of this Section.
- (3) The revised plan is consistent with the spirit and intent of the original approved Landscape Plan.

**(CC) Installation.**

- (1) Landscaping shall be installed in a manner consistent with accepted planting procedures set forth by the American Association of Nurserymen and approved by the American National Standards Institute, Inc., and the Landscape Plan approved by the Township.
- (2) Installation of all landscaping, screen fences, screen walls, etc. shall be completed prior to issuance of a Certificate of Occupancy for the proposed development, unless it is determined that the weather conditions may jeopardize the landscape materials or the stability of the screen walls.
- (3) If it is determined that weather conditions are not suitable for the installation of plant materials, screen walls, etc., a temporary Certificate of Occupancy may be issued, provided the developer submits for review and approval a cost estimate for the completion of the Landscape Plan and provides the Township with a cash deposit, certified check, or irrevocable letter of credit in the amount of the approved cost estimate. At the time of submission of the cash deposit, certified check, or irrevocable letter of credit, the Building Official shall establish a completion date at which time all improvements proposed in the Landscape Plan shall be completed. Failure to complete all improvements by the established completion date

shall result in the forfeiture of the deposit to the Township and shall not release the developer from the obligation for installation and completion of the improvements proposed in the Landscape Plan. The Building Official may grant one extension for sixty (60) days after a written request from the developer, provided circumstances warrant such an extension. The Building Official may release the cash deposit, certified check, or irrevocable letter of credit, after completion of the work to be performed. The Building Official may permit periodic release of a portion of the cash deposit, certified check, or irrevocable letter of credit, provided the amount reduced is equal to the value of the plantings installed to date.

**(DD) Protection of Landscape Areas.** Landscape areas, that is, areas consisting of grass, ground cover, shrubs, flowering trees, deciduous trees, evergreen trees, etc., shall be protected from vehicles using one of the following options: curbs, bumper blocks, small shrubs along the edge of the landscape area, or locating the landscape area below the grade of the adjacent parking lot.

**(EE) Maintenance.**

- (1) All landscape materials, plant materials, or manufactured materials, shall be maintained in a neat and orderly manner, free from debris and refuse.
- (2) All diseased, unhealthy, and dead plant material shall be removed immediately and replaced, unless it is determined that weather conditions may jeopardize the health of the landscape material. If the plant material is not planted immediately, the owner shall provide a cash deposit, certified check, or irrevocable letter of credit in the amount equal to the installation. Failure to complete the installation shall result in forfeiture of the deposit to the Township and shall not release the owner from the obligation to replace the vegetation. Replacement material (trees or shrubs) shall be installed at or as close as possible to the size of the material at the time of their removal.
- (3) The approved Landscape Plan shall be considered a permanent record and integral part of the site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved Landscape Plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan approval.
- (4) The developer, at the time of the submission of the Final Site Plan approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by the installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.
- (5) A contract for maintenance of all landscape areas may be required by the Department of Building and Code Enforcement.



**(FF) Use of Existing Vegetation in Lieu of Required Plantings.** The Building Official or Planning Commission may determine that existing vegetation is sufficient to meet the spirit of this Ordinance, even if it does not meet the letter of the specific regulations and require the protection and ongoing maintenance of existing vegetation in lieu of enforcing some or all of the relevant landscaping requirements for a given site. In order for existing vegetation to be approved in lieu of landscaping requirements, the applicant must comply with the following:

- (1) Existing trees must have sufficient room for their root structures maintained both during construction and in the final design. Sufficient room shall be defined as the extent of the tree's canopy (its "dripline"), or another area proposed by a registered landscape architect and approved by the Planning Commission.
- (2) The applicant must submit a tree survey, completed by a professional landscape architect or arborist, identifying trees over 8.5" caliper on the site. When the site contains existing wood lots or groups of trees, this survey may indicate the general species of trees and break down the woodlot by general size of material within the woodlot, rather than inventorying every tree.
- (3) Existing vegetation used to comply with the requirements of this section must be kept in good condition. In the event that the plants die, they must be replaced by conforming plantings.

**(GG) Objectives for Screen Areas.** Where landscape treatment is proposed for screening purposes, the Planning Commission shall ensure that the following objectives are met:

- (1) The selection and placement of plant materials or landscape elements is such that the general maintenance and upkeep of the areas shall be low so that the success of the planting area can be anticipated without placing an undue hardship on the landowner or lessee.
- (2) The landscape treatment proposed forms a complete visual and physical separation between the two unlike land uses.
- (3) The landscape treatment proposed provides a transition zone between the unlike uses, establishes protection for the less intensive use, and is compatible with the less intensive use.
- (4) The landscape treatment proposed will effectively reduce the adverse effects of the more intense use by reducing glare of headlights, lighting from parking areas, noise, fumes, pavement areas, trash pickup points, parking areas, access drives, etc.

The Planning Commission or Building Official may alter or waive the standards of this section upon determining that strict compliance with the regulations is not

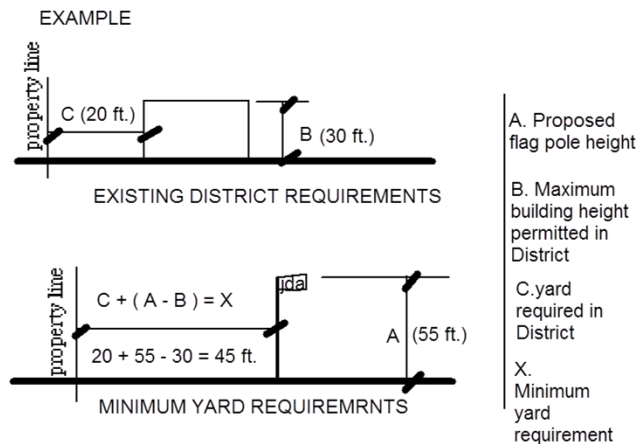
practical due to physical, legal, or regulatory constraints that are not the result of actions by the applicant, or that the proposed landscaping for the site does or does not sufficiently meet the spirit of this section, if not the letter.

## Section 5.10 Garbage Disposal

- (A) The owner, lessee, or their agent, and occupants of every building where waste, garbage, or recyclable materials accumulate shall be responsible for providing clean and proper locations and receptacles for storage, disposal, and recycling of such wastes, subject to the following:
- (B) **Location.**
- (1) Dumpsters shall be permitted in the side or rear yard provided that no Dumpster shall extend closer to the front of the lot (both street frontages shall be considered "front" on corner lots) than any portion of the principal structure.
  - (2) The Dumpster shall not encroach on a required parking area and shall be clearly accessible to servicing vehicles.
  - (3) Dumpsters shall be sited as far from a residentially zoned or used property as is feasible.
- (C) Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the Dumpster enclosure.
- (D) **Screening.** Dumpsters shall be screened from view from adjoining properties and public streets.
- (1) Dumpsters shall be screened on three sides with a permanent Building, masonry wall, or wood fencing, not less than six (6) feet in height.
  - (2) The fourth side of the Dumpster screening shall be equipped with an opaque lockable gate. The gate shall be the same height as the enclosure around the other three (3) sides.
- (E) **Temporary Dumpsters.** Temporary Dumpsters on site for construction, demolition, or similar temporary purposes may be permitted for the duration of the project provided that consistent progress is made on the project and the dumpster is necessary throughout.
- (F) **Composting.** Notwithstanding the provisions above, it shall be lawful to establish and maintain on the premises of a residential use facilities for the organic decomposition or composting of yard rubbish and vegetable food waste.

## Section 5.11 Flag Poles

The height of a flagpole shall not exceed fifty-five (55) feet unless otherwise permitted in the district the structure will be located in. In cases where the proposed flag pole exceeds the height permitted in the district the flag pole will be located in, the flag pole shall be set back from the property line the specific yard setback as required per Section 3.01 for the district (C) plus the difference between the proposed flag pole height (not greater than fifty-five (55) feet) (A) and maximum height of building permitted in the district located (B). No flag shall be permitted to extend beyond any property line.



## Section 5.12 Flood Plain Standards

- (A) Regulation of Development within Flood Prone Hazard Areas.** The designation of regulated Flood Prone Hazard Areas shall be specified by Frenchtown Township [Ordinance No. 218: Floodplain Management Provisions](#) of the State Construction Code Ordinance, as amended or replaced. The construction or development of any building or structure within a Flood Prone Hazard Area shall be in compliance with Appendix G of the Michigan Building Code regulated, pursuant to the provisions of the State Construction Code, in accordance with Section 8b of Act 230, of the Public Acts of 1972 as amended, and all applicable State and Federal statutes or regulations.
- (B) Flood Control Devices.** Any Property Owner whose land abuts or adjoins Lake Erie or any of its tributaries or canals or designated flood districts, shall install, construct and/or maintain a Flood Control Device in accordance with the requirements of [Ordinance No. 207: Flood Control Device Ordinance](#), as amended and Ordinance No. 208: Flood Control Devices [Engineering Design Standards Ordinance](#), as amended.
- (C) Drain Easement Restriction.** In no case shall any permanent structure be erected within the designated easement of an open county drain or 50 feet from the centerline, whichever is greater, or within 50 feet from the top of the bank of any other watercourse. The top of the bank shall be established by a survey performed by a professional surveyor, official maps if maintained by the Township, or from

legal descriptions which are of public record. If deemed necessary by the Township, a legal survey may be required.

### Section 5.13 Donation Bins

- (A) **Application for a Permit.** Prior to placement of a donation bin anywhere in the Township, a permit application shall be completed and submitted to the Township. The application shall include written consent from the owner of the property on which the bin is to be located. The permit shall be subject to review and approval by the Building Official, based on the regulations in this subsection.
- (B) **Type and Design.** Any donation bin shall be of the type that is enclosed by use of a receiving door (also known as a chute) and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of its contents. A bin shall not cover a ground surface in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height. Bins shall be placed on a paved surface.
- (C) **Number.** A maximum of one (1) donation bin shall be permitted per lot.
- (D) **Location.** Donation bins shall comply with the following location requirements
  - (1) Donation bins are considered accessory structures. Therefore, they shall not be located on any lot unless the principal structure is already located on the lot.
  - (2) Donation bins shall not be placed where they would block the vision of drivers entering or exiting the site.
  - (3) Donation bins shall not be placed in a location where they would interfere with required landscaping or parking.
- (E) **Identification.** All donation bins shall be clearly identified, in writing, on the same side of the bin as the chute used for deposit of the goods, the entity or organization that is responsible for placement and maintenance of the bin. The address and phone number for such entity shall also be written on the bin.
- (F) **Maintenance Responsibility.** Each bin shall be regularly emptied of its contents so that it does not overflow, resulting in clothing or other goods being strewn around the surrounding area. The owner, lessee, or other person or legal entity in control of the property where the donation bin is located and the person or entity that owns, maintains, or operates the donation bin shall be jointly and severally liable for any violations.

### Section 5.14 Non-Residential Design Requirements/Building Facade Design

The following design requirements for non-residential buildings shall be applied during site plan review as outlined in [Section 7.03, Site and Development Review](#).

**(A) Exterior Building Design.**

- (1) Buildings shall possess architectural variety and yet enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
- (2) Building walls and roofs over fifty (50) feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
- (3) An original, one-of-a-kind image, design or representation that does not contain a promotional or commercial advertising message, that is painted or applied to the exterior wall of a building or structure, and that does not contain changeable or moveable elements or changeable illumination, including flashing or sequential lighting, or any other elements, may be permitted by the Planning Commission if the Commission finds the design to be consistent or complement the building's architecture, façade materials.
- (4) Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing a principal street(s). In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this Ordinance must also be satisfied.
- (5) Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in [Section 5.09, Landscaping and Screening](#).
- (6) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.

**(B) Building Materials.**

- (1) Durable building materials which provide an attractive, quality appearance must be utilized.
- (2) For existing buildings, material replacement should closely match the character of the existing or original materials used on the structure.
- (3) The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, architectural panels, wood, native stone, and glass products, as determined by the Planning Commission.
- (4) Other materials such as textured, color-integrated concrete masonry units, Exterior Insulation Finishing Systems (EIFS) should only be used as accents and not

dominate the building exterior of the structure and surrounding buildings.

- (5) Prefabricated steel panels and metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

**(C) Building Colors.**

- (1) Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building or building trim are prohibited except as approved by the Planning Commission.
- (2) The use of trademark colors not meeting this requirement shall be approved by the Planning Commission.
- (3) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

**(D) Roof Design.**

- (1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
- (2) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
- (3) Architectural methods shall be used to conceal flat roof tops and mechanical equipment.
- (4) Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.

**(E) Customer Entrances.** Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances. In the commercial districts, entrances facing the street must be functional.

**(F) Community Amenities.** Community amenities such as patio/seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

**(G) Signs.** Signs shall be in accordance with [Section 5.08, Signage](#). All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

**(H) Natural Features.** Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and

trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

- (I) **Building Location and Orientation.** New buildings shall have at least one (1) principal building entrance oriented parallel toward the front lot line.

## **Section 5.15 Residential Recreational Area**

- (A) Any residential subdivision, condominium, or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area, such as walking path, play structures, or picnic tables and benches, which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The Planning Commission may modify this requirement when it is determined that alternate recreation facilities are provided in close proximity, however, a contribution to the maintenance fund for those recreational facilities shall be made.
- (B) The recreational area shall be well-drained, graded, seeded, or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Planning Commission as part of the site plan review.
- (C) Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

## **Section 5.16 Storage and Repair of Vehicles**

- (A) The parking of commercial vehicles, as defined in Article 8, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.
- (B) Commercial vehicles shall not be permitted in a Residential District except as permitted below:
  - (1) The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
  - (2) The vehicle shall not be a commercial trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor, semi-trailer cab, or car-hauler.
  - (3) No part of the vehicle may exceed ten (10) feet in overall height, measured from grade.
  - (4) The vehicle shall not have more than four (4) rear wheels.
  - (5) The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
- (C) In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.

- (D) The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner, or the occupant is exempt from these provisions.
- (E) The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in the Frenchtown Charter Township City Code of Ordinances.

## Section 5.17      Recreational Equipment and Vehicle Parking and Storing

The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property to promote public health, safety, and welfare and to preserve property values.

### (A) Location Standards

- (1) **Generally.** Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 2. through 6. below.
  - (2) **Placement on Lot.** Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
  - (3) **Corner Lots.** In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
  - (4) **Through Lots.** In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard, as determined by the zoning administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
  - (5) **Through Corner Lots.** In the case of through lots on a corner (i.e., lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The zoning administrator may permit parking in the rear yard, upon determination that such parking is allowed on the adjacent lot.
- (B) **Owner or Legal Tenant.** The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.
- (C) **Condition and Licensing Requirements.** All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the zoning administrator.
- (D) **Detachable Camper Tops.** Detachable camper tops shall not be stored in any Residential District except in accordance with the above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.



# ARTICLE 6: GENERAL STANDARDS

## Section 6.01 Principal Building Per Lot

Only one principal building shall be located on a parcel or lot in an AG Agricultural District, R-1-E, R-1-D, R-1-A, R-1-B, R-1-C, and R-1-R Single Family Residential District.

## Section 6.02 Building Permit Issued Prior to Adoption of Ordinance

If construction has commenced on any building under an authorized building permit, issued by the Township, prior to May 23, 2023, the building and site plan may be completed in accordance with the plans and specifications on which said building permit was issued.

## Section 6.03 Site Grading

**(A) Grade at Building Line.** The grade at building line, except as may be otherwise required by the Michigan Building Code or Michigan Residential Code, shall be raised a minimum of twelve (12") inches above the crown of the road in all areas with the maximum grade slope from the finished grade at the building line therefrom not exceeding ten (10%) percent except that in the Building Official's discretion, after consulting with the Monroe County Health Department and the Township Engineer, the Building Official may specify a different grade, which shall ensure that no additional water shall runoff onto adjacent properties, compared to the pre-development condition.

**(1)** Where a Grading Plan is required by this Ordinance and was approved as part of the construction plans, the grade at the building line shall conform with the grades indicated on said Grading Plan. The grading of the remainder of the lot shall also be in general conformance with the Grading Plan.

**(2)** A certification, signed by a licensed professional engineer or surveyor shall be provided to the Township Building Official attesting to the conformance of the elevation of the finished grade at the building line to the Grading Plan.

**(B) Surface Water Flow onto Adjacent Properties.** New grades shall not be established that would permit a change in the net flow of surface water onto adjacent properties, except through established drainage courses. No premises shall be filled or graded so as to discharge surface water runoff to adjacent premises in a manner greater than an agricultural rate or so as to cause ponding or surface accumulation of the runoff on those adjacent premises. This would include water runoff from buildings via eaves or similar apparatus.

## Section 6.04 Deed Restrictions, Condominium By-Laws, Easements, and Other Private Agreements

Where any provision of this Ordinance conflicts with the provisions of an easement, covenant, master deed, or other private agreement, whichever imposes a higher standard or requirement, as determined by the Building Official, shall apply. The Township shall not be responsible for enforcement of “deed restrictions,” “subdivision restrictions,” “condominium Master Deed/by-laws,” “private easements,” or any other private agreement or regulation.

## Section 6.05 Voting Places

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

## Section 6.06 Private Roads

- (A) Any newly created lot shall have frontage on and direct access to a public street currently certified by the Monroe County Road Commission, Michigan Department of Transportation, or a road designated on a recorded subdivision existing on or prior to September 12, 1957, except as described in Subsection B below.
- (B) No new private roads shall be approved within the Township, except in the following circumstances:
  - (1) Site condominiums may contain private roads, provided that the Master Deed for the site condominium complex contains a maintenance program that, in the opinion of the Township, will adequately maintain the roads over the life of the site condominium. Platted subdivisions shall not contain private roads. A binding maintenance agreement must be approved by the Township and recorded.
  - (2) Private roads may be permitted as part of a [Planned Unit Development](#). The Planned Unit Development Agreement must contain a maintenance program that, in the opinion of the Township, will adequately maintain the roads over the life of the development. A binding maintenance agreement must be approved by the Township and recorded.
  - (3) All private roads shall be constructed in accordance with the current Township [Engineering Design Standards](#), [Monroe County Road Commission](#), and the [Michigan Department of Transportation](#) specifications for construction, as applicable.

## **Section 6.07      Illegal Buildings**

In case any building, or part thereof, is used, erected, occupied, or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down, or corrected by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditure toward abating such nuisance shall become a lien upon the land.

## **Section 6.08      Sewage Disposal**

No human excreta or domestic, commercial, or industrial wastes shall be deposited on the surface of any premises. Where a sewer system is available, all sanitary fixtures such as water closets, lavatories, catch and slop sink, laundry trays and bathtubs shall be connected to such a system. Where a sewer is not available, all facilities used in connection with the disposal of human excreta and water-carried wastes shall be connected with the wastes therefrom discharged into a private disposal system, the operation of which creates neither a nuisance nor pollutes a stream or lake or a water supply and is in compliance with all State, County and Township requirements. The provisions of this Section shall not relieve a property owner from fully complying with all requirements of any Township floodplain ordinance, the Township Sewage Systems Ordinance, and any other applicable ordinances.

## **Section 6.09      Temporary Portable Toilet Facility**

No temporary portable toilet facility shall be permitted provided, however, that temporary use of temporary portable toilet facility shall be permitted during periods of construction pursuant to a valid building permit, or a temporary outdoor event approved under this Ordinance. Under no circumstance shall a temporary portable toilet facility be designed to deposit human excrement directly upon or into the ground.

## **Section 6.10      Classification of Moved Buildings**

Any building moved within a district and placed upon a foundation, or any building moved into a district from outside of the zoning district, shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, reviews, approvals, and certificates.

## **Section 6.11      Reconstruction      of      Damaged      Conforming Buildings**

Reconstruction or demolition of buildings or structures, damaged by fire, collapse, explosion, or acts of God shall be commenced within two (2) months of the date of said partial destruction, and shall be diligently carried on to completion within a period of

one (1) year after said partial destruction. When pending insurance claims require an extension of time or the Frenchtown Fire Chief or State Fire Marshal determines additional time is necessary, the Building Official may grant a time extension provided that the property owner submits a certification from the insurance company, Fire Chief, or State Fire Marshal attesting to the delay. Until such time as the debris from the damage is fully removed, the owner shall adequately secure the premises to guarantee the public health, safety, and welfare of the general public.

## **Section 6.12 Fire Protection Requirements**

All applications, plans and specifications for any land use or uses requiring site plan review under this Ordinance shall be reviewed by the Township Fire Chief, or their qualified designee, to ensure that fire protection requirements have been met.

## **Section 6.13 Electric Distribution and Service Lines**

The distribution system in a new residential subdivision shall be placed underground in accordance with the rules of the [Michigan Public Service Commission \(Michigan Administrative Code Rules 460.511 - 460.512\)](#). A lot facing a previously existing street or county road and having an existing overhead distribution line on its side of the street or county road shall be served with an underground service from these facilities and shall be considered a part of the underground service area.

Commercial distribution and service lines in the vicinity of the customer's property and constructed solely to serve a customer or group of adjacent customers shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513.)

Industrial distribution and service lines in general shall be placed underground in accordance with the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513.) unless the practical difficulty associated with such action shall result in an inordinate burden to the customer.

## **Section 6.14 Sufficient Stormwater Design**

The site design must include adequate protections, in the opinion of the Township Engineer, against excess or polluted stormwater runoff.

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# ARTICLE 7: ADMINISTRATION, ENFORCEMENT, AND PROCESSES

## Section 7.01 Powers and Duties of the Building Official

The provisions of the Ordinance shall be administered by the Township Building Official, who shall be appointed by the Frenchtown Charter Township Board. The Building Official may be assisted by any other Township employees and officials as they may delegate to enforce the provisions of this Ordinance.

### (A) Powers and Duties of Building Official.

- (1) **Powers.** The Building Official shall have the power to approve specific site development, grant building permits, certificates of occupancy, and other related permits, to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Article and the Ordinance. The Building Official shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, and showing the following information in sufficient detail to enable the Building Official to ascertain whether the proposed work or use is in conformance with this Ordinance:
  - (a) The actual shape, location, and dimensions of the lot, including a legal description of the property in question and a boundary map of the property in question.
  - (b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
  - (c) 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.
  - (d) The lines of the lots or parcels under separate ownership therein.
  - (e) The names and widths of abutting pavements and rights-of-way.
  - (f) In the case of an application for other than a residence, the applicant shall furnish information concerning the uses proposed and the intended changes to the land and buildings.
  - (g) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Ordinance are being observed.
  - (h) The Building Official is not permitted to grant exception to the

actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use buildings, structures of land within the Township.

- (i) The Building Official is not permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out their duties as Building Official.
- (2) If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Official shall issue a permit. If any application for such permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.
  - (a) A record of all applications for permits shall be kept on file by the Building Official. All building permits, when issued, shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**(B) Permits.** The following shall apply in the issuance of any permit:

- (1) **Permits Required.** It shall be unlawful for any person to commence excavation or to contract or otherwise arrange with others to commence construction for, or construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a permit from the Building Official.
- (2) **Failure to Complete Work.** Should the holder of a building or demolition permit fail to complete the work for which said permit was issued within the time limit as set forth by the Zoning Ordinance and Building Code, the person who secured the permit shall be responsible for violation of this Zoning Ordinance.
- (3) **Limitations.** The mere application for or issuance of a building permit does not give the applicant or holder thereof a vested right to or in the permit except as otherwise provided by law.
- (4) **Permits for Demolition and Moving of Structures.** Prior to demolition, moving or dismantling of any structure, a permit to demolish, move or remove such structure shall be issued subject to the following regulations:
  - (a) A release shall be obtained from all utilities having service

connection within the building stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Written evidence thereof shall be provided.

- (b) Where applicable, gas and water service shall be disconnected at the property line; septic tank systems shall be pumped and filled with sand; and water wells shall be properly capped. If municipal sanitary sewers serve the property, approval of the sanitary sewer disconnect shall be secured from the City of Monroe, Department of Public Works.
  - (c) The site shall be posted with "NO TRESPASSING" signs and there shall be provided around all sides of the site a minimum of four (4) feet high snow fence or equivalent thereof. Except where work is commenced and continued without any time interruption, the fence and signs may be omitted when approved by the Building Official.
  - (d) Permits shall be valid for 180 days, at which time the site shall be clear of all building materials, any excavations filled to grade, and the site in a level condition suitable for the growing of turf with the grade not to exceed eight (8) inches over the crown of the road or to the average grade of the adjoining property. All unpaved portions of the site shall be planted with grass, ground cover or other suitable live plant material.
  - (e) When the work is completed, the permit holder shall call for a site inspection by the Building Official.
  - (f) To ensure strict compliance with the above provisions, the Building Official may require an irrevocable letter of credit or a cash deposit with the Township Treasurer in the amount of 10% of the value of the demolition as determined by the Building Official.
  - (g) Phase 1 Environmental or Asbestos Abatement statement or attestation shall be provided to the Building Official.
- (C) **Certificates of Occupancy.** It shall be unlawful for any person to use or permit the use or occupancy of any existing, new, altered, extended, erected, repaired, or moved, building or structure until the Property Owner/Occupant shall have applied to the Township and the Building Official shall have issued a Certificate of Occupancy to the Property Owner or Occupant for the building or structure for the use proposed.
- (1) **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this



Ordinance.

- (2) Temporary Certificates.** Temporary Certificates of Occupancy may be issued for the use of lands, buildings or parts thereof provided the Building Official finds that: (1) the occupancy or use of the completed portion shall not interfere or be interfered with or endangered by the completion of the remainder of the building or any portion thereof; and (2) that a satisfactory schedule of the completion and financial guarantee for the remainder of the building or structure is submitted to ensure that all buildings, access, parking, landscaping and accessory building can reasonably be completed within a specified period of time; provided that no such Temporary Certificate of Occupancy shall remain in force for more than one hundred twenty (120) days, nor more than five (5) days after the building(s) or structure(s) is fully completed and ready for occupancy and provided further, that such building or portions of the building(s) or structure(s) are in conformity with the provisions of this Ordinance. The Building Official may issue a Temporary Certificate of Occupancy for a period of time necessary to complete the construction, but in no case exceeding the time limit of the applicable building permit, provided that a cash bond or irrevocable letter of credit determined by the Building Official as equivalent to the value of the amount of work to be finished is put in escrow to insure completion of the work. In fixing the amount of such bond, the Building Official shall also take into account, the work remaining to be completed and the costs and expenses which might be incurred by the Township in order to compel the owner to comply by Court Decree, and such other factors and conditions as might be relevant in determining the amount of the bond. The temporary occupancy shall be conditioned upon the opinion of the Building Official that no unsafe condition exists.
- (3) Certificates for Accessory Buildings to Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling.
- (4) Application for Certificates.** Certificates of Occupancy shall be applied for in writing to the Building Official concurrently with application for building permits and shall be issued within (5) days after notification of completion of the building, if it is found that the building or structure or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the previously mentioned five (5) day period.

**(D) Final Inspection.**

The property owner of any building permit for erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection. It is the responsibility of the property owner of the building permit to prohibit occupancy of said building prior to a Certificate of Occupancy being issued.

**(E) Fees.**

Fees for inspections and the issuance of permits or Certificates of Occupancy thereof, required or issued under the provisions of the Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.

**(F) Zoning Compliance Permits.** No person shall commence construction on any building or structure, occupy a building, structure, or property, or make any use of land otherwise permissible under this Ordinance without first obtaining either a building permit as required by this Ordinance and the Township Building Codes or a zoning compliance permit. If a building permit is not required by Code or Ordinance for such a building or structure, a zoning compliance permit shall then be required.

**(1)** A zoning compliance permit shall be required for the following:

- (a)** Accessory structures under 200 square feet in area.
- (b)** Farm buildings.
- (c)** Fences under seven feet in height.
- (d)** Sidewalks or driveways over 100 square feet.

**(2)** A zoning compliance permit shall not be required for repairs to sidewalks or driveways one hundred (100) square feet in area or less. All lot coverage requirements shall be complied with.

**(3)** The submission of a site plan and such other information as is reasonable and necessary shall be required in order to consider the application and to issue the permit. The Building Official may also require that an initial inspection of the parcel or lot be made prior to issuing a zoning compliance permit.

**(4)** A zoning compliance permit shall not be issued unless, in the opinion of the Building Official, the finished improvement would comply with the Township Zoning Ordinance.

**(5)** The Township Board may adopt a schedule of fees for zoning compliance permits issued pursuant to this Ordinance.

## **Section 7.02      Zoning Board of Appeals**

**(A)** There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the [Michigan Zoning Enabling Act](#), as amended, in such way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of the following five members.

**(1)** The first member shall be a member of the Township Planning Commission appointed by the Township Planning Commission.

- (2) The second member shall be a member of the Township Board appointed by the Township Board and said member shall not serve as Chairman of the Zoning Board of Appeals.
  - (3) The remaining members of the Zoning Board of Appeals shall be selected and appointed by the Township Board from among the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the diversity of the Township as described in the [Michigan Zoning Enabling Act](#).
- (B) Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
  - (C) Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.
  - (D) The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained, for reasons of conflict of interest. If appointed, an alternate member shall serve in the case until a final decision is made. Alternate members shall have the same voting rights as regular members of the Zoning Board of Appeals when called during their term of appointment. If there are two (2) alternate members appointed by the Township Board then they may be called by the chairman as needed based on availability. Alternate members shall possess the qualifications required for board membership.
  - (E) **Board Meetings.** All special meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and regular meetings at such times as the Township Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

## **(F) Appeals and Interpretations**

- (1)** The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the Zoning text and maps, and may fix rules to govern its procedures sitting as a Zoning Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance. The Zoning Board of Appeals shall hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, except that the approval or denial of Uses with Specific Standards, Rezoning, Conditional Rezoning and Planned Unit Developments may not be appealed to the Zoning Board of Appeals.
- (2)** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation in this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

## **(G) Variances.**

In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety, and welfare are secured, and substantial justice is done. In order for a variance to be approved, the Zoning Board of Appeals must determine that a practical difficulty exists, based on the following criteria:

- (1)** A specific provision of the Ordinance prevents the property owner from engaging in a particular aspect of a permitted use or approved Special or Conditional Land use.
- (2)** That there are unique, exceptional, or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.
- (3)** The exceptional or extraordinary conditions or circumstances are not the result of the actions of the applicant taken after the adoption of this Ordinance. Any action taken according to lawfully adopted regulations preceding this Ordinance will not be considered self-created.
- (4)** That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure and is necessary for the preservation of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- (5)** That the granting of the variance will not impair or be injurious to the

neighborhood or adjacent properties or otherwise detrimental to the public health, safety, or welfare with regard to light or traffic or other public interests.

- (6) That the condition of or situation as to the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.

**(H) Use Variances Prohibited.**

The Zoning Board of Appeals shall not have the power to allow a use of land in a given zoning district that is not listed as a permitted use in that district. The Zoning Board of Appeals shall, however, hear appeals of decisions of the Planning Commission as to whether a given use not listed in this Ordinance is “similar to” the uses permitted in that district, and should thus be permitted by Special or Conditional Land Use as described in [Section 2.10.A](#).

**(I) Approval before Planning Commission Action.**

Any dimensional or site design variances shall be approved by the Zoning Board of Appeals prior to Planning Commission action on the site plan and Uses with Specific Standards.

**(J) Decisions of the ZBA**

- (1) Dimensional Variances. A concurring vote of a majority of the members of the ZBA shall be required to grant a variance to the requirements of this Ordinance.
- (2) Appeals. In exercising the above powers, the ZBA 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 Building Official from whom the appeal is taken. A concurring vote of a majority of the members of the ZBA shall be required to reverse an order, decisions, or determination of an administrative official.

**(K) Approval Periods.**

No order of the Zoning Board of Appeals permitting the erection or alteration 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 thereafter. The Building Official may grant an extension of the approval, provided that the applicant demonstrates that construction has been delayed for reasons beyond their control, and that construction is likely to commence within a timeframe deemed reasonable by the Building Official. The Building Official shall be under no obligation to grant any extension.

## Section 7.03 Site Plan and Development Review

### (A) Purpose

- (1) The purpose of site plan and development approval is to determine compliance with this Ordinance, Township Standards, and Specifications and to provide the orderly development of Frenchtown Charter Township, proper ingress and egress, sufficient highways and streets, the stability of land values, investments, the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, or alterations thereto, without proper attention to siting, or to unsightly, undesirable or obnoxious appearances, and also to afford protection to related or adjoining residential properties.
- (2) It is further the intent of this ordinance to require site plan review and development approval prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all [Uses with Specific Standards](#), to ensure that all such buildings, structures, and uses are in conformity with the provisions of this section.
- (3) This ordinance requires site plan review and development approval prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all Uses with Specific Standards, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this section.
- (4) It is also the intent of this ordinance to require the eventual upgrade of existing sites that do not conform with current standards of this ordinance and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the Township and the goals and design guidelines in the Frenchtown Charter Township [Master Plan](#).

**(B) Uses Requiring Plan Review.** Site plan and development approval shall be required for all uses in all zoning districts except for one family residences constructed on properly zoned land and certain permitted uses in an Agricultural District.

	Use or Activity	Planning Commission Site Plan Review	Administrative Site Plan Review	Zoning Compliance Review
a.	New construction of any non-residential or multiple-family development, subject to exceptions listed in this table	•		
	New construction of development in accordance with the Frenchtown Charter <a href="#">Township Subdivision Control Ordinance, Ordinance No. 197</a>	•		
b.	All Uses with <a href="#">Specific Standards in accordance with Section 7.04</a>	•		
c.	Site condominium developments	•		
d.	Planned Unit Developments (PUDs) in accordance with <a href="#">Section 7.08, Planned Unit Development</a>	•		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards	•		
f.	Co-location of a communication antenna upon an existing tower		•	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes	In accordance with section <a href="#">4.40 State Licensed Residential Facilities</a>		
h.	Home Based Business		•	
i.	Temporary buildings, structures ( <a href="#">See section 5.03(7) Temporary Structures During Construction</a> )		•	
j.	Alterations to a principal building in such a way that increases the footprint by less than forty (40) percent of the existing footprint, as measured in square feet and does not increase the height of the structure by more than ten (10) feet		•	
k.	Alterations to a principal building in such a way that increases the footprint but does not require any other site improvements, specifically parking and storm detention.		•	
l.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths or		•	

	Use or Activity	Planning Commission Site Plan Review	Administrative Site Plan Review	Zoning Compliance Review
	sidewalks			
m.	Improvements to outdoor recreational uses and parks		•	
n.	Expansion, replacing or alteration of landscaping and parking lot landscaping areas (no expansion of principal building)		•	
o.	Improvements or installation of walls, fences (over seven (7) feet in height) or lighting		•	
p.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than forty (40) percent or to meet various federal, state, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate Township staff		•	
q.	Construction or relocation of a waste receptacle or enclosure		•	
r.	Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required).		•	
s.	Approved changes to utility systems		•	
t.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds or tree clearing over 100 square feet		•	
u.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area of less than 100 square feet			•
v.	Modifications to nonconforming uses, buildings, or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with <a href="#">Section 7.12, Nonconformities</a>		•	
w.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other federal, state or county regulations		•	
x.	Construction or erection of permitted			•



	Use or Activity	Planning Commission Site Plan Review	Administrative Site Plan Review	Zoning Compliance Review
	accessory structures accessory under 200 square feet in area			
y.	Construction or erection of permitted accessory structures accessory over 201 square feet in area		•	
z.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes			•
aa.	Development regulated by the Land Division Act of 1997 (P.A. 112), <a href="#">Ordinance No. 181</a>			•
bb.	Erection of essential public service local distribution lines			•
cc.	Construction, erection, or alterations to an existing accessory structure (with no expansion to the principal building)		•	
dd.	Keeping of animals as an accessory use without additional structures, except kennels			•
ee.	Farm Buildings			•
ff.	Accessory outdoor display of general retail items as determined by the Building Official/zoning administrator		•	
gg.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50 percent of the building SEV or affect parking requirements on a site			•
hh.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other Township standards and where site plan review is not specifically required under other sections of this article.			•
ii.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review	•		

**(C) Application.** Application for site plan approval shall be made by the property owner or their designated and authorized agent on a form prescribed for this purpose by the

Township. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board and the following information:

- (1) Site plan review submittal requirements.** The site plan shall include all the following information, unless the Building Official/zoning administrator determines that some of the required information is not reasonably necessary:
- a. Application, form, and fees.** A completed application form, supplied by the Township clerk, Building Official/zoning administrator, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the Building Official determines that the application is complete as reviewed by Township staff and consultants.
  - b. Proof of ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  - c. Project schedule.** A narrative indicating the period of time within which the project will be completed.
  - d. Copies.** Fifteen copies of the site plan.
  - e. Sheet size.** Sheet size of submitted drawings shall be 24 inches by 36 inches, with graphics at an engineer's scale of one-inch equals 20 feet for sites of 20 acres or less; and one-inch equals 100 feet or less (i.e., one-inch equals 20 to 100 feet) for sites over 20 acres.
  - f. Cover sheet.** Cover sheet providing:
    1. Applicant's name.
    2. Name of the development.
    3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
    4. Date of preparation and revision dates.
    5. North arrow.
    6. Property lines and dimensions.
    7. Complete and current legal description and size of property in acres.
    8. Small location sketch of sufficient size and scale to determine the site's location within the Township.
    9. Note on each plan sheet stating, "Not to Be Used as Construction Drawings."
  - g. Site plan.** Plan sheet(s) indicating:
    1. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
    2. Lot lines and all structures on the property and within 100 feet of the site's property lines.
    3. Location of any vehicle access points on both sides of the street within 100 feet of the site along streets where vehicle access to the site is proposed.
    4. Existing buildings and any public or private easements, noting those which will remain, and which are to be removed.
    5. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
    6. Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided, and considered part of the

- approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
7. Building footprints, setbacks, typical floor plans and a sketch of any ground mounted equipment to scale along with required screening.
  8. Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed;
  9. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees, wetlands, lakes, rivers, drainageways, topography, etc.
  10. Location(s) of any EGLE-regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two contiguous acres.
  11. Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of [Section 5.10 Garbage Disposal](#);
  12. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements [Section 5.05, Off-Street Parking and Loading-Unloading Standards](#).
  13. Details of exterior lighting meeting the requirements of [Section 5.02, Outdoor Lighting](#), including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles);
  14. Size, type, and location of proposed identification signs;
  15. Location, type, height, and method of lighting for identification signs.
  16. Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
  17. Details of site circulation and access design, including:
    - i. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
    - ii. Indication of pavement widths and pavement type including internal service and access drives.
    - iii. Street horizontal and vertical dimensions, including curved radii.
    - iv. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
    - v. Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
    - vi. Written verification of access easements or agreements, if applicable.
  - h. **Landscape plan.** A landscape plan in accordance with [Section 5.09](#), indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
  - i. **Grading plan.** A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels

and with topography extending a minimum of 50 feet beyond the site in all directions and a general description of grades within 100 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.

- j. **Stormwater management plan.** A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an EGLE-regulated wetland may require an [EGLE](#) wetland permit; and, if constructed below the ordinary high-water mark of an inland lake or stream, will require a permit. Status of all such EGLE permit applications or copies of permits with attached conditions shall be provided as applicable.
- k. **Additional items.** Any additional graphics or written materials requested by the Planning Commission or Township Board to assist the Township in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the [Institute of Transportation Engineers \(ITE\)](#) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage. Additional information which may be reasonably necessary to determine compliance with the provisions of this article.

**(2) Site Plan Approval by Planning Commission.** The Planning Commission shall review the reports of the Planning Consultant and Engineering Consultant, Fire Department, and Water Department along with all site plan submissions to ensure compliance with the requirements of this Ordinance and the provisions of this Section. The Planning Commission shall:

- a. Require and review all pertinent detail and written approvals and recommendations from any authorities having jurisdiction, (such as [Monroe County Road Commission](#), [Monroe County Drain Commission](#), [Department of Natural Resources](#), [Michigan Department of Transportation](#), [Michigan Department of Environment, Great Lakes, and Energy](#), etc.)
- b. Require and review proposed layout and circulation; water, storm, and sanitary system; grading and paving requirements are in compliance.
- c. Require that fire protection systems are in compliance with the Fire Code and approved by the Township.
- d. Require and review the planning and construction of streets, roads and alleys and incidental construction thereto concerning drainage, curbs, gutters, fences, screening walls, landscaping, walks, etc., comply with the requirements and specifications indicated in this Ordinance and further found in the [Engineering Design Standards](#) as adopted by the Township Board.

**(3) Final Site Plan Approval Effective Date.** Final Site plan approval for any project shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, a building permit from the Township Building Department has not been applied for, Final Site Plan approval shall automatically be revoked. In the case of a Final Site Plan approval being

revoked, any permits issued by the Building Department shall be revoked and written notice shall be given to the persons affected by the Building Department revocation. Provided, however, the Planning Commission may upon written request of the project owner, prior to the expiration period, grant an extension of up to twelve (12) months when it can be assured that the project will be under construction within the time extension. In the case of a Final Site plan for a single-family site condominium development, the approval may be extended only upon approval of the Township Board following consideration of a recommendation by the Township Planning Commission in the matter.

- (D) Amendments to Approved Site Plan.** Amendments to approved site plans may be approved using the process described in Subsections F through J.
- (E) Optional Preliminary Site Plan Review.** The site plan approval process may include a review, at the option of the applicant, of a Preliminary Site Plan by the Planning Commission. This option may be appropriate for site plans affecting over five acres, plans affecting locations designated in the Frenchtown Charter Township [Master Plan](#) as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing EGLE designated/regulated wetlands, [Uses with Specific Standards](#), and complex commercial developments. The review of a preliminary site plan allows the Planning Commission and Township staff to review and comment on the project's compliance with the requirements of this article prior to the preparation of all the required site plan review materials.
- (F) Standards for site plan approval.** Based upon the following standards, the Planning Commission may approve, approve with conditions, or deny the site plan:
- (1) General.** All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.
  - (2) Building design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development.
  - (3) Preservation of significant natural features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, EGLE-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the EGLE.
  - (4) Landscaping.** The landscape shall be preserved in its natural state, as far as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the

site in accordance with the requirements of this article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of [Section 5.09, Landscape and Screening](#).

- (5) **Streets.** All residential streets shall be developed in accordance with the Frenchtown Charter [Township Subdivision Control Ordinance](#) and construction standards.
- (6) **Access, driveways, and circulation.** Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
  - a. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  - b. All driveways shall meet the design and construction standards of the Township.
  - c. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
- (7) **Emergency vehicle access.** All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Township fire and police departments.
- (8) **Barrier-free access.** The site has been designed to provide barrier-free parking and pedestrian circulation.
- (9) **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by [Section 5.05, Parking And Loading Requirements](#).
- (10) **Loading and storage.** All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission in accordance [Section 5.09, Landscape and Screening](#).
- (11) **Soil erosion control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Township engineer.
- (12) **Utilities.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- (13) **Stormwater management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to

accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

**(14)Lighting.** Exterior lighting, in accordance with [Section 5.02, Outdoor Lighting](#), shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

**(15)Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

**(16)Garbage Disposal.** Garbage disposal receptacles shall be provided as required in [Section 5.10](#).

**(17)Signs.** The standards of [Section 5.08, Signage](#), must be met.

**(18)Hazardous materials or waste.** For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

**(19)Other agency reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the EGLE, MDOT, Monroe County Drain Commission, Monroe County Health Department, and other federal and state agencies, as applicable.

**(G) Site plans with multiple phases.** The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of Section 7.03, Site Plan Submittal requirements. Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and out lots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Section has been provided. In addition, any phase of a site plan where construction has not commenced within one year from the date of approval must return to the Planning Commission for a new site plan approval.

**(H) Conditions of site plan approval.**

**(1)** As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its

activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of Section 7.04

- (2) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
- (3) A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with Section 7.03(J), Amendments to approved site plan.
- (4) A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- (5) The Building Official may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Building Official/Zoning Administrator shall have authority to approve the site plan.
- (6) The Building Official may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

**(I) Validity of approved site plan.**

- (1) Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
- (2) Upon written application filed prior to the termination of the one (1) year review period, the Planning Commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the Planning Commission, but which shall not exceed one (1) year.

**(J) Amendments to approved site plan.** Amendments to the approved site plan may occur only under the following circumstances:

- (1) An applicant or property owner who has been granted site plan approval shall notify the Building Official of any proposed amendment to such approved site plan.



- (2) Minor changes may be approved by the Township Building Official.** In considering such a determination, the Building Official/Zoning Administrator shall consider the following to be a minor change:
- a. Change in size of structures, for multiple family residential buildings, provided that the overall density of units does not increase.
  - b. Change in square footage of non-residential buildings by up to forty (40) percent.
  - c. Alterations to horizontal and/or vertical elevations by up to forty (40) percent.
  - d. Movement of a building or buildings by no more than ten (10) feet.
  - e. Increase in designated "areas not to be disturbed."
  - f. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Building Official/Zoning Administrator.
  - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - h. Changes of building materials to another of higher quality, as determined by the Building Official.
  - i. Changes in floor plans which do not alter the character of the use.
  - j. Relocation of sidewalks and/or refuse storage stations.
  - k. Internal rearrangement of parking lot which does not change the number of parking spaces by more than forty (40) percent or alter access locations or design.
  - l. Changes required or requested by the Township for safety reasons.
- (3)** Should the Building Official determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit it to the Building Official/zoning administrator for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.
- (4)** Any deviation from the approved site plan, except as authorized in Section 7.03(I), Amendments from approved site plan, shall be considered a violation of this article.

**(K) Administrative Review Submittal Requirements.**

- (1) Intent.** The intent of this section is to permit submittal of development plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this ordinance. The intent is to also provide for an administrative review by the Building Official of Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.
- (2) Eligibility.** A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in Section 7.03(B), Uses requiring site

plan review.

**(3) Procedure.**

a. **Development plan.** The process for administrative approval of a development plan shall involve submittal of the development plan and required application form, and fee to the Building Official. The Building Official shall review the development plan in accordance with the same standards used by the Planning Commission for a full site plan. The Building Official shall make a report of administrative reviews to the Planning Commission.

b. The minimum contents of a development plan submitted for administrative review include:

**1. Cover sheet including:**

- i. Completed application form and fee.
- ii. Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
- iii. Scale and north-point.
- iv. Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.
- v. Legal and common description of property including net acreage.
- vi. Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
- vii. Zoning classification of petitioner's parcel and all abutting parcels.
- viii. A note on each plan sheet stating, "Not to Be Used as Construction Drawings."

**2. Buildings and structures.**

- i. Existing and proposed buildings and parking lots with dimensions and setbacks.
- ii. Floor plan indicating existing and proposed uses.
- iii. Building elevations including materials and colors for all sides with proposed changes.

**3. Parking and access.**

- i. Existing and proposed parking calculations.
- ii. Existing and proposed driveways.

**4. Site data.**

- i. Existing and proposed landscaping illustrated on the plan and described in a plant list.
- ii. Proposed changes to grading and other natural features.
- iii. Existing and proposed lighting and screening.
- iv. Proposed changes to utilities.
- v. Any other items requested by the Building Official to assist in the administrative review.

**(4) Planning Commission approved site plan.** If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.

**(5) Additional information.** The Building Official retains the option to require

additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the Building Official shall inform the applicant to submit a set of plans in accordance with this article within 14 days of receipt of the application.

**(L) Property maintenance after approval.**

- (1) It shall be the responsibility of the owner of the property for which site plan or development approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan or development approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site.
- (2) Any property owner who fails to so maintain an approved site or development plan shall be deemed in violation of the provisions of this article and shall be subject to the same penalties appropriate for a violation.

## **Section 7.04      Uses with Specific Standard Approvals**

**(A) Purpose.** Within each zoning district there are uses which may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions, and when developed in accordance with sound planning and site plan principals. For the purpose of this Ordinance these uses shall be known as “conditional land uses” and “Uses with Specific Standards” as set forth in the individual district:

- (1) Conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This ordinance provides standards for the Building Official or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.
- (2) Uses with Specific Standards are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district but may be permitted because of circumstances unique to the location of the particular use. This ordinance provides standards for the Planning Commission to determine the appropriateness of a given Uses with Specific Standards using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities

and services, equipment used, and processes employed. Accordingly, Uses with Specific Standards should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

**(B) Application.** Application for conditional or Uses with Specific Standards approval shall be made by the property owner or their designated or authorized agent that has a signed lease agreement for all or a portion of the property or has signed purchase agreement for the property. The application for a Uses with Specific Standards shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board. If a conditional use approval is not accompanied by a site plan, the fee for Zoning Compliance shall be made.

**(C) Application Information.** Application for approval shall contain a detailed description of the use, and all information required for Site Plan Approval in Section 7.03.

**(D) Uses with Specific Standards Public Hearing Requirement.**

- (1)** A public hearing shall be held by the Planning Commission on a proposed Uses with Specific Standards in order to acquaint the public and adjoining property owners with the proposal prior to furnishing detailed plans and specifications by the applicant.
- (2)** Notice of the hearing 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 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 regardless of whether the property or occupant is located in the Township.
- (3)** The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- (4)** 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.

## **(E) Planning Commission Decision**

- (1) Conditional Land Use.** The Planning Commission shall approve conditional land use if all requirements and standards are met. If all requirements are not met, the use shall be reviewed as a Uses with Specific Standards in accordance with Section 7.04(A)(2).
- (2) Uses with Specific Standards.** The Planning Commission may deny, approve, or approve with conditions, a request for Uses with Specific Standards approval. In permitting such a request the Planning Commission may require any conditions and safeguards the Commission determines to be in keeping with the spirit and intent of this Ordinance and which may protect the neighboring properties from a negative impact. The decision on such use shall be incorporated in a statement to be made part of the minutes of the meeting, said statement shall contain the conclusions relative to the use under consideration, specifying the basis for the decision and any conditions imposed. Conditions and requirements stated and made part of the approval shall be a continuing obligation running with the use of said property.

**(F) Site Plan Requirement.** All Conditional and Uses with Specific Standards applications shall require Site Plan Approval in addition to use approval. In order for the site plan to be approved, the site must be brought up to all relevant standards of this Ordinance, including, but not limited to, lighting, signage, dumpster enclosures, landscaping, and parking. After approving a Uses with Specific Standards, the Planning Commission may refer the Required Site Plan Approval to the Building Official for Administrative Site Plan approval, upon determining that the physical site changes proposed or required are minor in nature.

**(G) Record of Conditions.** Any conditions imposed with respect to the "Uses with Specific Standards" approval shall be recorded in the record of the Uses with Specific Standards approval action and shall remain unchanged except by the Planning Commission after public hearing consistent with the requirements of this Article. The Building Official shall maintain a record of each approved Uses with Specific Standards and the specific conditions imposed by the Commission.

## **(H) Use Approval Effective Date.**

- (1) Conditional Land Use.** Conditional Land Use approval shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, site plans have not been submitted for review and approved, Conditional Land Use approval shall automatically be revoked. The Planning Commission may however, upon written request of the applicant, prior to the expiration period, grant one (1) extension up to twelve (12) months. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.
- (2) Uses with Specific Standards.** Uses with Specific Standards Approval shall be effective for a period of one (1) year. If after a period of one (1) year from the date of

said approval, site plans have not been submitted for review and approved, Uses with Specific Standards approval shall automatically be revoked. The Planning Commission may however, upon written request of the applicant, prior to the expiration period, grant one (1) extension up to twelve (12) months.

## Section 7.05 Site Condominiums

**(A) Intent.** The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

### **(B) Definitions**

**(1) Building Envelope.** Commonly known as the “building footprint.” Building envelope shall mean the ground area occupied or to be occupied by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., house and attached garage.

**(2) Building Site.** Building site shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be treated the same as a “lot” for the purposes of this Ordinance.

**(3) Site Condominium.** Site condominium shall mean a condominium project developed under [Act 59 of the Public Acts of 1978](#), as amended.

**(C) Application and Authority.** The following review process shall apply to all condominium projects within the Township:

**(1)** Concurrently with notice required to be given to the Township pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation, or other legal entity intending to develop a condominium project shall file with the Township the following information with respect to the projects:

**a.** All names, addresses and telephone numbers of:

- 1.** The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
- 2.** All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
- 3.** The developer or proprietor of the project. The legal description of the land including tax identification numbers.

**b.** The total acreage.

**c.** The intended use.

**d.** The number of units to be developed.

**e.** A copy of the proposed master deed.

- f. Condominium projects shall contain all information required by the [Condominium Act](#).
- g. The information shall be filed with the Building Official at the time the information is filed with the Township Clerk and shall be kept current.
- h. In addition to the requirements of this Article, any applicable requirements of [Section 7.03 Site and Development Review](#) and [7.08, Planned Unit Development](#) must be met.

**(2) Application.** Application for approval shall be made to the Building Department by the owner or their designated and authorized agent on a form prescribed for this purpose by the Township, of any tract where the Single-Family Site Condominium is contemplated. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board and the information indicated this Ordinance and such other information which shall permit the Planning Commission to make a determination concerning the purpose and requirements of this Ordinance.

**(D) Approval of Plans.**

- (1) All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in the Frenchtown Charter Township Zoning Ordinance.
- (2) In making determination, the Planning Commission shall consult with the Building Official, Township Planner, Township Attorney, and the Township Engineer, or any other consultants deemed necessary by the Township regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design, and layout and compliance with the [Condominium Act](#).
- (3) The master deed, bylaws, and article of incorporation are subject to review and approval of the Township Attorney.

**(E) Streets and Necessary Easements.**

- (1) Condominium projects shall comply with all public and private street requirements found in the Township Code Of Ordinances, [Engineering Design Standards](#), Ordinance 210, as amended. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
- (2) Site condominiums must have at least one connection to all adjacent public thoroughfares per 600 feet of frontage along the thoroughfare (one connection if there are fewer than 600 feet of frontage).
- (3) Stub streets must be constructed connecting to all lot lines forming the boundary of the site condominium. At least one stub street must be constructed per 600 feet of lot line length. Stub streets shall be constructed at the same time as the rest of the road network for a given development and shall be constructed up to the lot line. They shall be constructed so as to allow continuous construction, with the same design, on the adjacent lot. When a lot with existing stub streets from adjacent lots is developed, roads must be built

connecting to all stub streets. In a phased development, the roads connecting to the stub streets must be built in the first phase. The condominium association must allow cross access from adjacent developments along all streets and may not erect gates or other barriers. Condominium associations shall maintain the roads within their boundaries but shall not be responsible for any road maintenance outside their boundaries, unless agreed upon by mutual agreement with another condominium association or the Monroe County Road Commission.

- (4) The condominium plan shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
- (5) All private roads within a Site Condominium shall be subject to a maintenance agreement described in the Master Deed that, in the opinion of the Township, will adequately maintain the roads over the life of the site condominium. A binding maintenance agreement must be approved by the Township and recorded, as required by Section 7.05(N).

**(F) Setbacks and Boundaries.**

- (1) The setback requirements for condominium buildings shall be in accordance with the requirements of each district unless otherwise modified by the Planning Commission as part of [Section 7.08, Planned Unit Development \(PUD\)](#). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
  - (2) The relocation of boundaries as defined in [Condominium Act](#) shall conform to all setback requirements of this Article for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (G) Common Elements.** After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.
- (H) Encroachment.** A condominium project shall not be constructed in a manner that intentionally creates an encroachment.
- (I) Subdivision of Unit Sites.** Subdivision of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission, review, and approval of an amended master deed by the Township Attorney to determine the effect of the subdivision on conditions of zoning or site plan approval and shall be



made as part of the bylaws and recorded as part of the master deed.

**(J) Conformance with Subdivision Regulations.** All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the Frenchtown Charter Township Subdivision Control Ordinance, Number 197, as amended.

**(K) Residential Recreational Area.** Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area.

**(L) Water and Wastewater.** The condominium project shall comply with and meet all Federal, State, County, and Township standards for a domestic water system and wastewater disposal.

**(M) Expansion and Conversion.** Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

**(N) Master Deed.**

**(1)** The Master Deed of all site condominiums must reflect compliance with the standards of the Frenchtown Charter Township Zoning Ordinance.

**(2)** The project developer shall furnish the Building Official with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans.

**(3)** The proposed plans shall be reviewed for compliance with this chapter and the Frenchtown Charter Township Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.

**(4)** Master deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the Township for review and approval.

**(5)** Fees for these reviews shall be established, from time to time, by resolution of the Township Board. Master deeds must be approved by the Township Attorney.

**(O) As-Built Plan and Occupancy.** Submission of an as-built plan is required prior to occupancy. The Building Official may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The Township Engineer shall determine the amount of the bond.

- (P) Final Bylaws, Consolidated Master Deed, and Site Plan.** Upon approval of the development, a copy of the bylaws and consolidated master deed shall be furnished to the Township. The site plan shall be provided in digital format meeting the requirements of Section 7.05(O) As-Built Drawings. The bylaws and consolidated Master Plan must be reviewed and approved by the Township Attorney.
- (Q) Compliance with Other Statutes and Ordinances.** All condominium projects shall comply with Federal, State, County, and Township laws, statutes, and ordinances.

## Section 7.06 Amendments and Rezoning

- (A)** The Township Board may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map (rezoning) or the provisions of this Ordinance in accordance with the authority of [Act 110 of the Public Acts of 2006](#), as amended. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the text of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of one (1) or more residents or property owners of the township in accordance with the authority of [Act 110 of the Public Acts of 2006](#), as amended. All proposed amendments to the official zoning map or the provisions of this Ordinance shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.
- (B)** The Planning Commission and Township Board may amend the future land use designations shown on the Frenchtown Township [Master Plan](#). An amendment may be initiated by the Planning Commission, Township Board, or by petition of one (1) or more residents or property owners of the Township.
- (C)** Upon presentation of a petition to the Planning Commission, and upon the payment of the required fees designated by the Township Board, or upon the Planning Commission's own motion to begin the amendment process, or a request from the Township Board, the Commission shall prepare a proposed amendment and shall hold a public hearing as described in [Section 7.04.D](#). The Planning Commission may modify the proposed amendment after the public hearing.
- (D)** After consideration of all issues relevant to the amendment, the Township Planning Commission shall make a recommendation of approval or denial to the Township Board. The proposed amendment, a summary of public comments and the Planning Commission's recommendation shall be forwarded to the Township Board for consideration. The Board may modify the proposed amendment, and then shall vote to approve or deny adoption of the proposed amendment.
- (E)** In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall, and the Township Board may, in addition to other

relevant factors including those set forth in the [Michigan Zoning Enabling Act](#), consider the following criteria in making its findings, recommendations, and decision:

- (1) Consistency with the goals, policies, and Future Land Use Map of the Frenchtown Charter Township [Master Plan](#), including any subarea or corridor studies. If conditions have changed since the Frenchtown Charter [Master Plan](#) was adopted, the consistency with recent development trends in the area.
  - (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
  - (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
  - (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
  - (5) The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
  - (6) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
  - (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or Uses with Specific Standards within a district.
- (F) Petitions Previously Denied.** A period of not less than one (1) year is required between filing applications for a change or amendment applying to a specific piece of property or a part of such property, where a prior petition was denied. The same applicant may apply for another change or amendment within the one (1) year period, provided that subsequent applications are substantially different than the first amendment. "Substantially different" amendments shall include, but not be limited to, requesting a new zoning district, substantially amending the requested text amendment, or substantially amending the proposed conditional rezoning agreement.

## **Section 7.07**      **Conditional Rezoning**

The Township recognizes that, under certain instances, it may be to the Township's and the landowner's advantage to consider rezoning of certain lands if the application is subject to certain conditions. Accordingly, it is the intent of this Section to provide a

conditional rezoning option to landowners in accordance with the provisions of the [Michigan Zoning Enabling Act, P.A. 110 of 2006](#), as amended.

- (A) Eligibility.** A landowner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the landowner shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this Ordinance for the proposed zoning district.
- (B) Application Requirements.** A conditional rezoning amendment shall be initiated by submission of a complete application describing all conditions and terms of the proposed rezoning, to the Township, along with the required fee established by the Township Board.

  - (1) Site Plan Requirement.** A conceptual site plan shall be submitted with the Conditional Rezoning Agreement, meeting the requirements in [Section 7.03](#), and must be approved in order for the Conditional Rezoning to be approved. The Planning Commission may waive the site plan requirement upon determining that a site plan is not necessary to determine whether the request complies with the requirements of this section.
  - (2) Amendment of Approved Site Plan.** A site plan approved in conjunction with a Conditional Rezoning Agreement may be amended through the process described in [Section 7.03\(J\)](#). An amendment to the Conditional Rezoning Agreement shall not be required. However, the amended site plan must be in compliance with the Conditional Rezoning Agreement in order to be approved.
- (C) Review and Approval Procedures.** The review and approval process shall be the same as for rezoning amendments without conditions, as described in Section 7.06. The Planning Commission shall hold a public hearing and shall recommend action to the Township Board.
- (D) Effective Date and Recording of Conditional Rezoning Agreement.** A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Monroe County Register of Deeds office by the applicant with proof of recording given to the Clerk's Office.
- (E) Amendment of Conditional Rezoning Agreement.** Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.
- (F) Expiration of conditional rezoning agreement.** The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless:

  - (1)** Construction of site utilities and infrastructure on the approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period

and proceeds diligently to completion.

- (2) The rezoning is extended for good cause by the Township Board.
- (3) The approved Conditional Rezoning Agreement specifies a different timeline.
- (4) Once approved construction has been completed, and a certificate of occupancy has been issued for all approved buildings on the site, there shall be no expiration date for the conditional rezoning, and it shall continue in perpetuity unless the zoning of the property is changed through the process described in this Ordinance.

**(G) Approval Criteria.** The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:

- (1) **In the Public Interest.** The Township Board shall determine that, in considering the site-specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.
- (2) In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.
- (3) **Other Amendment Considerations.** In considering a conditional rezoning amendment, the Planning Commission and Township Board shall also consider the following factors:
  - (a) Furtherance of the [Master Plan](#)'s goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the [Master Plan](#) was adopted, the consistency with recent development trends in the area shall be considered.
  - (b) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features.
  - (c) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
  - (d) Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and

welfare of Township residents or burdening the Township or Monroe County with unplanned capital improvement costs or other unplanned public expenses.

- (e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.
  - (f) The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - (g) The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.
  - (h) The requested conditional rezoning will not create an isolated or incompatible zone in the area.
  - (i) Other factors deemed appropriate by the Township Board.
- (H) **Zoning District Designation.** If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to “CR” (Conditional Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the C-2 District would be “C-2/CR”
- (I) **Re-Application.** Whenever a conditional rezoning application has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township determines that one or more of the following conditions has been met:
- (1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
  - (2) The new application is materially different from the prior application.
- (J) **Revert to Former Zoning.** If the conditional zoning becomes void and of no effect, then by automatic reversion set forth in the [Michigan Zoning Enabling Act, P.A. 110 of 2006](#), as amended, the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Township Board.
- (K) **Right to Rezone.** The Township reserves the right to rezone a property that is subject to a Conditional Rezoning Agreement, using the process set forth in the [Michigan Zoning Enabling Act, P.A. 110 of 2006](#), as amended, and publication of a zoning map amendment in a newspaper of general circulation in the Township. The Township Board shall have two readings of the amendment.

## Section 7.08 Planned Unit Development

### (A) Purpose.

- (1) The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, the PUD standards consist of those requirements provided within this Section and by waivers granted by the Planning Commission authorizing a departure from one (1) or more of the requirements or standards of the underlying zoning district.
- (2) The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the Township; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in underlying zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
- (3) The PUD standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the Frenchtown Township [Master Plan](#), on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other underlying zoning district classifications rather than to achieve the stated purposes herein set forth.
- (4) The PUD standards allow a developer the opportunity to mix compatible uses or residential types on a single property, allow clustering to reduce construction costs, reduce setbacks for downtown projects, and enhance marketability through the preservation of significant natural, historical, aesthetic, and architectural features.

### (B) Principal Permitted Uses. Principal uses permitted within the PUD overlay are based on the underlying zoning district, as indicated below:

- (1) **R-1.** All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single- and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any

combination of these residential uses may be permitted within the PUD overlay.

**(2) R-3.** All principal uses of the underlying district shall be permitted. The list of permitted uses includes low density multiple-family dwellings or a mixture of single- and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses. In addition, for sites having a minimum size of twenty (20) acres, up to ten percent (10%) of the total site acreage may be developed with uses permitted in the C-1. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.

**(3) C-1.** The PUD development option is not permitted in this district.

**(4) O-S, C-2, C-3, I-1.** All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district may be permitted. In addition, other business, service, office, light manufacturing, and residential uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

**(C) Special and Conditional Land Uses.** All uses listed as special and conditional land uses in the underlying district are considered as Uses with Specific Standards within the planned unit development designation. [Uses with Specific Standards](#) in an approved PUD shall require a Uses with Specific Standards permit and shall comply with any specific standards applicable to that Uses with Specific Standards and any applicable PUD plan, unless the Planning Commission waives such requirements consistent with the procedures provided in this Section.

**(D) Qualifying Conditions.** In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

**(1) Demonstrated Benefit.** The proposed PUD shall provide two (2) or more of the following benefits not possible under the requirements of the underlying or another zoning district, as determined by the Planning Commission:

- a. Preservation of significant natural or historic features.
- b. A complementary mixture of uses or a variety of housing types.
- c. Common open space for passive or active recreational uses.
- d. Mitigation to offset community impacts.
- e. Redevelopment of a site where creative design can address unique site constraints.
- f. Infill development that enhances the existing built environment while minimizing negative impacts.

**(2) Availability and Capacity of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.



**(3) Compatibility with the [Master Plan](#).** The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the Frenchtown Township Master Plan.

**(4) Compatibility with the PUD Purpose.** The proposed PUD shall be consistent with the purpose of this Section and spirit of this Ordinance.

**(5) Development Impact.** The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

**(E) Application and Review Procedure for Preliminary PUD Plan and Final PUD Site Plan.** The application process for a PUD involves a three (3) step process, with the second step including review of a preliminary (conceptual) PUD plan by both the Planning Commission and Township Board. Upon approval of the preliminary PUD plan, the Planning Commission shall review a final PUD site plan.

**(1)** An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the preliminary PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.

**(2)** The applicant shall prepare and submit to the Building Official the required number of copies of a preliminary PUD plan for PUD approval, meeting the requirements of Section 7.08(F), Preliminary PUD Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request. The Building Official shall promptly transmit this plan to the members of the Planning Commission when deemed complete.

**(3)** The Planning Commission shall review the preliminary PUD plan and conduct a public hearing. During this review, the Planning Commission may request additional materials supporting the PUD proposal or recommend specific design guidelines and development standards subject to subsection (H) of this Section. The Planning Commission shall then, within sixty (60) days of the submittal or such reasonable extension of time as may be necessary for adequate review, make a recommendation on the preliminary PUD plan to the Township Board. The applicant shall incorporate these design guidelines, including but not limited to known waivers, modifications, or conditions recommended by the Planning Commission prior to the review by the Township Board.

**(4)** Following receipt of the Planning Commission recommendations, the Township Board shall conduct a public hearing on the preliminary PUD plan. The Township Board may approve a preliminary PUD plan establishing specific design guidelines and development standards pursuant to subsection (H) of this Section. The Township Board shall take final action on said plan within ninety (90) days of the date it receives a report from the Planning Commission, or such reasonable extension of time as may be necessary for adequate review.

- (5) If any conditions are imposed upon the approval of the preliminary PUD plan by the Township Board, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan submission.
- (6) Approval of the preliminary PUD plan by the Township Board shall confer upon the owner the right to proceed through the subsequent final PUD site plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the Township Board for one (1) additional three (3) year period. This limitation may be waived by the Planning Commission in final PUD site plan approval.
- (7) The applicant shall submit the required number of copies of detailed final PUD site plans to the Building Official, as described in Section 7.08(H) Final PUD Site Plan Submittal Requirements, for all, or any phase of, the approved preliminary PUD plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- (8) Upon submission of all required materials and fees, the Planning Commission shall review such final PUD site plan and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance.
- (9) If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Building Official in accordance with [Section 7.03\(B\)](#) Projects Eligible for Administrative Approval for approval prior to the issuance of any building permits.
- (10) If the approved preliminary PUD plan indicated that the proposed development was to occur in phases, final PUD site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for the final PUD site plan outlined in this Section.
- (11) The Township Board may, by resolution and upon recommendation of the Planning Commission, approve an overall preliminary PUD plan establishing specific design guidelines and development standards for a site or multiple sites, which may include waivers for certain requirements and standards of the underlying zoning district or Uses with Specific Standards(s). For the purposes of this Section, an approved preliminary PUD plan requires each developer to follow the process for final PUD site plan approval outlined in this Section. The time limitations described under Section 7.08(E)(6), above, do not apply to the Township-initiated preliminary PUD Plan. The Planning Commission may require each developer to enter into a separate PUD Agreement for each individual site or series of projects as a condition of approval to the final PUD site plan approval. Deviations from an approved preliminary PUD plan or final PUD site plan shall be permitted only in accordance with Section 7.08(D), Deviations from Approved Preliminary PUD Plan or Approved Final PUD Site Plan.

**(G) Preliminary PUD Plan Submittal Requirements.** The preliminary PUD plan shall set

forth the proposed uses to be developed in the PUD. The following specific information shall be provided:

- (1) Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (2) Written Documentation.** Written documentation that the proposal meets the standards of Section 7.08(D), Qualifying Conditions.
- (3) Application Form and Fees.** A completed application form, supplied by the Building Official, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the preliminary PUD plan submittal.
- (4) Sheet Size.** Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- (5) Cover Sheet.** Cover sheet providing:
  - (a)** Applicant's name.
  - (b)** Name of the development.
  - (c)** Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
  - (d)** Date of preparation and any revisions.
  - (e)** North arrow.
  - (f)** Property lines and dimensions.
  - (g)** Complete and current legal description and size of property in acres.
  - (h)** Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
  - (i)** Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
  - (j)** Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
  - (k)** Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
  - (l)** A table or list of all underlying zoning district standards that are sought to be waived.
- (6) PUD Site Plan.** A site plan sheet indicating:
  - (a)** Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE designated or regulated wetlands with supporting documentation, nonregulated wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.
  - (b)** Existing and proposed topography at five (5) foot contour intervals, and a

- general description of grades within one hundred (100) feet of the site.
- (c) Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
  - (d) Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.
  - (e) Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
  - (f) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
  - (g) Size, type, and location of proposed identification signs.

**(7) Site Analysis.** A separate plan sheet may be required indicating locations of significant natural, historical, and architectural features, including landmark trees, which will be designated as “areas not to be disturbed” and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.

**(8) PUD Development Agreement.** A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in Section 7.08(H), Final PUD Site Plan Submittal Requirements may be required when deemed necessary by the Planning Commission.

**(9) Multi-Phased PUD.** If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.

**(10) Additional Information.** Any additional graphics or written materials requested by the Planning Commission or Township Board to assist the Township in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

**(G) Standards for Approval of Preliminary PUD Plan.** Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed PUD.

**(1)** The uses proposed shall be consistent with the Township's adopted [Master Plan](#). Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could

not be achieved under the regulations of the underlying district alone or that of any other zoning district.

(2) Any waivers from the requirements or standards of the underlying zoning district or Uses with Specific Standards(s) in accordance with [Section 7.04](#), such as but not limited to density, lot sizes, setbacks, height limits, required facilities, buffers, open space, or permitted sign area, shall be reviewed and approved by the Planning Commission when it is determined that the waivers will accomplish the objectives identified in this Section and be consistent with the intent and purpose of the underlying zoning district.

(3) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by [Section 5.05](#), Off-Street Parking and Loading. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may grant a waiver reducing the required number of parking spaces in accordance with [Section 5.05\(E\)\(3\)](#), Collective Parking Facilities.

(4) All streets and parking areas within the PUD shall meet the minimum construction and other requirements of Township ordinances, unless modified by Township Board or Planning Commission, depending upon which body possesses jurisdiction under the Township Code.

(5) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

(6) Sidewalks shall be provided in accordance with [Section 5.07](#), Non-motorized Pathways.

(7) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of [Section 5.09](#), Landscaping And Screening.

(8) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.

(9) Surface water shall be retained on the site wherever possible.

(10) The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Official.

(11) Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.

**(H) Final PUD Site Plan Submittal Requirements.** The final PUD site plan shall include all

the following information, unless the Building Official or Planning Commission determines that some of the required information is not reasonably necessary for the consideration of the PUD:

**(1)** All information required for site plan submittal in accordance with [Section 7.03](#), Site and Development Review.

**(2)** Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

**(3)** A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:

- (a) A survey of the acreage comprising the proposed PUD.
- (b) All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all waivers from Township regulations which have been requested and approved.
- (c) The manner of ownership of the developed land.
- (d) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- (e) Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the Township may require conveyances or other documents to be placed in escrow to accomplish this.
- (f) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
- (g) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.
- (h) Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
- (i) Any other concerns raised by the Planning Commission or Township Board regarding the construction and maintenance of the PUD.
- (j) The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.

**(4)** A written draft of PUD design guidelines and development standards specific to the PUD as approved by the Township Board. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The design guidelines and development standards shall also include any waivers granted under this Section to the requirements or standards of the underlying zoning district or Uses with Specific Standards, such as but not limited to density, lot sizes, setbacks, height

limits, required facilities, buffers, open space, and permitted sign area, and other similar dimensional standards.

(I) **Standards for Approval of Final PUD Site Plan.** The Planning Commission shall use the standards for approval of [Section 7.03\(F\)](#), Standards for Site Plan Approval, any PUD design guidelines specific to the PUD, and the preliminary PUD plan, in reviewing the final PUD site plan.

(J) **Conditions of Approval.** The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Section and [Section 7.03\(H\)](#), Conditions of Site Plan Approval.

(K) **Validity of Approved Final PUD Site Plan**

(1) **Project Commencement.** Construction on the approved final PUD site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of final PUD site plan approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the final PUD site plan shall be invalid and void.

(2) **Project Completion.** The approved final PUD site plan shall remain valid for a three (3) year period following the date of final PUD site plan approval, provided that the requirements of paragraph a. above are met.

(3) **Extensions.** The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

(L) **Deviations from Approved Preliminary PUD Plan or Approved Final PUD Site Plan**

(1) Deviations and amendments from an approval preliminary PUD plan shall be reviewed and approved by the Planning Commission in accordance with the objectives of this Section.

(2) Deviations and amendments from the approved final PUD site plan shall be reviewed and approved by the Planning Commission in accordance with [Section 7.03\(J\)](#), Deviations from Approved Site Plan, as well as the objectives identified in Section 7.08(A), Purpose and any applicable PUD design guidelines and preliminary PUD plan.

(3) Should the Planning Commission determine that the deviations or amendments to the preliminary PUD plan or final PUD site plan significantly alter the intent thereof, a new submittal illustrating the deviations or amendments shall be required and must be approved by the Township Board as a new preliminary PUD plan.

(4) Any amendment to PUD design guideline requirements established specifically for a PUD established by Township Board shall be adopted by resolution of the Township Board, upon recommendation of the Planning Commission, and will not require

amendment of this Section of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.

(5) Any deviation from the approved preliminary PUD plan or final PUD site plan, except as authorized by this Section shall be considered a violation of this Section and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

**(M) Appeals, Variances and Waivers**

**(1) Appeals and Variances.** No decision related to a PUD, including the approval or denial of a preliminary PUD plan or final PUD site plan or a decision to grant or deny a waiver, may be appealed to the Zoning Board of Appeals, nor are waivers granted subject to variance approval or modification by the Zoning Board of Appeals. Any departure from an approved final PUD site plan shall be permitted only as authorized in Section 7.08(L), Deviations from Approved Preliminary PUD Plan or Approved Final PUD Site Plan.

**(2) Waivers.** A waiver may be granted as part of an approval according to the provisions of this Section for certain requirements and standards of the underlying zoning district or proposed Uses with Specific Standards upon the Township Board or Planning Commission's own discretion or written request by the applicant. The requirements or standards shall be applied to the maximum extent possible, but suitable alternatives that substantially achieve the purpose of this Zoning Ordinance may be accepted, if any, if the requirements or standards are deemed impractical or unreasonable. Any final approval of the Township Board or Planning Commission that provides for a relaxation of standards required by the underlying zoning district or this Chapter is presumed to have been waived in accordance with this Section.

**(N) PUDs Approved Prior to this Ordinance.** All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance, or an amendment thereto, shall be treated as follows:

**(1)** Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.

**(2)** Approved preliminary PUD plans for mixed use PUDs shall be considered zoned as a mixed-use PUD in the commercial districts. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD plan.

**(3)** Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet Section 7.08(G), Standards for Approval for Preliminary PUD Plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or Township staff consider necessary to review the impacts of the proposed change.



(4) All final PUD site plans or revisions to final PUD site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Section.

## Section 7.09 Performance Guarantees

- (A) When in this Ordinance there is delegated to the Township Board, Zoning Board of Appeals or the Planning Commission as applicable the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval or variance, the Township Board, Zoning Board of Appeals or the Planning Commission may, to ensure compliance with any regulation contained or required in this Ordinance or required as a condition of the issuance of a permit, require the permittee to furnish a cash deposit, certified check, or irrevocable bank letter of credit, to be deposited with the Township Clerk in an amount determined by the Township Board, Zoning Board of Appeals or the Planning Commission to be reasonably necessary to ensure compliance thereunder; provided, however, that in fixing the amount of such cash deposit, certified check, or irrevocable bank letter of credit the Township Board, Zoning Board of Appeals or the Planning Commission shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated cost of improvements associated with a project, and such other factors and conditions as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.
- (B) 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 before the date on which the Township is prepared to issue the permit. The Township shall establish procedures under which a rebate of any cash deposit in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This Section will 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 288 P.A. 1967, as amended, being [Section 560.101 to 560.293 of the Michigan Compiled Laws](#).
- (C) **Improvements Defined.** As used in this Section, "improvements" shall be defined as those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or 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 do not include the entire project which is the subject of approval.

## Section 7.10 Performance Standards

Any use established in a C-1, C-2, C-3, or I-1 District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant

to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

**(A) Procedure for Determination of Compliance**

The purpose of these performance standards procedures is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses complies with the Performance Standards Article of this Ordinance, and to formulate practical ways for the alleviation of such non-compliance.

- (1)** Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the Building Official shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this Article and may initiate an official investigation.

Following the initiation of an official investigation, the Building Official is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as they may deem essential to them making an objective determination. The evidence may include, but is not limited to, the following items:

- (a)** Plans of the existing or proposed construction and development.
  - (b)** A description of the existing or proposed machinery, process, and products.
  - (c)** Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in the Article.
  - (d)** Measurements of the amount or rate of emission of said objectionable elements.
  - (e)** Failure to submit data required by the Building Official shall constitute grounds for denying a zoning permit for that use of land.
- (2)** Where determinations can reasonably be made by the Building Official or other Township official, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
  - (3)** Where determination of a violation is made, the Building Official shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of the violation shall be punishable as provided in this Ordinance.
  - (4)** Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual

instrumentation not ordinarily available to the Township and when, in the considered judgment of the Building Official a violation exists, the procedure will be as follows:

- (a) Notice.** The Building Official shall give written notice, by certified mail (return receipt requested or other means ensuring a signed receipt for such notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall describe the particulars of the alleged violation and the reasons why the Building Official believes there is a violation in fact and shall require an answer or a correction of the alleged violation to their satisfaction within a reasonable time limit set by him. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Building Official within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of the Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate. It is determined that no substantive violation exists, then the Township will pay the costs of this determination.
- (b) Correction of Violation within the Time Limit.** If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Building Official, the official shall note "Violation Corrected" on their copy of the notice and shall retain it among their records, taking such other action as may be warranted by the circumstances of the case.
- (c) No Correction; No Reply.** If there is no reply within the time limits set (thus establishing admission of violation as provided in "a" above), and the alleged violation is not corrected to the satisfaction of the Building Official within the time limit set, the official shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.
- (d) Reply Requesting Extension of Time.** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the administrative official, but that more time is required than was granted by the original notice, the Building Official may grant an extension of time, if they deems such extension is warranted in the circumstances in the case, and if such extension will not, in their opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, they shall in writing state their reasons for granting or refusing to grant the extension and shall transmit the same by certified mail (return receipt requested or other means insuring a signed receipt) as provided in subsection "a" above, to those to whom the original notice was sent.
- (e) Reply Requesting Technical Determination.** If a reply is received

within the time limit set requesting technical determinations as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Building Official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards do exist in fact, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of the Ordinance. If no substantive violation is found, the Township shall pay the costs of the determination.

(5) If, after the conclusion of the time granted for compliance with the performance standards, the Building Official finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

(B) **Appeals.** The Building Official's action with respect to the performance standards procedure may be appealed to the ZBA within sixty (60) days following said action. In the absence of such an appeal, the Building Official's determination shall be final.

(C) **Noise.** No operation or activity shall be carried out in a Commercial or Manufacturing District which cause or create measurable noise levels exceeding the maximum sound pressure levels prescribed below, as measured on or beyond the boundary lines of said Districts.

(1) **Table C**

(a) Maximum Permitted Sound, Pressure Levels in Decibels (Pre-1960 Octave Bands – American Standards Association, Z24)

Octave Band	Decibel Level (Cycles Per Second)	
	Day	Night
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. The measuring equipment and measurement procedures shall conform to the latest ANSI specifications on acoustics. The sound level meter and octave band analyzer shall be calibrated before and after the measurements. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Tables C or D by no more than five (5) decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new Preferred Frequencies as established by ANSI. To accommodate the possible use of either type of instrumentation, the preceding table is repeated below, again in decibels, with the conversion to Preferred Frequencies already accomplished. Care must be exercised to assure the proper correlation between instruments and tables used in measuring performance.

**(2) Table D**

**(a) Maximum Permitted Sound, Pressure Levels in Decibels (Post 1960 Preferred Frequencies)**

<b>Octave Band (Cycles Per Second) *</b>	<b>Decibel Level</b>	
	<b>Day</b>	<b>Night</b>
31.5	77	72
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28

\*Sound level meter set on the "C" or "flat" scale, slow response.

Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed the

maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels. In such cases, a study shall be made to determine the character of the background noise to include sources, levels, and duration.

Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the complaint and possible corrective action. If the complaints are not resolved within sixty (60) days, the Building Official may then proceed to take steps to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

Application for variance from the sound level provisions may be submitted to the Zoning Board of Appeals. In such cases, the owner or operator of equipment on the property in the specific district shall submit a statement regarding the effects of noise from their equipment on the noise levels in the surrounding area. This statement will include a study of background noise levels, predicted levels at the boundary lines due to equipment operation and justification for the variance. The requests for variance will be reviewed by the Zoning Board of Appeals and granted where unnecessary hardship would otherwise be imposed upon the applicant and where no basic injury to the surrounding area will result. The Zoning Board of Appeals may impose conditions of operation in granting a variance.

#### **(D) Vibration.**

Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillation which cause a displacement exceeding that specified below. These vibrations shall be measured with a seismograph or other instrument that meets the specifications of the American National Standards Institute (ANSI) to determine vibration levels measured in inches per second.

Between the hours of 6:00 a.m. and 8:00 p.m., vibration levels must be below 2.0 inches per second, as measured on or beyond the boundary line of residentially zoned or used areas adjacent to a Commercial or Manufacturing District. Between the hours of 8:00 p.m. and 6:00 a.m., vibration levels must be below 0.5 inches per second, as measured on or beyond the boundary line of residentially zoned or used areas adjacent to a Commercial or Manufacturing District. Any use generating vibration levels above 0.5 inches per second between the hours of 8:00 p.m. and 6:00 a.m. may be permitted by the Planning Commission when granted as a Uses with Specific Standards.

#### **(E) Dust, Soot, Fly Ash, and Products of Wind Erosion**

The regulation of smoke, dust, soot, dirt, fly ash and products of wind erosion will be subject in all respects to the [Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994](#).

The drifting of air-borne transmission beyond the lot line of dust, particles of debris from any open stockpile shall be unlawful and shall be summarily caused to be abated.

#### **(F) Odor.**

The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

**(G) Glare and Heat**

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

**(H) Fire and Safety Hazards**

The transportation, storage, use and handling of flammable liquids, and gases, shall comply with all State rules and regulations and the provisions of the current edition of the Fire Code adopted by Frenchtown Charter Township. Further, all storage tanks for storage of over 1,000 gallons of flammable, explosive, or otherwise potentially hazardous materials above ground that are less than one hundred and fifty (150) feet from all property lines shall require [Uses with Specific Standards](#) Approval, and shall be completely surrounded by earth embankments, dikes, or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

Bulk storage tanks or flammable liquids below ground shall be located no closer to the property line than the greater depth to the bottom of the buried tank.

**(I) Sewage Wastes**

- (1) No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.
- (2) All sewage wastes shall meet the standards of the Frenchtown Charter Township - [Monroe Metropolitan Sewer Use Ordinance, Township Ordinance No. 190](#), as amended.

**(J) Gases.**

The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, including but not limited to: SO<sub>2</sub> gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., H<sub>2</sub>S likewise shall not exceed 1 p.p.m., Fluorine shall not exceed 0.1 p.p.m., Nitrous fumes shall not exceed 5 p.p.m., and Carbon Monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 24-hour sampling period.

**(K) Electromagnetic Radiation.**

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.

## **Section 7.11 Violations and Penalties**

**(A) Penalties for Violation**

Violation of this Ordinance shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth by the Monroe County District Court.

All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

**(B) Each Day a Separate Offense**

Each day that a violation is committed, occurs, or permitted to exist or continue shall constitute a separate offense.

**(C) Sentence not Exemption**

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be nuisance per se.

**(D) Public Nuisance Per Se**

Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se. The court shall order such nuisance abated and the person, persons, firm or corporation or anyone acting on behalf of the same violating said provisions shall be adjudged guilty of maintaining a nuisance per se.

**(E) Relief from Personal Responsibility.**

An employee or consultant working on behalf of the Township shall not be personally liable while acting for the Township and is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties in regard to this Ordinance.

**(F) Failure to Submit**

Failure to submit data required by the Building Official shall constitute grounds for denying a zoning permit for that use of land.



## Section 7.12 Non-Conformities

**(A) Purpose and Intent.** It is the purpose of this Section to provide regulations governing lots, buildings, structures, and the uses thereof which were legal before this Ordinance was adopted or amended including legal non-conforming lots, uses, buildings and structures that would be prohibited regulated or restricted under the provisions of this Ordinance. It is the intent of this Section to permit these uses herein referred to as non-conformities to remain or continue until such time the non-conformity is abandoned, discontinued, significantly damaged, or destroyed or removed as provided for by [Zoning Enabling Act](#) Section 208, as amended.

These non-conformities are declared by the Ordinance to be incompatible with the uses, buildings, and structures permitted by this Ordinance. The regulations contained in this Section are designed to ensure that such non-conformities will be properly regulated so as to result in a minimum of disharmony in the districts in which they are located and to gradually eliminate non-conforming uses, buildings, and structures over time.

### **(B) Non-Conforming Uses.**

**(1) Non-Conforming Uses of Land.** Where at the time of the effective date of this Ordinance (including the effective date of any amendments), a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

**(a) No Enlargement or Increase of Non-Conforming Uses of Land.** No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.

**(b) Non-Conforming Uses of Land Moved on Lot or Parcel.** No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance.

**(c) Cease Non-Conforming Uses of Land.** If any such non-conforming use ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which the land is located.

**(d) Additional Structures Related to Non-Conforming Uses of Land.** No additional structures shall be erected in connection with such non-conforming use of land except a non-conforming single-family residential use may erect accessory buildings customary to single-family uses in accordance with all provisions of this Ordinance governing such accessory uses.

**(e) Non-Conforming Uses of Structures.** If a lawful use involving individual structures or of structure and premises in combination, exists at the effective date of adoption of this Ordinance (including the effective date of any amendments) that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- i. **Enlargement, Extension, Etc. of Non-Conforming Uses of Structures.** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- ii. **Extension Throughout Any Part of a Structure Used for Non-Conforming Uses.** Any non- conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- iii. **Change in Use.** A non-conforming use of a structure may be changed to another non- conforming use for the structure of the same or greater restriction, as determined by the Zoning Board of Appeals, provided no structural changes are made in the building. Whenever a non- conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use. Whenever a non-conforming use has been changed to or substituted by a use permitted in a district of greater restriction, it shall not thereafter be changed to a use of lesser restriction.
- iv. **Destruction of Structure.** Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the non-conforming status of the land.

**(C) Non-Conforming Structures.** Where a lawful structure exists at the effective date of this Ordinance (including the effective date of any amendments) that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No Enlargement or Alteration of Non-Conforming Structures.** No such non-conforming structure may be enlarged or altered in a way which increases

its non-conformity, except where the Zoning Board of Appeals determines that said enlargement or alteration will be consistent with the spirit and intent of this Ordinance and will not negatively impact adjacent properties. Any structure or portion thereof may be altered to decrease its non-conformity.

- (2) **Non-Conforming Structures Shall Conform if Moved.** Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (3) **Non-Conforming Structures Ceased Being Used.** If any such non-conforming structure ceases being used for any reason for a period of more than twelve (12) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

#### **(D) Non-Conforming Lots**

- (1) **Single Family Allowable on Certain Non-Conforming Lots:** In any district in which single-family use is permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot or parcel of record, existing at the effective date of this Ordinance, provided the lot or parcel width is not less than forty (40') feet and the lot area is not less than five thousand (5,000) square feet. The purpose of this provision is to permit utilization of recorded lots which lack adequate required width or depth as long as reasonable living standards can be provided. On such lots, the following minimum yard requirements shall apply:

**Roadside Yard:** Twenty (20') feet.

**Riparian Yard:** Twenty (20') feet.

**Side Yard:** Six (6') feet, Total of two: twelve (12') feet.

**Corner Yards:** Twenty (20') feet.

**Maximum Lot Coverage:** 60%

- (2) **Approval to Construct on Non-Conforming Lots.** An application for construction of a single-family residence on non-conforming lots or parcels of record shall be submitted to the Building Official for review and approval prior to the issuance of a building permit. In reviewing the application, the Building Official shall determine that all requirements or criteria related to the non-conforming aspect of the lot or parcel are met. Further the Building Official shall determine what additional information and/or approvals must be submitted or obtained to ensure compliance with this Ordinance and that the general public health, safety, and welfare of the existing and future residences of the area will be preserved.

#### **(E) Violation of Ordinance does not Vest the Property as a Non-Conforming Use**

If the Building Official shall find, upon reviewing an application for any purpose, that the

existing use is illegal, in violation of any other ordinance or law, was not a Principal Permitted Use at the time of establishment of the use, was a Use Subject to Special Conditions which did not receive appropriate approval at the time of establishment of the use or the Building Official finds that the building for which the application is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, they shall not issue any approvals, but shall declare such use to be in violation of this Ordinance.

**(F) Forfeiture of Right to Continue Non-Conforming Use**

When non-conforming use of property is discontinued through vacancy, lack of operation, or other similar condition, for a period of twelve (12) months or more, thereafter no right shall exist to maintain on said property a non-conforming use unless the Zoning Board of Appeals grants such privilege within six (6) months after such discontinuance. No non-conforming use, if changed to a use permitted in the district in which it is located, shall be resumed, or changed back to a non-conforming use. Single family homes existing at the effective date of this Ordinance shall be exempt from this section in all zoning districts.

**(G) Reconstruction of Damaged Non-Conforming Buildings and Structures, or Buildings Containing a Non-Conforming Use**

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure, or building containing a non-conforming use, that is damaged by fire, collapse, explosion, acts of God or acts wherein the expense of such reconstruction does not exceed sixty (60%) per cent of the fair valuation of the entire building, as determined Township Assessor according to building valuation on parcel card, or structure at the time such damage occurred; provided that such valuation shall be subject to the approval of the Building Official. In determining the cost to repair the structure, the Building Official shall compute the average cost of labor of licensed builders and the average retail cost of necessary materials. The Building Official's determination of the cost to repair shall be subject to appeals to the Zoning Board of Appeals. The restoration shall begin within six (6) months of the time of such damage and shall be completed within one (1) year. Where pending insurance claims require an extension of time, the Building Official may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. The site must be fenced until such time as the debris or other potentially dangerous conditions are abated.

Buildings containing a non-conforming single family residential use may be rebuilt in the event of damage such that reconstruction would exceed sixty (60%) of the fair valuation of the building in the following circumstances:

- (1) The building in question was purpose-built as a single-family home.
- (2) The building in question existed prior to May 23, 3023.
- (3) The reconstructed building meets all dimensional requirements of the district within which it is located.

## **(H) Repairs and Maintenance**

- (1) Ordinary Repairs.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixture, wiring, or plumbing, to an extent not to exceed thirty (30%) percent of the fair valuation of the entire building, as determined by the Township Assessor according to building valuation on parcel card, of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
- (2) Physically Unsafe or Unlawful Due to a Lack of Repairs and Maintenance.** If any portion of a non-conforming structure or any portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Official or their designated representative to be unsafe or unlawful by reason of physical condition, and the cost of making the structure safe exceeds sixty (60%) percent of the fair valuation of the entire building, as determined by the Township Assessor, it shall not thereafter be restored, repaired, or rebuilt except in conformity with all zoning regulations of the district which the structure is located, including but not limited to uses permitted, setbacks, height, minimum floor area, lot width and minimum lot area unless a variance is first obtained from the Zoning Board of Appeals.

In determining whether a variance shall be granted in each case, the following shall be considered and determined by the Zoning Board of Appeals:

- (a)** The continuance of the non-conforming use or structure would not create an immediate danger to the public health, safety, or welfare of the neighborhood and the community as a whole.
- (b)** Continuance of the non-conforming use or structure does not and is not likely to significantly depress the value of nearby property or properties.
- (c)** Continuance of the non-conforming use or structure does not and is not likely to create a general nuisance to the nearby property or properties.
- (d)** The proposed alteration or replacement will not have a negative impact on the neighboring property or properties and will bring the use or structure into greater conformity with the spirit and intent of the Township Zoning Ordinance.
- (e)** No useful purpose would be served by the strict application of the provisions of this Ordinance with which the use or structure does not conform.
- (f)** In no event shall the cubic content of a structure cited under this Section be increased.

In determining the cost to make the structure safe, the Building Official shall compute the average cost of labor of licensed builders and the average retail cost of necessary materials. The Building Official's determination of the cost to repair shall be subject to appeals to the Zoning Board of Appeals.

**(I) District Boundary Changes**

Ordinarily, when district boundaries shall hereafter be changed, any non-conforming use may still be continued but subject to all other provisions of this Ordinance. However, if a property owner voluntarily petitions for rezoning of their property on which there exists a land use or structure which would not be permitted in the proposed new zoning district for said property, then said non-conforming land use or structure shall not retain its legal non-conforming status and shall be removed or discontinued within six (6) months after the said rezoning has become effective.

**(J) Acquisition of Non-Conforming Use and/or Structure**

The Township Board may acquire, by purchase, condemnation, or otherwise private property for the removal of non-conforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from the general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of non-conforming uses and structures under the power of Eminent-Domain or other applicable statutes.

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# ARTICLE 8: DEFINITIONS

## Section 8.01 Land Uses

**Adult Uses:** As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- (a) Adult Book or Supply Store: An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (b) Group "A" Cabaret: An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
- (c) Adult Motion Picture Theater or Adult Live Stage Performing: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), for observation by patrons therein. Such establishment customarily is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (e) Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (f) Specified Anatomical Areas: Portions of the human body defined as follows:
  - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola
  - 2. Human male genitals in a discernible turgid state, even if



completely and opaquely covered.

(g) Specified Sexual Activities: The explicit display of one or more of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, nurseries, orchards, poultry farms and bona fide greenhouses carried on by the owner-operator, manager, or tenant farmer by their own labor or with assistance of members of their household or hired employees.

**Agri-Tourism:** A form of commercial enterprise that links agricultural production, processing, or land with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm owners. Examples include, but are not limited to, cider mills, wineries, and farm-based entertainment facilities.

**Aggregate Processing Facility:** A premises that accepts dirt, stone, crushed concrete, or other aggregate, and uses it, on site, to create a new product.

**Airport:** An area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft. For the purposes of this ordinance, helipads accessory to another use (such as a hospital) shall not be considered airports. Nor shall any site that includes only a single aircraft accessory to a principal that is not solely dedicated to the takeoff and landing of aircraft.

**Alcohol / Drug Rehabilitation Center:** A facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug abuse addiction.

**Animal:** See [Section 4.05](#).

**Animal, Domesticated:** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), dog, and chicken. Wild, vicious, or exotic animals shall not be considered domesticated.

**Animal Rescue/Shelter:** A facility for the keeping and care of injured, sick, or abandoned animals.

**Bed and Breakfast:** A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

**Bus Station:** A premises for the housing or parking of motor driven buses, and the loading and unloading of passengers.

**Campground:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open-air natural character.

**Car Wash:** A building or portion thereof or an area of land where automobiles are washed.

**Cemetery:** Land used for the burial of the dead, including columbarium, crematory, and mausoleum.

**Central Dry-Cleaning Plant:** An establishment used or intended to be used for cleaning fabrics, textiles, and wearing apparel.

**Child Care Facilities:** Childcare or day-care facilities means a facility, other than a private residence, licensed pursuant to Act 116 of 1973 receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. Childcare center or day-care center includes facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day-care center does not include any of the following: a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for an indefinite period, or not greater than eight hours for a period not to exceed four weeks during a twelve month period. A facility operated by a religious organization where children are cared for not more than three hours while the people responsible for the children are attending religious services.

**Composting Facility:** A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition.

**Commercial Use:** A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than six (6) calendar days during a given one-year period.

**Commercial Vehicle:** Any vehicle bearing or required to bear commercial license plates, and which falls into one (1) or more of the categories listed below:

(a) Truck tractor.

(b) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

- (c) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors.
- (d) Tow trucks.
- (e) Commercial hauling trucks.
- (f) Vehicle repair service trucks.
- (g) Snow plowing trucks.
- (h) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

**Concrete Plant:** A manufacturing facility dedicated to the creation of concrete, including temporary facilities created for that purpose.

**Drive-Thru:** A window and associated driveways and signage for the provision of goods and services provided by a business directly to people in motor vehicles.

**Dwelling Unit:** A house or building or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or temporarily, but in no case shall a trailer coach, automobile chassis, tent or portable building be a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for floor area requirements.

- (a) Dwelling, Efficiency: A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.
- (b) Dwelling, Manufactured: A structure built in a factory to HUD Title 6 standards and transportable in one (1) or more sections, which is built upon 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 as defined and regulated in the Mobile Home Commission Act, PA 96 of 1987, as amended. Recreational vehicles as described and regulated therein shall not be considered manufactured homes or "mobile homes" for the purposes of this Ordinance.
- (c) Dwelling, Multiple Family: See Multiple Family Dwelling.

- (d) Dwelling, One-Family: See Single Family Dwellings.
- (e) Dwelling, One Family Cluster: A group of two (2) or more detached one family dwellings located on a common parcel of land held in one ownership or in condominium ownership, pursuant to the Horizontal Real Property Act, and having any yard or court in common.
- (f) Dwelling, Multiple, Townhouse: See Townhouse.
- (g) Dwelling, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which is intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials, and panelized wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- (h) Dwelling, Two-Family: A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment which do not exceed twelve hundred (1,200) cubic feet.) Same shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.

**Extended Stay Hotel:** A commercial facility offering transient lodging accommodations, for no more than 90 days, on a daily rate to the general public, where some or all units are designed for occupancy for more than seven (7) days consecutively and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Gas Station:** A facility designed or used for the retail sale of fuel, to be stored in underground tanks and dispensed directly into automobiles or approved containers.

**Greenhouse:** An open or enclosed structure used for the growing and cultivation of flowers, shrubbery, vegetables, trees, and other horticultural goods. The term “greenhouse” shall not include any facility that grows marijuana.

**Gun Range – Indoor:** An enclosed facility used for the discharge of firearms for the purpose of target practice.

**Gun Range – Outdoor:** The use of land outside of any enclosed structure for the discharging of firearms for target practice. Land used for hunting shall not be considered an outdoor gun range.

**Hazardous Substances Storage:** A facility providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive, or other dangerous materials.

**Home Based Business:** An occupation, profession, business, or non-profit organization conducted entirely within a dwelling by the inhabitants thereof, which use is clearly incidental to the principal use of the dwelling.

State licensed daycare facilities shall not be considered home based businesses under this Ordinance, nor shall agricultural sales.

**Hospital:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**Hotel/Motel:** A commercial facility offering transient lodging accommodations, for no more than 30 days, on a daily rate to the general public, and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**House of Worship:** Any structure wherein persons regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility.

**Indoor Self-Storage:** Enclosed space for rent to the general public for use to store non-perishable goods.

**Institutions of Higher Education:** An institution that provides full-time or part-time education beyond high school.

**K-12 School:** A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**Kennel:** Any lot or premises which is engaged in a commercial or rescue/rehabilitative operation and has the permanent facilities to house five (5) or more pets for

overnight stays.

**Landfill:** A premises on which deposits of solid refuse are dumped, shaped, covered with topsoil, and built into permanent landforms, such as hills.

**Lumber Yard:** A facility where building materials such as lumber, plywood, cement blocks, and other building products are stored and sold. Facility may also process lumber by performing millwork, planning, cutting and other customized processes.

**Manufactured Housing:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises in which is intended to be located.

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, including but not limited to oils, plastics, resins, etc.

**Marina:** A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests.

**Mineral Mining:** All or part of the process involved in the extraction and processing of mineral materials, but shall not include removal of gravel, sand, clay, stone aggregate and soil from a single parcel of land during any calendar year of: 1.) less than 1,000 cubic yards of materials when such removal is NOT attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Frenchtown Zoning Ordinance or 2.) Less than 10,000 cubic yards of material when such removal is attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Frenchtown Zoning Ordinance.

**Multiple Family Dwelling:** A building used as a residence for two (2) or more families living independently of each other and each having their own cooking and kitchen accommodations facilities therein including apartment houses and townhouses, but not including mobile homes.

**Municipal / Public Buildings:** Buildings used primarily and specifically by public entities, including but not limited to Frenchtown Township, Monroe County, the State of Michigan, and the United States Federal Government. K-12 Schools shall not be considered Municipal/Public Buildings, but administrative offices of public-school districts shall be considered Municipal/Public Buildings.

**Nursing Home:** A facility, including a county medical care facility that provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a correctional facility that is operated by the

department of mental health.

**Outdoor Sales Space:** A retail use selling a product other than motor vehicles that is located outside of a fully enclosed building. This definition shall include space that is accessory to an indoor retail space, including, but not limited to, garden centers or propane tank facilities. Un-staffed vending machines or kiosks shall not be considered outdoor sales space.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**Parking Lot with No Other Principal Use:** Off-street parking area that is not located on the same lot as the principal use for which it serves or on any lot that does not have another principal use.

**Parking Structure:** A structure used exclusively for the parking or storage of motor vehicles. The structure may be composed of one or more floors.

**Pet Daycare, Grooming, and/or Training:** Any lot or premises providing for temporary pet boarding, which may include obedience classes, training, grooming, or behavioral counseling.

**Plant Nursery:** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

**Power Plant – Non-Wind or Non-Solar:** A facility that converts one or more energy sources, including but not limited to waterpower, fossil fuels, or nuclear power, into electrical energy or steam.

**Private Recreation – Indoor:** An indoor facility for leisure, exercise, and/or entertainment that is owned by a private entity.

**Private Recreation – Outdoor:** An outdoor facility for leisure, exercise, and/or entertainment that is owned by a private entity.

**Professional Offices:** Offices for the use of a person or persons in professional or service occupations or agencies, including but not limited to, architects, engineers, doctors, dentists, accountants, and the like.

**Public Recreation Facility:** A facility for leisure, exercise, and/or entertainment that is owned by a public entity.

**Radio / TV Transmitters:** Antennas and other equipment used to broadcast television or radio waves. Wireless telecommunication facilities for commercial cellular technology shall not be considered radio/TV transmitters.

**Research and Development Facility:** Engineering and testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.

**Resource Reclamation Facility:** A premises where scrap metal, inoperable vehicles, and other items are brought to be dissected and taken apart, with at least some of the component parts sold, recycled, or otherwise reclaimed. Colloquially referred to as junk yards or scrap yards.

**Restaurant:** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

**Retail/Services:** The selling of goods, merchandise, or services directly to the public.

**Seasonal Roadside Stand:** A temporary building or structure operated on an agricultural lot for the purpose of retail sales, accessory to the principal agricultural use.

**Senior Housing:** A building or group of buildings used as a residence for two (2) or more households where the occupants are required to be 55 years of age or older.

**Single Family Dwellings:** A detached building occupied, on a permanent basis, by one (1) household and so designed and arranged as to provide living, cooking, and kitchen accommodation for one (1) household only.

**Small Scale Production:** A facility meeting the definition of “manufacturing” in this Ordinance but limited in floor area to 5,000 square feet or fewer, and producing no off-site impacts in terms of noise, odor, or vibration.

**Solar Panel Arrays:** Solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, or power generation.

**State Licensed Residential Facility for More than Six Persons:** A building constructed for residential purposes that is licensed by the State of Michigan pursuant to [Act 218 of 1979](#) or [Act 116 of 1973](#) which provides resident services for 7 or more persons under 24-hour supervision or care for persons in need of that supervision or care.

**State Licensed Residential Facility for Six or Less Persons:** A building constructed for residential purposes that is licensed by the State of Michigan pursuant to [Act 218 of 1979](#) or [Act 116 of 1973](#) which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care.

**Temporary Outdoor Event and/or Sale:** A gathering of people not held regularly on a given premises, which is either open to the general public, involves on-site retail sales, or requires an admission fee for those attending. This definition shall also include temporary outdoor retail establishments, including, but not limited to, fireworks and Christmas tree sales.

**Theaters (Indoor):** A building or room for the presentation of performances or motion pictures.

**Theaters (Outdoor/Drive-In):** An unenclosed site on which a motion picture screen is constructed for presenting motion pictures which are observed by paying patrons from their own cars situated on the site.

**Townhouse:** An attached multiple-family dwelling unit with party walls, designed as part of a series of two (2) or more dwellings, with its own front door which opens to the outdoors at ground level, and its own basement. Townhouses are also commonly known as row houses.



**Truck Stop/Travel Plaza:** A site providing facilities for servicing large trucks, including but not limited to restrooms, fuel, repair, restaurants, and overnight parking.

**Vehicle Repair:** An enclosed building where the following services may be carried out: general repairs, engine re-building, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and similar vehicle repair activity.

**Vehicle Sales:** A building or premises used primarily for the sale of new or used automobiles and other motor vehicles.

**Veterinary Clinic:** An establishment for the care, observation, and medical treatment of domesticated animals.

**Warehousing/Distribution:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Wholesale:** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wind Energy Facility:** A facility that produces alternate energy by converting wind energy to electricity by means of wind turbines.

**Wireless Telecommunication Facility:** A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services, and which consists of antennae, equipment and storage, and other accessory structures.

**Yard Sale:** The temporary outdoor sale of personal property of the property owner thereon to the general public in a residential district.

## Section 8.02 Physical Attributes

**Abandonment:** To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abutting:** Having property or district lines in common.

**Accessory Use:** See USE.

**Alley:** Is any way not more than thirty (30) feet in width dedicated to the public and accepted by the governmental entity having jurisdiction and authority of the same and which affords a secondary means of access to abutting property, and not intended for general traffic circulation or for parking, standing, or loading.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached

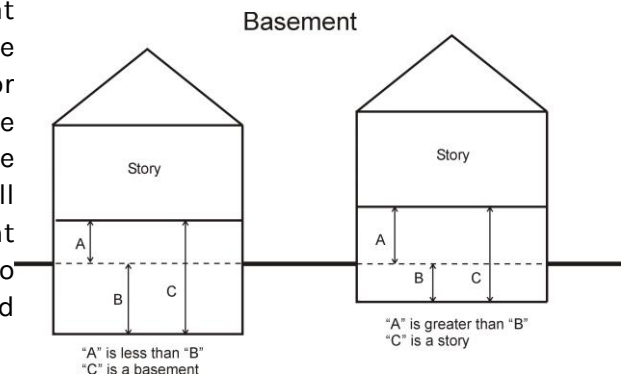
to the exterior of any building and including the supporting structure; includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes.

**Aquifer:** A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

**Aquifer Recharge Area:** An area that has soil and geological features that are conducive to allowing significant amounts of surface water to percolate into ground water.

**Base Flood:** A flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Basement:** (See also STORY, BASEMENT.) That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement and shall not apply to earth-bermed or earth-sheltered homes.



**Bedroom:** A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

**Berm:** A manmade formed earth mound of definite height and width used for obscuring or decorative purposes.

**Billboard:** A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Block:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

**Borrow pit:** Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction which has been approved by the Township.

**Buffer Area:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Building:** Any structure having a roof or other covering and used or built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this Ordinance, all activities, uses, etc., shall be conducted within a

building, unless otherwise specifically permitted by this Ordinance.

A building shall be permanently fixed to the land. A building shall not include tents, awnings, semi-trailers, or vehicles situated on a parcel. The use of tents, awnings, semi-trailers, or vehicles, situated on a parcel, for the support, shelter or enclosure of persons, animals, chattels, or property of any kind shall not be permitted. A building shall not include such structures as signs, fences, or structures not normally accessible for human occupation, such as tanks, smokestacks, grain elevators, coalbunkers, oil cracking towers, or similar structures.

**Building, Accessory:** A building or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively located. Examples of such structures include but are not limited to detached garages, sheds, and gazebos. The total area of the accessory building shall be deemed to include the gross floor area as defined in Section 8.02 of this Ordinance combined with the gross area of any attached covered area or extension of roof from the accessory building including but not limited to such structures as a carport, covered porch or a lean-to.

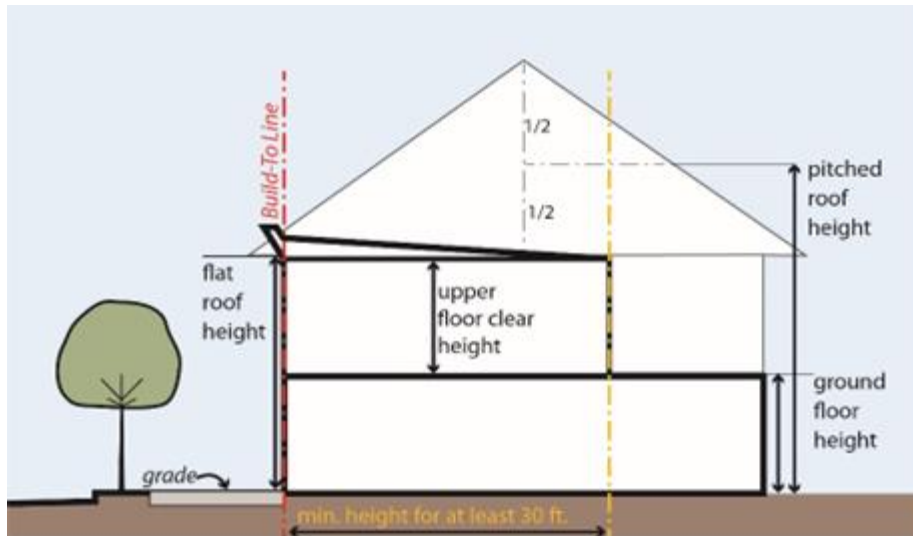
**Building, Farm:** Any building or structure other than a dwelling, moved upon maintained, used, or built on a farm which is essential to and customarily used on farms of that type for the pursuit of agricultural activities and which is used for agricultural purposes on the parcel of property on which the farm building is located.

Examples of such structures include but are not limited to barns and pole barns.

**Building Height:** The vertical distance measured from the established grade to:

- To the deck line of mansard roofs,
- To the average height between the eaves and the ridge for pitched, gable, hip, and gambrel roofs or,
- To the highest point of the coping of a flat roof.

Where a building is located on sloping terrain, the height shall be measured from the average ground level at the building wall.



**Building, Principal:** A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

**Building, Temporary:** A building which is not permanently affixed to the property, and which may be permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site.

**Canal:** An artificially constructed or excavated channel; used for navigation purposes or boat docks; and as a means of ingress or egress to other bodies of water; or for building lots on the banks thereof; must have a minimum width of seventy-five (75) feet and a minimum depth of water at the center line of ten (10) feet. All banks must be at a minimum angle of forty-five (45) degrees and completely sodded to prevent wash or erosion thereof unless otherwise approved by the Planning Commission.

**Carport:** A partially open shelter for housing of vehicles. Carports shall be considered accessory structures.

**Conservation Easement:** An interest in land that provides a limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition, as defined in Section 2140 of the Natural Resources and Environmental Protection Act, Act 451 of 1994.

**Cul-de-sac:** A local street, one end of which is closed and consists of a circular turnaround.

**Curb Cut:** The entrance to or exit from a property provided for vehicular traffic to or from

a public or private thoroughfare.

**Facade:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Farm:** 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 their own labor or with the assistance of members of their household or hired employees; provided, however, the land to be considered a farm hereunder shall include a continuous parcel of more than five (5) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but establishments keeping or operating fur-bearing animals, riding, or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with a bona fide farm operations on the same continuous tract of land of not less than forty (40) acres.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for educational, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farm" or "interpretative farm."

**Farm Pond:** An excavation used primarily in support of agricultural pursuits permitted as part of a farm operation.

**Fence:** A fence may be made of wood, iron, or other material. It may be intended to or be capable of enclosing a piece of land, preventing intrusion from without, preventing straying from within, dividing one or more pieces of land, or simply to mark a boundary or property line. For the purpose of this Ordinance, any structure exceeding three (3) feet above grade for the above use is a fence. The following shall define the specific types of fences.

(a) Decorative: A structure intended primarily for ornamental purposes. A decorative fence shall be any fence which, by definition, is not to be considered a pool fence, protective or security fence or a privacy fence or dog run or outdoor service fence.

(b) Dog Runs and Outdoor Service Areas: A structure intended to contain an animal permitted within a single-family area or to screen an outdoor service area.

(c) Privacy Screen: A structure intended to form a visual screen or windbreak for a patio or outdoor living area located in the rear yard only.

(d) Protective or Security: Protective or security fencing shall be considered a structure enclosing a piece of land or separating contiguous land either in whole or part serving the purpose of preventing intrusion onto or across a lot of record or any parcel or tract or unplatted land

from without or straying from within.

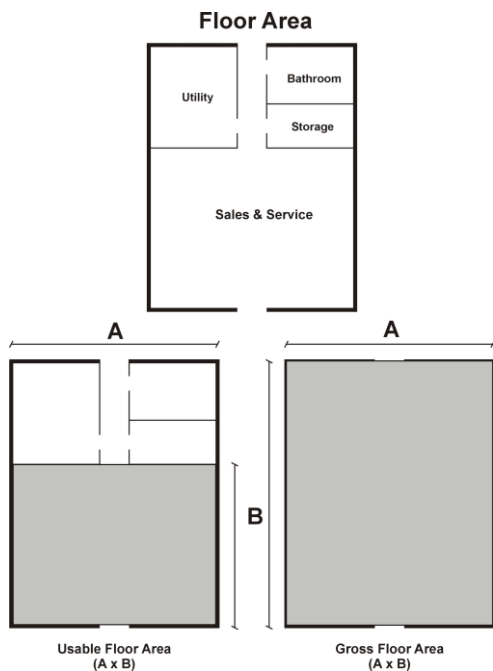
**Floodplain:** Any land area susceptible to being inundated by water from any source.

**Floodway:** The channel of a river or other watercourse and those portions of the adjoining flood plains and adjacent land areas which carry and discharge the intermediate regional flood, as determined by the Federal Emergency Management Agency, and as indicated on the Flood Boundary and Floodway Map.

**Floodway Fringe:** That portion of the 100-year floodplain located outside of the Floodway which may generally be considered as the backwater area of the 100-year floodplain. All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe which is subject to inundation by relatively low velocity flows and shallow water depths.

**Floor Area:**

- (a) Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

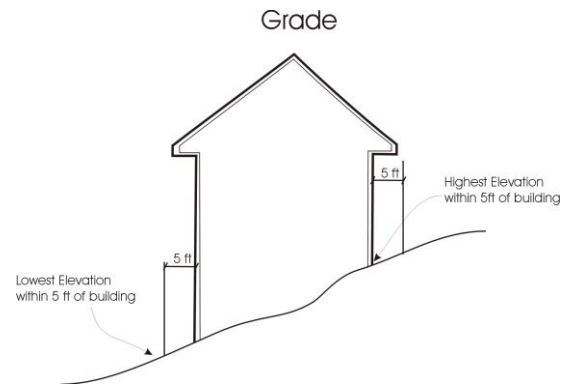


- (b) Floor Area, Usable Residential: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches or breezeways. The total minimum floor area is set forth in the Schedule of Regulations.

- (c) Floor Area, Usable Commercial, Office and Similar Nonresidential Uses: The sum of the horizontal areas of each floor, measured from the exterior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients, or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise or for the location of utilities and which is not accessible to customer shall be excluded from the computation of Usable Floor Area. If floor plan drawings are not submitted to support the calculations usable floor area shall be defined as 80% of the gross floor area.

- (d) Floor Area, Usable Industrial: The sum of the horizontal areas of each floor, measured from the exterior faces of the exterior walls, including all areas occupied by employees to carry out the industrial operations.
- (e) Floor Area Ratio (FAR): The ratio between the maximum amounts of floor area permitted on all floors in a building or group of buildings and the total lot site area. The total lot or site area is the "Lot Area, Net" as defined in Section 8.02. The following table illustrates the method of determining the max. floor area permitted based on floor area ratio.

**Grade:** The ground elevation established for the purpose of regulating the number of stories or height of a structure and controlling drainage of stormwater. The structure grade shall be the level of the ground adjacent to the walls of the structure if the finished grade 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 structure.



**Greenbelt:** A strip of land which is planted with trees and/or shrubs acceptable in species and caliber to the Planning Commission or other person so designated by the Commission.

**Greenway:** Contiguous or linear open space, including habitats, wildlife corridors, and trails, which link parks, nature reserves, cultural features, or historic sites with each other, for recreation and/or conservation purposes.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include all buildings, structures, driveways, parking areas, sidewalks etc.

**Ingress and Egress:** A driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**Kitchen:** A room within a dwelling unit containing appliances for cooking and preparing food. A kitchen shall include, at minimum, a sink, refrigerator, stove, and oven.

**Landscaping:** An improvement to the yards, including setback areas, which enhances the visual and architectural quality of the site. Such improvements can take the form of vegetation (trees, shrubs, ground cover, etc.), sculpture, bollard, or other structures intended for ornamental purposes. Any structure less than three feet in height but otherwise meeting the definition of “fence” shall be considered landscaping, not a fence, for purposes of this Ordinance.

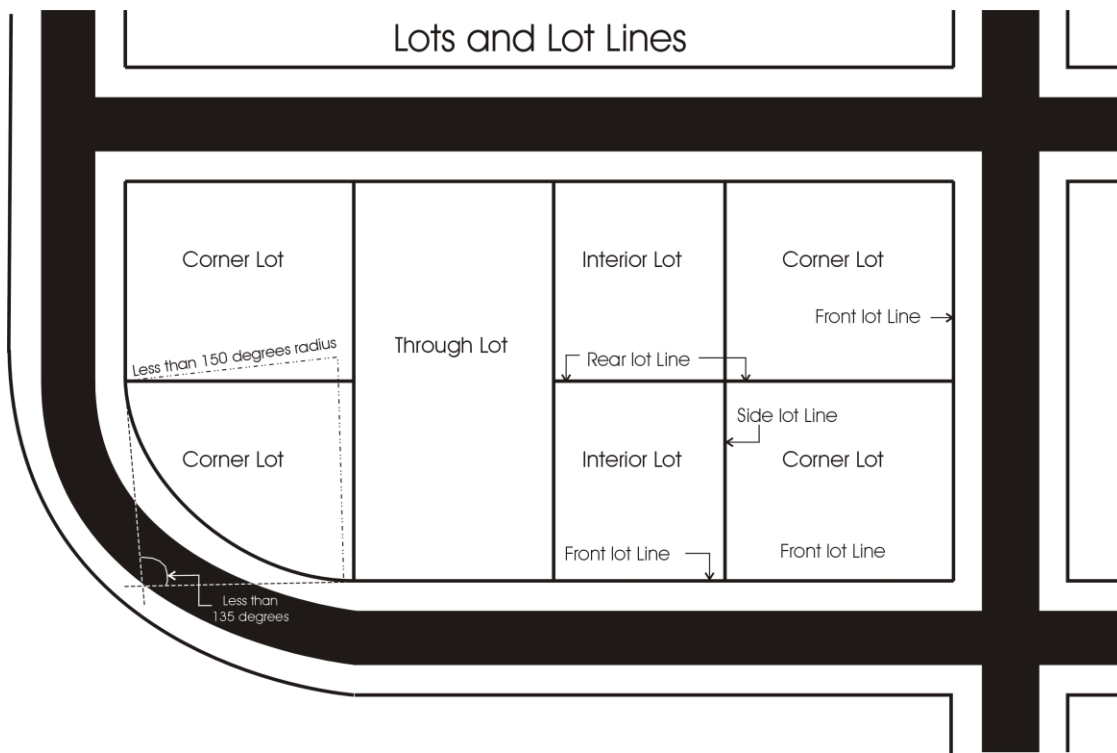
**Landscape Pond:** An excavation, container, lining, or other means for holding permanent water which is intended as a landscaping feature for viewing and aesthetic purposes only.

**Loading Space, Off-Street:** An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

**Lot (or Zoning Lot or Parcel):** A piece of land under single ownership and control that

is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a dedicated roadway or, if permitted by the regulations set forth herein, on a private road. A lot may consist of:

- (a) A single lot of record.
- (b) A portion of a lot of record.
- (c) A combination of complete lots of record, or portion thereof.
- (d) A piece of land described by metes and bounds.



**Lot Area, Gross:** The net lot area plus one-half (1/2) the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Planning Commission.

**Lot Area, Net:** The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easement.

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets.

**Lot Coverage:** That part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

**Lot, Depth:** The mean horizontal distance from the center of the roadside lot line to the center of the rear lot line.



**Lot, Double Frontage:** A lot having frontage on two (2) more or less parallel streets. Both lot lines abutting streets shall be considered roadside lot lines.

**Lot, Interior:** A lot other than a corner with only one (1) lot line fronting on a street.

**Lot Lines:** The lines bounding a lot as follows (see illustration):

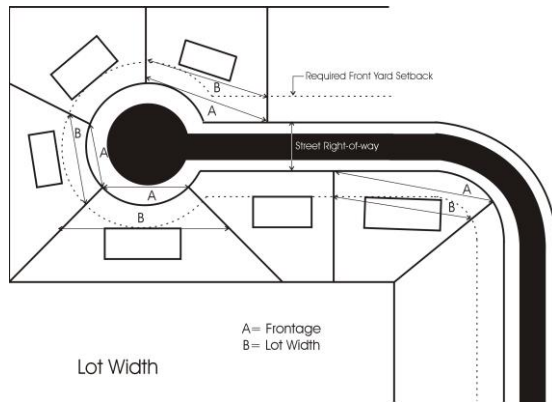
- (a) Roadside Lot Line: Any lot line separating a lot from a road right of way, including on corner and through lots.
- (b) Waterside Lot Line: For lots abutting Lake Erie, for the purposes of this ordinance, the lakeside edge of the break wall shall be considered the lot line adjacent to Lake Erie. If there is no break wall, the Ordinary High-Water Mark for regulation established by the State of Michigan shall be considered the lot line. At the time of the adoption of this Ordinance, that line was 573.4 feet above sea level. The location of the Ordinary High-Water Mark shall be determined by a surveyor licensed by the State of Michigan. Waterside lot lines shall not be considered rear lot lines and shall be subject to the specific regulations for waterside lot lines prescribed in this Ordinance.
- (c) Rear Lot Line: The lot line which is opposite and most distant from the roadside lot line, except in the case of lots where the lot line which is opposite and most distant from the roadside lot line is a waterside lot line. In the case of lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the roadside lot line, not less than ten (10) feet in length, lying farthest from the roadside lot line and wholly within the lot.
- (d) Side Lot Line: Any lot line other than the roadside, waterside, or rear lot lines.

**Lot of Record:** A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Monroe County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded and on file with the Monroe County Register of Deeds and Township Assessor.

**Lot Split and Consolidation:** The dividing or uniting of lots of record by virtue of changes in the deeds in the office of the Monroe County Register of Deeds and Township Assessor.

**Lot, Substandard:** (Also see NON-CONFORMING LOT.) A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on or before the effective date of this Ordinance.

**Lot Width:** The straight-line distance between the side lot lines, measured at the two points where the minimum roadside yard setback line intersects the side lot lines.



**Main Access Drive:** Any private street designed to provide access from a public street or road to a manufactured home park, apartment or condominium complex, or other private property development.

**Major Thoroughfare:** An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. The following roads in the Township shall be considered major thoroughfares for the purposes of this Ordinance. New roads coming into existence after the adoption of this Ordinance may also be considered major thoroughfares if they meet the definition above.

- Bates Lane
- Blue Bush Road
- Buhl Road
- Cole Road
- Comboni Way
- Dixie Highway
- Exeter Road
- Fix Road
- Grafton Road
- Heiss Road
- Hurd Road
- Langton Road
- LaSalle Road
- Leroux Road
- Mall Road
- Mentel Road
- Nadeau Road
- Newport South Road
- North Custer Road
- North Monroe Street
- North Stoney Creek Road
- Pointe Aux Peaux Road
- Post Road

- Reinhardt Road
- Sandy Creek Road
- South Stoney Creek Road
- Steiner Road
- Stewart Road
- Stumpmier Road
- Telegraph Road
- Toben Road
- War Road
- Williams Road

**Mechanical Penthouse:** An appurtenance on top of a building that contains HVAC, elevator infrastructure, or other mechanical apparatuses.

**Natural Features:** Shall include soils, wetlands, flood plains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**Non-Conforming Building:** A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the provisions of the Ordinance in the zoning district in which it is located.

**Non-Conforming Lot:** A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

**Non-Conforming Use:** See USE.

**Open Space:** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

**Open Space Preservation Area:** Natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use; or similar use or condition. Such land does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land may be, but is not required to be, dedicated to the public.

**Out lot:** A parcel of land which is designated as an "out lot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

**Parapet:** An appurtenance on top of a roof that serves as a vertical extension of the façade above the roof line.

**Parcel:** See LOT

**Planting Strip:** A planting strip for the purpose of this Ordinance shall consist of a combination of "natural" plant material such as ground cover, deciduous and/or evergreen shrubs, deciduous and/or evergreen trees, and/or deciduous small ornamental trees.

**Playground Equipment:** A structure, not completely enclosed by walls, which is designed primarily for recreation, exercise, and play for children.

**Pond:** An excavation, container, ground lining or other means for holding water.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed, 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.

**Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and project 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.

**Property Line:** (See also LOT LINE.) The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it.

**Public Use:** A use operated by a public body, with having the purpose of serving the public health, safety, or general welfare and including uses such as public schools, parks, playgrounds, hospitals, and administrative and service facilities.

**Retaining Wall:** A permanent solid barrier of brick, stone, wood, or other opaque material approved by the Building Official intended to enclose an area. For the purpose of this Ordinance all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed and/or painted, tinted, or colored in one (1) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

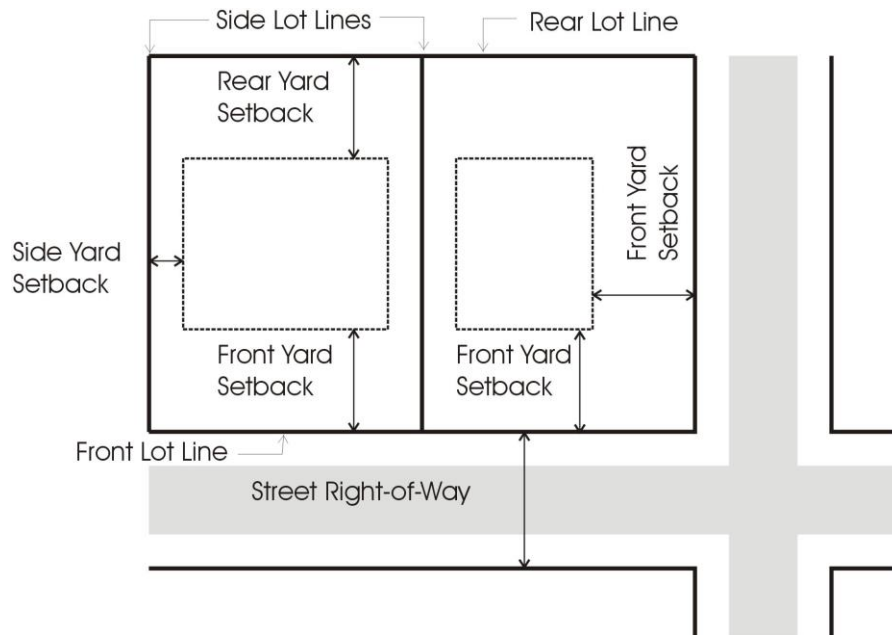
**Road, Public:** All public property reserved or dedicated for street traffic.

**Roof:** A covering on top of a structure designed to prevent all precipitation from reaching the interior of the structure.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques may include fences, walls, hedges, berms, or other features.

**Setback Lines:** The lines which pertain to and define those minimum (building) setback lines which are established parallel to the roadside street or right-of-way line, rear, or side lot lines and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the

outer surface of the building wall, enclosure wall or foundation with the finish grade or surface of the adjoining ground. The setback then shall be measured from the outer surface of the building wall, enclosure wall or foundation, not including overhangs that extend less than one foot beyond the foundation. Exemptions, exceptions, and special scenarios for setback rules can be found in Article 3.



**Setback, Street:** The distance as measured from the centerline of the road to establish the roadside setback for the purpose of establishing yard and/or other requirements of this Ordinance. All setbacks from lot lines abutting a public road (i.e., roadside setbacks) shall be measured from the street setback line.

**Setback, Yard:** (See also YARD.) The distance between a lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a roadside lot line (as determined by the street setback line), waterside lot line, or side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance.

**Single Room Occupancy (SRO):** A form of housing consisting of a small, furnished single room, with communal bathroom and kitchen facilities.

**Stable, Private:** An accessory building for the keeping of horses or other similar large domestic animals, other than dogs and cats, for the sole use of the residents of the principal use, which shall not include the keeping of domestic animals for others, or for commercial boarding.

**Stable, Public:** A public stable is an enclosed building for housing, for the keeping of horses or other large domestic animals, in which any such animals are kept for

remuneration, hire, or sale.

**Swimming Pool:** Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

**Temporary Building or Use:** A temporary building or use shall mean a building or use permitted to exist during periods of construction of the principal building or use, or for special events.

**Temporary Portable Toilet Facility:** An accessory structure designed for use as a restroom that does not contain plumbing.

**Tower:** A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those exclusively for dispatch communications.

**Undeveloped State:** The natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be but is not required to be dedicated to the public.

**Use:** The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied, or for which they are occupied or maintained.

- (a) Accessory: A use which is clearly incidental to serving a purpose customarily associated with and located on the same lot or lot of record as the principal use to which it is related. In no case shall such accessory use dominate, in area, extent or purpose, the principal land use or building.
- (b) Uses Requiring Special Conditions or Approval: A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare and shall mean a use of land for which a conditional or Uses with Specific Standards permit is required.
- (c) Non-Conforming: A use which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the use regulations of the zoning district in which it is now located.
- (d) Use, Permitted: A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- (e) Use, Principal: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

**Wall, Obscuring:** A structure of definite height and location to serve as an obscuring

screen in carrying out the requirements of the Ordinance.

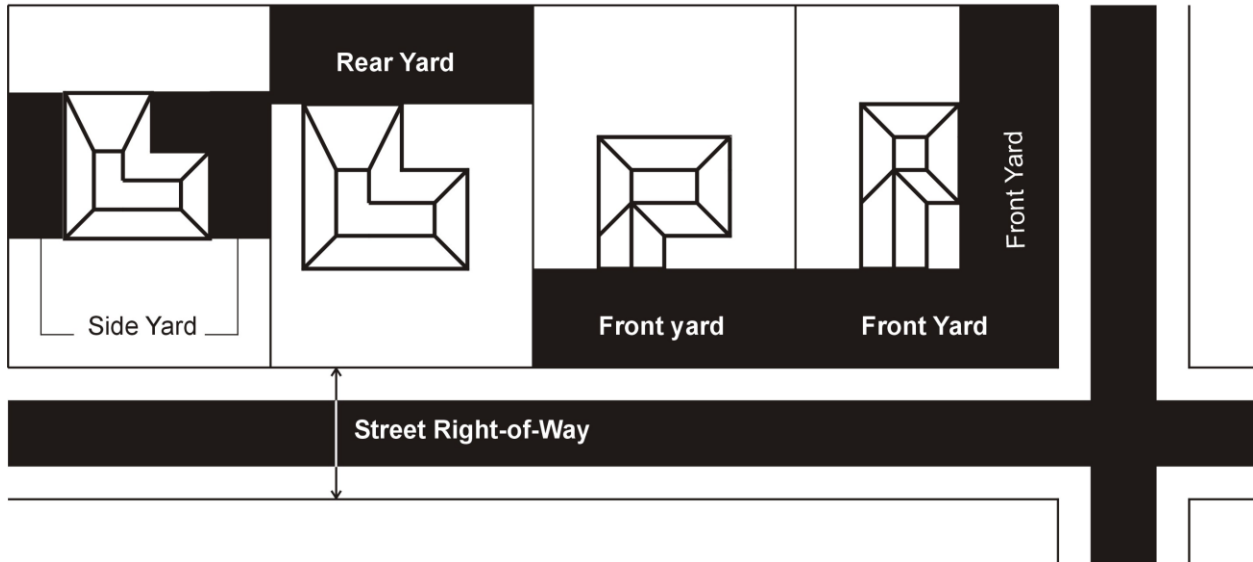
**Watercourse:** Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetland:** An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The minimum required setback is the minimum depth of a yard necessary to conform to the required yard setback provisions of this Ordinance.

- (a) Yard, Roadside: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street setback line and the nearest line to the principal building. A roadside yard shall be maintained along all lot lines abutting road rights-of-way.
- (b) Yard, Waterside: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between Lake Erie (see the definition of "Lot Line") and the nearest line of the principal building. A roadside yard shall be maintained along all lot lines abutting road rights-of-way.
- (c) Yard, Rear: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building.
- (c) Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

## Yards



### Section 8.03 Other

**Air Rights:** The ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land used for railroad or expressway purposes. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

**Alterations:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the interior walls or any changes in size or location of any window or door.

**Appeal:** A request or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

**Automobile:** Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like but shall not include commercial trucks or semi-trucks and trailers.

**(Zoning) Board of Appeals:** The term Zoning Board of Appeals shall mean the Frenchtown Township, Monroe County, State of Michigan, and Zoning Board of Appeals.

**Building Official:** The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Building Official may be referred to as the Building Official, or their agents. Such titles do not necessarily refer to a specific individual, but rather, indicate generally the office or department most commonly associated with the administration of the regulation being referenced.



**Building Permits:** A building permit is the written authority issued by the Building Official of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance or State Codes.

**Clear-Cutting:** The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

**Commercial Vehicle:**

- (a) All motor vehicles used for the transportation of passengers for hire, or
- (b) Constructed or used for the transportation of goods, wares, or merchandise, or
- (c) All motor vehicles are designed and used for drawing other vehicles.
- (d) Any vehicle bearing or required to bear commercial license plates, and which falls into one (1) or more of the categories listed below:
  - (3) Truck tractor.
  - (4) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
  - (5) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors.
  - (6) Tow trucks.
  - (7) Commercial hauling trucks.
  - (8) Vehicle repair service trucks.
  - (9) Snow plowing trucks.
  - (10) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

**Commission:** The terms "Commission", "Planning Commission" etc. shall mean the Frenchtown Charter Township Planning Commission.

**Density:** The number of dwelling units provided per net acre of land unless otherwise defined in this Ordinance.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling operation. The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

**District Zoning:** A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Earth-Sheltered Home:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

**Easement:** The right of a person, corporation, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**Erected:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

**Excavation:** Excavation shall mean any breaking of ground, except common household gardening and ground care.

**Exception:** Certain uses, such as essential services as defined herein, considered by the Planning Commission to be essential or desirable for the welfare of the community, and which are appropriate and not incompatible with the other uses in the zoning district, but not at every or any location or without conditions being imposed due to special considerations related to the character of the use.

**Family:** One (1) or more persons occupying a single dwelling unit and living as a single nonprofit housekeeping unit.

**Fill, Filling:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**Foster Child:** A child unrelated to a family by blood or adoption with whom they live for the purpose of care and/or education.

**Frontage:** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

**Gross Leasable Area:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from outside wall surfaces.

**Hazardous Substances:** Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Hazardous Uses:** All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous, risky, and combustible and are likely to burn

with moderate rapidity and/or with a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire.

**Hazardous Waste:** Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, sorted, transported, disposed of, or otherwise managed:

- (a) An increase in mortality, or
- (b) An increase in serious irreversible illness, or
- (c) Serious incapacitating, but reversible illness, or
- (d) Substantial present or potential hazard to human health, or
- (e) The environment.

**Highway:** A public thoroughfare or street, except alleys, but including Federal, State, County, and Township roads and those appearing upon plats recorded in the office of the Register of Deeds for Monroe County, Michigan.

**Homeowners Association:** A private, nonprofit corporation of homeowners for the purpose of owning, operating, and/or maintaining various common properties.

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, 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.

**Master Land Use Plan:** A document which is prepared under the guidance of the Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings, and all physical development of the Township.

**Mezzanine:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

**Mineral:** A naturally occurring element or combination of elements that occur in the earth in a solid state and shall include gravel, sand, clay, stone aggregate, and soil.

**Mining Waste:** All accumulation of waste material and overburden placed on the land surface whether above or below water.

**Net Mining Operation Area:** The area stripped of overburden, that area being mined, the area used for structures and storage piles and worked-out areas which have not been reclaimed or any combination of such areas.

**Nuisance:** Any offensive, annoying, or disrupting practice or object which prevents the

free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violates the laws of decency, obstructs reasonable and comfortable use of property, or endangers life and health.

**Occupancy, Change Of:** The discontinuance of an existing use and the substitution of a use of a different kind of class, or the expansion of a use.

**Occupancy Load:** The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

**Occupied:** Actively used in any way at the time in question.

**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 more than four (4) vehicles.

**Operator, Mining:** Any person, firm, corporation, or agency either public or private engaged or who has applied for a permit to engage in mining, whether individually, jointly or through subsidiaries, agents, employees or any person, firm, corporation, or agency engaged in managing or controlling a mining operation.

**Ordinary High-Water Mark:** The legal boundary separating state-controlled bottomlands from private property. The ordinary high-water mark shall be as determined by the Natural Resources Environmental Protection Act 451 of 1994 Paragraph No. 325 as amended that being for Lake Erie at an elevation of 571.6 feet above sea level International Great Lakes Datum (IGLD) of 1955 and 572.2 above sea level IGLD of 1985. When the soil, configuration of the surface, or vegetation has been altered by human activity, the ordinary high-water mark is located where it would have been if the alteration had not occurred.

**Overburden:** Any substance, material, mineral or fill such as garbage, rubbish, ashes, slag, construction materials, etc., in combination or separately which forms the stratum between the existing surface of the land and the mineral being mined. It may vary from a thin layer to a mass of great depth.

**Parallel Plan:** A plan utilized to compute the density permitted on any given lot or parcel. Such plan is designed according to all of the applicable provisions of the zoning district in which such lot or parcel is located as well as all of the applicable provisions of the Subdivision Control Ordinance and Zoning Ordinance regarding single family site condominiums.

**Parking Space:** An area of definite length and width designated for parking an automobile or other vehicle, and which is fully accessible for such purposes. A parking space is intended to permit people to leave their automobile for a temporary period to utilize a facility.

**Performance Guarantee:** Any security accepted by the Township in the form of cash, certified check, performance bond, surety bond, letter of credit, or certificate of

deposit endorsed to the Township to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

**Permit, Manufactured Home Park:** A written permit issued by the Building Official permitting the construction, alteration, or enlargement of a Manufactured Home Park, subject to all applicable provisions of this Ordinance and all other applicable local, State and Federal regulations.

**Person:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**Planned Unit Development:** A planned unit development may include such concepts as planned development, community unit development, planned residential development, community and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches. The development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**Planning Commission:** The Planning Commission of the Charter Township of Frenchtown.

**Portable storage container:** A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables, or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.

**Pre-assembled structure, shipping container:** Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car or loaded on a ship.

**Public Utility:** Any person, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communication services, cable television services, transportation services, water, sewer services, or sewage treatment.

**Recreational Vehicle:** Shall include the following:

- (a) Travel Trailer: A portable vehicle unit primarily designed for travel and / or recreational use. This term also includes folding campers, truck mounted campers etc. but does not include manufactured homes
- (b) Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (c) Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (d) Folding Tent Trailer: A canvas folding structure, mounted on wheels, and designed for travel and vacation use.
- (e) Boats and Boat Trailers: "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, watercraft plus the normal equipment to transport them on the highway.
- (f) Other Recreational Equipment: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

**Seating Capacity:** The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Building Code enforced by Frenchtown Charter Township.

**Semi-Trailer:** A trailer, which may be enclosed or not enclosed, exceeding eighteen (18) feet in length, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

**Separate Ownership:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as they so elect, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear, and side lot lines thereof.

**Sewage Systems:**

- (a) Community Onsite Sewage Treatment System: An onsite sewage treatment facility which is designed by a professional engineer licensed in the State of Michigan, and which serves more than one single-family residential dwelling. Such treatment facilities include but are not limited to septic tanks and tile fields, recirculating sand filters and other pretreatment units such as package treatment plants. It does not include the use of lagoon systems and

lagoons are expressly prohibited.

- (b) **Public Sewerage System:** A sewer system and treatment facility that is used to collect, transport, and treat domestic and industrial waste that is owned and operated by a governmental agency. The “sewer system” means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic or industrial wastes to a treatment facility.
- (c) **Individual Sewage Disposal System:** Onsite Sewage Disposal System: An “individual sewage disposal system” shall mean a sewage disposal system other than a public system which is under the jurisdiction of Part 41, P.A. 451, 1994, as amended, which receives human excreta, liquid wastes, or both from one premise. Included within the scope of this definition are septic tank-soil absorption system, privies, chemical toilets, and such other types as may be approved by the Health Officer. (Monroe County Sanitary Code, April 2001 Edition, Section 500.09, Page 34).

**Shopping Center:** A grouping of retail businesses and service uses on a single site with common parking facilities.

**Sign:** See [Section 5.08](#) for all definitions pertaining to signage.

**Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

**Sludge:** Any matter or sediment that is precipitated by treatment of sewage at any type of sewage treatment facility, or at any other place.

**Snowmobile:** Any motorized vehicle designed to travel primarily on snow or ice, steered by means of wheels, skis, or runners.

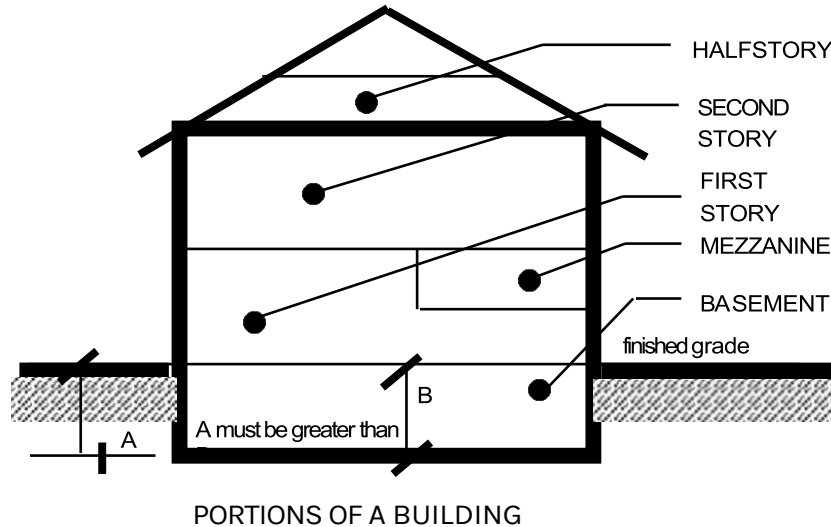
**Soil Removal:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

**Story (Storey):** That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- (a) **Basement:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.
- (b) **Mezzanine:** A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor

next above it is twenty-four (24) feet or more.

- (c) Story-Half: A half story is an uppermost story lying between the uppermost floor and the roof, the useable floor area of which does not exceed fifty (50%) percent of the floor area of the story immediately below it and which contains not less than two hundred (200) square feet of livable floor area with a clear ceiling height of not less than seven (7) feet, six (6) inches (7' 6").



**Street:** A public or private thoroughfare intended primarily to provide vehicular circulation and access to abutting property.

**Street, Expressways:** Expressways are limited access interregional arterial routes (superhighways). They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

**Street, Local or Minor Street:** A street whose sole function is to provide access to abutting properties.

**Street, Private Street or Road:** A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, and signs. The following shall never be considered a structure:

- Inoperable vehicles.
- Boats.



- Airplanes.
- Trailers of Any Kind, including Semi-Trailers, Horse, or Utility Trailers.
- Other types of vehicles and trailers.

**Travel Trailer Park/Campground:** A parcel of land or temporary recreational site providing overnight or short-term accommodation for travel trailers, recreational vehicles, campers, or tent trailers. Occupancy within the park shall not exceed twenty-one (21) days within a sixty (60) day period or forty-two (42) days within a twelve-month period.

**Tent:** Tents as used in this Ordinance shall mean a shelter or 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 solely for children's recreational purposes.

**Township:** Frenchtown Charter Township, Monroe, Michigan.

**Township Board:** Whenever in this Ordinance appears the words "Township Board", or Board it shall mean the Township Board of Frenchtown Township.

**Variance:** A modification of the literal provision of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.

**Vehicle:** Any non-organic object capable of carrying a load and moving through land, water, and/or air either through its own power or through the power of a human operator. Examples include, but are not limited to, automobiles, bicycles, boats, and aircraft.

**Utility Trailer:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.