

**ARTICLE 13.00
LAKE ERIE MARINA DISTRICT**

Section 13.01 PURPOSE

A primary planning goal of Frenchtown Charter Township is to provide a balance and variety of land uses which are compatible to the community as a whole. It is further intended that the Zoning Ordinance recognize that the Lake Erie lakefront is unique in character and that this natural resource is different than any other area of the Charter Township of Frenchtown. The LEM Lake Erie Marina District is therefore, designed to provide for certain land uses which will best take advantage of the unique qualities of the waterfront, that recognizes that this resource area is limited in the Charter Township of Frenchtown, that will enhance the general benefit and enjoyment of the public, that will provide for boating and navigator uses and to the Lake Erie waterfront area without negatively impacting existing or future land uses of the area. In reviewing the acceptability of an area proposed for the LEM Lake Erie Marina District, the Frenchtown Charter Township Planning Commission and the Frenchtown Charter Township Board of Trustees shall determine that the following criteria have been met.

Section 13.01.1 The district location will enhance or preserve the recreational functions of the lakefront.

Section 13.01.2 The proposed location and relationship to adjacent properties is such that traffic to and from the site will not be hazardous or adversely impact abutting properties or conflict with the normal traffic flow of the general area. In reviewing this particular aspect, the Frenchtown Charter Township Planning Commission and the Frenchtown Charter Township Board of Trustees shall consider the following:

Section 13.01.2(a) Conflicts with routes for pedestrian traffic, particularly those which would involve children including but not limited to school, playgrounds, etc.

Section 13.01.2(b) The relationship of the site to major thoroughfares and street intersections to ensure that the road system is capable of handling the traffic generated by the zoned properties.

Section 13.01.2(c) Conflicts with traffic routes and adjacent land uses.

Section 13.01.3 The proposed location shall be compatible with the orderly development of adjacent properties and properties of the general area.

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Section 13.01.4. The proposed location shall be compatible with the existing land uses of adjacent properties and properties of the general area.

Section 13.01.5. The proposed site can be adequately served by public services and facilities such as, but not limited to, gas, electrical, storm sewers, sanitary sewers, water, without diminishing or adversely effecting said public services and facilities to existing land and projected land uses in the area.

Section 13.02 PRINCIPAL PERMITTED USES

In all LEM Lake Erie Marina Districts no building or land, except as otherwise specifically provided for in this Ordinance, shall be erected or used for other than the following specified uses:

Section 13.02.1 MUNICIPAL OR PRIVATELY OWNED FACILITIES FOR THE DOCKING, SERVICING AND PROTECTION OF RECREATION BOATS, YACHTS, CRUISERS, INBOARD, AND OUTBOARDS AND SAILBOATS

Section 13.02.1(a) Summer (April through October) outdoor storage of recreation boats, yachts, cruisers, inboard, outboards and sailboats which would be incidental to the above referenced operations shall be permitted. Summer storage for the purpose of this Article shall mean the storage of the aforementioned items outside of a building or structure during the period of April through October.

Section 13.02.1(b) Storage of recreation boats, yachts, cruisers, inboard, outboards and sailboats within an enclosed building shall be permitted all year round (January through December).

Section 13.02.2 COMMISSARY FACILITIES FOR THE RETAIL SALE OF FOOD, BEVERAGES AND OTHER GOODS NORMALLY USED OR STORED ABOARD RECREATION BOATS, YACHTS, CRUISER, INBOARD, OUTBOARDS AND SAILBOATS

Section 13.02.3 MUNICIPAL OR PRIVATE BEACHES AND WATER RELATED RECREATION AREAS

Section 13.02.4 RETAIL BUSINESSES THAT SUPPLY COMMODITIES RELATED TO WATERFRONT RECREATION AND BOATING SUCH AS THE SALE OF BOATS, BOAT ENGINES AND ACCESSORIES, FISHING EQUIPMENT AND SIMILAR GOODS

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Section 13.02.5 ACCESSORY STRUCTURES AND USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES INCLUDING PRIVATE OR PUBLIC LAUNCHING RAMPS

Section 13.03 USES SUBJECT TO SPECIAL CONDITIONS

The following uses shall be considered uses subject to special conditions in this district and may be permitted only after public hearing and review and approval by the Planning Commission.

The Commission shall review the application for use subject to special conditions in accordance with the procedure and standards as established in Section 3.09 of this Ordinance and specific standards directly related to the proposed use as established below:

Section 13.03.1 HOTEL OR MOTEL SUBJECT TO THE FOLLOWING REQUIREMENTS:

Section 13.03.1(a) Access shall be directly to a major thoroughfare road or through a commercial project which shall be designed to avoid a negative impact on general traffic.

Section 13.03.1(b) All yards abutting a street shall be landscaped and shall not be penetrated by parking. This shall not prevent access drives to be located in these yard areas. When access drives run parallel to the adjacent roadway, a minimum twenty (20) foot greenbelt consisting of trees and shrubs shall be provided.

Section 13.03.1(c) Each unit shall be a minimum of two hundred and fifty (250) square feet of floor area.

Section 13.03.2 RESTAURANTS, LOUNGES, OR CLUBS

Section 13.03.3 ENGINE AND HULL REPAIR SHOPS

Outdoor storage of scrap parts, etc. shall be prohibited.

Section 13.03.4 BOAT FUEL STATIONS

Section 13.03.5 WINTER (NOVEMBER THROUGH MARCH) OUTDOOR STORAGE OF RECREATION BOATS, YACHTS, CRUISERS, INBOARD, OUTBOARDS AND SAILBOATS

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Winter storage for the purpose of this Article shall mean the storage of the aforementioned items outside of a building or structure during the period of November through March.

Section 13.03.6 ANY OTHER COMMERCIAL OFFICE OR SERVICE USE WHICH THE FRENCHTOWN CHARTER TOWNSHIP PLANNING COMMISSION FINDS NOT TO BE INCONSISTENT WITH THE PURPOSE OF THIS ARTICLE AND WHICH WILL NOT IMPAIR THE PRESENT OR POTENTIAL USE OF ADJACENT PROPERTIES

When considering other uses, the Frenchtown Charter Township Planning Commission shall review the nature and function of the use and its proposed location to ensure that said use will not present a potential conflict with principle permitted uses in this district.

Section 13.04 DEVELOPMENT REQUIREMENTS

The following requirements shall be complied with in a LEM Lake Erie Marina District:

Section 13.04.1 SITE PLAN AND DEVELOPMENT APPROVAL FOR ALL USES AS SPECIFIED IN ARTICLE 27.00 OF THIS ORDINANCE

Section 13.04.2 OFF-STREET PARKING FOR ALL USES AS SPECIFIED IN ARTICLE 24.00 OF THIS ORDINANCE

Section 13.04.3 SCREENING AND LAND USE BUFFER FOR ALL USES AS SPECIFIED IN ARTICLE 26.00 OF THIS ORDINANCE

Section 13.04.4 SIGNS FOR ALL USES AS SPECIFIED IN ARTICLE 25.00 OF THIS ORDINANCE

Section 13.04.5 HEIGHT, AREA, LOT COVERAGE AND YARD REGULATIONS AS SPECIFIED IN ARTICLE 21.00 OF THIS ORDINANCE FOR THE LEM LAKE ERIE MARINA ZONING DISTRICTS

Section 13.04.6 GENERAL PROVISIONS OF THIS ORDINANCE, ARTICLE 4.00

Particular conditions or provisions may generally apply to development in this District as found in GENERAL PROVISIONS ARTICLE 4.00 of this Ordinance.

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Section 13.04.7 YARD GRADING AND DRAINAGE

All yards in a LEM Lake Erie Marina 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 detention plan which has been approved by Frenchtown Charter Township and such grading shall comply with the engineering design standards for Frenchtown Charter Township. A detailed grading plan shall be submitted by the builder/developer and shall be approved by Frenchtown Charter Township prior to issuance of a permit.

Section 13.04.8 SPECIFIC REQUIREMENTS

The following specific requirements shall apply with in a LEM Lake Erie Marina District.

Section 13.04.8(a) 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.

Section 13.04.8(b) 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 boating holding tanks in a sanitary manner.

Section 13.04.8(c) Each marina shall provide suitable, safe and sanitary toilet and refuse facilities within buildings designed for that purpose. No less than (1) toilet shall be provided for each forty (40) boat spaces or less 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.

Section 13.04.8(d) Public launching permitted in any marina having a public launching ramp, shall be limited as follows:

Section 13.04.8(d)(1) The number of public launches permitted shall be limited to the number of parking spaces available for vehicles and boat carries in any such marina, and likewise the number

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of public launchings shall be limited in direct proportion to the available harbor spaces in any such marina as hereinafter required, whichever number of parking spaces or harbor spaces is the smaller.

Section 13.04.8(d)(2)

Harbor accommodations: Any marina having a public launching ramp shall provide harbor space or spaces directly connected with such marina, capable of accommodating as many boats as there are parking spaces for vehicles and boat carriers on the lands of such marina. The foregoing requirements as to harbor space is to assure protection to boats launched at such public ramp from the turbulent waters caused by storms or high winds. Before any use shall be made of the public launching ramp, a site plan for such ramp and attendant facilities shall be submitted to the Frenchtown Charter Township Planning Commission to determine if all provisions of this Section have been complied with.

Section 13.04.8(e)

Lighting shall be provided for all parking areas, buildings, grounds and water areas. The lighting shall be hidden source and so located and designed as to reflect light away from adjacent properties with particular attention to single family residential areas.

Section 13.04.8(f)

The general design, layout and locations of uses and support systems shall be developed in a manner which will enhance the lakefront property and the natural environment. Sufficient greenbelt (minimum 75 feet) shall be maintained between the shores 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.

Section 13.04.8(g)

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

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fire and emergency vehicles.

- Section 13.04.8(h) Off-street Parking spaces required. One and one half parking spaces shall be provided for each harbor space plus requirements for specific uses as found in ARTICLE 24.00 "Table of Parking Requirements" of this Ordinance.
- Section 13.04.8(i) Development and layout of off-street parking shall be consistent with the requirements as specified by ARTICLE 24.00 of this Ordinance.
- Section 13.04.8(j) Off-street loading and unloading requirements shall be provided as specified by ARTICLE 24.00 of this Ordinance.
- Section 13.04.8(k) In order to carry out the intent of this Article (preservation of the open space character of the lakefront) parking lots, outdoor boat storage areas etc., shall be broken up by the use of planting islands or planting strips. Each planting island or planting strip shall contain as a minimum deciduous trees.
- Section 13.04.8(l) 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.
- Section 13.04.8(m) The site shall be developed in a manner which will meet all Frenchtown Charter Township, County, State and Federal Health Regulations or Standards.
- Section 13.04.8(n) The Frenchtown Charter Township Planning Commission may require the entire site or portions thereof to be fenced. Said fencing shall be six (6) feet in height and shall be buffered by a planting strip consisting of deciduous shrubs or evergreen trees.
- Section 13.04.8(o) Maximum building height shall be two (2) stories or 35 feet. The maximum building height may be increased an additional foot in height for each foot the structure is setback beyond the 50 foot perimeter yard setback up to a maximum of 55 feet in height.
- Section 13.04.8(p) The minimum distance between buildings shall equal

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twenty (20) feet plus four(4) feet for each story of the higher structure

plus

two (2) feet for each ten (10) feet of the length of the facing wall of the higher structure provided that no part of a structure in a building group shall be less than fifty (50) feet from any other structure.

In reviewing the spacing between buildings, the Frenchtown Charter Township Planning Commission shall ensure that the spacing proposed shall provide adequate light and air to each structure and shall be consistent with the intent of the Lake Erie Marina District.

Section 13.04.8(q)

A perimeter yard setback of fifty (50) feet shall be provided. This strip shall be landscaped and maintained as a greenbelt area. The fifty (50) feet perimeter yard greenbelt shall consist of deciduous, evergreen and flowering trees and shrubs. The existing and future development of the adjacent properties shall be taken into consideration when developing the Landscape Plan for the fifty (50) feet perimeter yard greenbelt area.