

**ARTICLE 4.00
GENERAL PROVISIONS**

Section 4.01 GENERAL REGULATIONS

For the purpose of this Ordinance, except as is hereinafter specifically provided for otherwise, the following general regulations and provisions shall apply. These general regulations shall be liberally interpreted for the purposes set forth in the Preamble of ARTICLE 1.00 TITLE, PURPOSE, AND ENABLING AUTHORITY, and the limitations herein set forth shall be construed as the minimum regulation necessary to promote and protect the general safety and welfare of the community.

Section 4.02 EXEMPTION OF 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, Planner, and Engineer that the Zoning Ordinance standard in question would inhibit the provision of the Essential Service to Township residents.

Amended November 10, 2016, by Zoning Ordinance Amendment No. 200-123.

Section 4.03 STORAGE OR PARKING OF VEHICLES

The storage or parking of automobiles, trucks, tractors, trailers and similar machinery which is wrecked, disabled, worn out, abandoned unlicensed or incapable of movement under its own power shall be a violation of this Ordinance in any district unless stored inside of a garage, barn or similar structure or otherwise approved by the Commission or permitted by this Ordinance.

Section 4.04 STORAGE OR ACCUMULATION IN YARD AREAS

No owner, occupant, lessee, or their agent, of any building in the Township shall permit the storing or accumulation of rubbish, waste, new or used auto parts or other materials or products in open yard areas unless otherwise permitted by this Ordinance and approved as may be required. The owner, occupant, lessee, or their agent of every building where waste accumulates, shall provide, for each building, proper receptacles for the storage and removal of said wastes. The receptacles may be portable or stationary. All receptacle areas shall be screened from view of the general public and other users of the site where multiple use is permitted. Said areas shall be kept clean and free from debris.

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**Section 4.05 COMMERCIAL BULK STORAGE OF FLAMMABLE
SUBSTANCE**

Commercial bulk storage of gasoline or flammable liquid or substance in tanks or other containers shall not be permitted unless said tanks or containers are in compliance with all federal, state and local regulations. Any proposal shall require the review and approval of the Fire Chief.

Section 4.06 VOTING PLACE

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 4.07 YARD AREAS

Section 4.07.1 REQUIRED YARD AREAS

For the purpose of this Ordinance every building hereafter erected or altered shall comply with the minimum lot area and yard requirements as established in the Schedule of Regulation Section (**ARTICLE 21.00 SCHEDULE OF REGULATIONS**) of this Ordinance, unless otherwise provided for.

Section 4.07.2 FRONT YARD EXCEPTION

If at the time of approval of this Ordinance, the majority of buildings in a block have been constructed, the front yard requirement for any new or altered building may be consistent with the front yard established by said buildings, provided, said front yard shall be consistent with the overall future development plans for the area.

Section 4.07.3 ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards and shall not be considered a structural intrusion into the required yard setback. Access drives may not, however penetrate minimum required landscape areas.

Section 4.07.4 WALKS, TERRACES, PATIOS ETC.

All walks, terraces, patios etc. which do not exceed nine (9) inches

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above the grade upon which the walk, terrace, patio etc. is placed shall not be considered a structural intrusion into the required yard setback and therefore may be permitted.

Section 4.07.5 **BUILDING PROJECTIONS**

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, decks, boiler flues, and other projections shall be considered as part of the building and therefore shall not extend into the minimum yard required except for the following:

Section 4.07.5(a) One fire place or chimney provided it does not exceed eight (8) feet in length or twelve (12) inches in width.

Section 4.07.5(b) Unenclosed platforms, decks, terraces above nine (9) inches, porches, steps, or other ground or first floor projections. Said projections shall be no more than thirty-six (36) square feet in area and may be permitted to extend into the required front yard no more than six (6) 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 four (4) feet to a side property line.

Amended August 9, 2016, by Zoning Ordinance Amendment No. 200-122.

Section 4.07.6 **ENCROACHMENT OR REDUCTION OF YARD AREAS**

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. No portion of a lot used in complying with the provisions of the Ordinance for yards, courts lot area per family or percentage of lot 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.

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Section 4.08 CONFLICTING LAWS, REGULATIONS AND RESTRICTIONS

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, restricts or limitations upon the use of land or buildings, or upon the height of buildings, or requires larger yards, land areas or open space, 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 4.09 BUILDING REGULATIONS

No building or structure, or part thereof, shall hereafter be erected, constructed, used, reconstructed, altered or maintained, and no lot or land, or part thereof, shall hereafter be used or maintained and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 4.09.1 UNLAWFUL BUILDING

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 abated 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 expenditures toward abating such nuisance shall become a lien upon the land.

Section 4.09.2 FRONTAGE/PUBLIC ACCESS REQUIRED

Except as provided in Section 4.09.2(a), 4.09.2(b) and 4.09(2)(c), no dwelling or building shall be erected on a lot or parcel which does not have continuous frontage for its full width 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. Multi-family developments or Planned Unit Developments for offices, industries or commercial uses need not front each such structure upon such street or road provided that adequate vehicular access onto a public street or road can be assured in the site plan submitted for approval by the Planning Commission.

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Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, 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.

Section 4.09.2(a) A building in either a GM, LM, C-1, C-2, C-3, Planned Unit Development, LEM, R-1-0, R-3-A and R-3-B District may be erected on a lot which has continuous frontage for its full width upon a private road which has not been certified by the Monroe County Road Commission or the Michigan Department of Transportation provided the following conditions have been met:

Section 4.09.2(a)(1) In reviewing a proposal for a private road, a determination shall be made by the Township as to whether or not the proposed road will service the general public and whether or not the proposed road should be extended to service additional properties. A private road shall not be permitted if either of these conditions are applicable.

Section 4.09.2(a)(2) The owner of the roadway shall grant easements for ingress and egress benefiting all property owners abutting said roadway and to the general public on terms approved by the Township Attorney.

Section 4.09.2(a)(3) Where lots exist on curved streets or cul-de-sacs, all side lot lines shall be radial and the minimum lot width requirements shall be met.

Section 4.09.2(a)(4) The width of the easement granted shall be in accordance with the recommendation of the Township Engineering Consultant.

Section 4.09.2(a)(5) The pavement width and geometrics shall be designed in accordance with current requirements of the Monroe County Road Commission, Michigan Department of Transportation, and Frenchtown Charter Township Ordinances.

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Section 4.09.2(a)(6) The pavement shall be designed for a 20 year design life in accordance with current Michigan Department of Transportation pavement design methods based upon actual soil borings and traffic data for full development.

Section 4.09.2(a)(7) The roadway shall be constructed in accordance with the current Monroe County Road Commission and the Michigan Department of Transportation specifications for construction, as applicable.

Section 4.09.2(a)(8) The owner of the roadway shall enter into perpetual maintenance agreements and post a maintenance bond on terms approved by the Township Attorney. The amount of the maintenance bond shall be determined by the Township Engineering Consultant.

Section 4.09.2(a)(9) In accordance with the provisions of the Land Division Act, Section 261 as amended, an owner of property abutting or with frontage on a private road, must inform any purchasers in writing that the roadway is private and is not required to be maintained by the Board of Monroe County Road Commissioners or the Township.

Section 4.09.2(b) A dwelling within a single family residential development established pursuant to the State of Michigan Condominium Act as amended, and located in a single family residential zoning district may be erected on a lot which has continuous frontage for its full width upon a private road which has not been certified by the Monroe County Road Commission or the Michigan Department of Transportation provided only that the Board Of Monroe County Road Commissioners refuses to accept the dedication of the proposed roadway as a public road and further provided that the conditions set forth in Section 4.09.2(a)(2) through (9) have been met.

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Section 4.09.2(c) A dwelling may be erected on a parcel or lot of record existing as of September 1, 1996 with continuous frontage for its full width upon a private road also existing as of September 1, 1996, which is not certified by the Monroe County Road Commission or the State Department of Transportation and which is located within a zoning district in which single family residential dwellings are a permitted use and which meets the minimum lot width, area and setback requirements.

Amended February 9, 2010, by Zoning Ordinance Amendment No. 200-102.

Section 4.09.2.5 FRONT ELEVATIONS

The front elevations of all proposed dwellings and structures shall be erected parallel to the front lot line unless otherwise approved by the Township.

Section 4.09.3 LOT LIMITATIONS

Only one principal building shall be located on a parcel or lot in an A 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. Accessory buildings are intended to be ancillary and accessory to the principle use and building and are therefore not considered a principle building and are not permitted prior to or without said principle structure.

Section 4.10 TEMPORARY BUILDING USED DURING CONSTRUCTION

Trailer coach, mobile home or portable building may not be used temporarily during construction and or parked in a subdivisions or other development unless in conformity with the following provisions of this Ordinance.

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Section 4.10.1 PERMIT REQUIRED

A permit shall be required to use a trailer coach, mobile home or portable building as a temporary building during construction. An application along with an application fee, as approved by the Township Board, shall be filed by anyone seeking a permit to use a trailer coach, mobile home or portable building temporarily during construction. The application shall describe the size, location and use of the trailer coach, mobile home or portable building in sufficient detail to allow the Building Official to determine if the proposal meets all of the provisions of this Ordinance. The Building Official shall not issue a permit unless the application meets all of the provisions of this Ordinance.

Section 4.10.2 PERMIT REQUIREMENTS

In reviewing the application the Building Official shall insure that all of the following conditions are met:

- Section 4.10.2(a) No permit may be issued unless a building permit has been issued for a permanent building on the same site.
- Section 4.10.2(b) A semi-truck trailer or a modified semi-truck trailer, for the purpose of this Section of the Ordinance, shall be deemed a temporary building. A semi-truck trailer or a modified semi-truck trailer may be used only for the storage of merchandise or equipment and/or a construction office.
- Section 4.10.2(c) All temporary buildings shall be removed from the site before a certificate of occupancy shall be issued, except where more than one building is being constructed on the development site. In the case of a subdivision or development site where more than one building is being constructed the temporary building shall be removed within forty-eight (48) hours of completion of the final unit in a subdivision or development site where more than one building is being constructed. The Building Official may at any time after the issuance of a certificate of occupancy determine the temporary building to be a nuisance to existing owners or tenants by way of its location or activity. If so determined, the Building Official shall notify the permittee, in writing, that all temporary building shall be removed within forty-eight (48) hours of said notice.
- Section 4.10.2(d) All temporary buildings shall be removed from the site unless construction activity, in accordance with the plans of

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the said building permit, is clearly evident within 90 days after the placement or erection of the temporary building.

- Section 4.10.2(e) The applicant shall post a cash bond in the amount of five hundred dollars (\$500) to guarantee the removal of the temporary building.
- Section 4.10.2(f) Only one (1) trailer coach, mobile home, portable building or semi-truck trailer or modified semi-truck trailer shall be permitted for each builder in the development.
- Section 4.10.2(g) All temporary buildings shall be parked off the paved subdivision or development streets.
- Section 4.10.2(h) All temporary buildings shall be parked only on lots that are vacant or under construction and as far removed from occupied buildings as feasible. Specific location shall be approved by the Building Official.
- Section 4.10.2(i) The outside storage of tools and small equipment is prohibited.
- Section 4.10.2(j) All temporary buildings shall be secured during non working hours. Any utilities used to service the temporary building shall be completed in a manner which will provide adequate safety for the general public.

Section 4.11 ACCESSORY USES AND BUILDINGS IN BUSINESS AND INDUSTRIAL DISTRICTS

Accessory uses and buildings in business and industrial districts shall be restricted to the building area permitted for the principle building. Guard shelters, parking attendant shelters, gate houses and transfer buildings may be located in the front or side yard in an industrial district only. In reviewing a request the Commission shall insure that the proposed location of the building or shelter does not adversely impact the spirit and intent of the setback requirements for the district.

Section 4.12 BUILDING PERMIT ISSUED PRIOR TO EFFECTIVE DATE

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

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Section 4.13 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 bath tubs shall be connected to such 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.

Section 4.14 OUTSIDE PRIVIES

No outside privy shall be permitted for new construction and/or any changes of occupancy; provided, however, that temporary use of outside privies shall be permitted during periods of construction pursuant to a valid building permit.

Section 4.15 GRADE AT BUILDING LINE

The grade at building line, except as may be otherwise required by a Township Floodplain Ordinance, 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 his discretion, the Building Official, after consulting with the Monroe County Health Department and the Township Engineer may specify a grade which is the average of the grades on the two adjacent parcels if said parcels are improved with structures thereon, and excepting further that this requirement may be varied by the Board of Appeals after taking into consideration public health, safety, and general welfare and subject to appropriate conditions and safeguards in conformity with the general purposes and intent of the Ordinance and the State Enabling Act.

Where a Grading Plan exists that was approved as part of the construction plans for a subdivision, 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.

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.

Section 4.16 CLASSIFICATION OF MOVED BUILDINGS

Any building moved within a district and placed upon a foundation, or any building moved into a district from without, shall be considered a new building and be subject to

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all the limitations and requirements herein set forth relating to uses, construction, permits, reviews, approvals and certificates.

Section 4.17 RECONSTRUCTION OF DAMAGED BUILDINGS AND STRUCTURES

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 Marshall 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 Marshall attesting to the delay. Until such time as the debris from the damage is fully removed, the premises shall be adequately secured by the owner to guarantee the public health, safety and welfare of the general public.

Section 4.18 BUILDING OCCUPANCY FOR DWELLING PURPOSES

Buildings erected after the effective date of this Ordinance as garages or accessory buildings shall not be occupied for dwelling purposes except where said use is considered a normal ancillary activity associated with the primary use, as determined by the Planning Commission after review. No basement shall be used or occupied for a dwelling unit for a family. No dwelling shall be erected in a Business, Commercial, or Industrial District, except where said use is specifically permitted or where said use is considered a normal ancillary activity associated with the primary use, as determined by the Planning Commission after review, such as sleeping quarters of a watchman or caretaker.

Section 4.19 BUILDING APPEARANCE

All buildings or accessory buildings erected, constructed, used, reconstructed or altered shall be constructed of stone, face brick or approved ornamental material, and no building shall be constructed of tarred paper, tin, corrugated iron, plain cement block, or any form of pressed board (unless otherwise approved) or felt or similar material. Building elevations shall be submitted and reviewed by the Building Official, except where site plan approval is required. In cases where site plan approval is required, building elevations shall be submitted to the Planning Commission for review and approval.

Section 4.20 DUMPING OF MATERIALS

Section 4.20.1 STORAGE, DUMPING OF WASTE, JUNK, GARBAGE, ETC.

The use of land for the storage, collection, accumulation, dumping or disposal of used lumber and other used materials, scrap iron,

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junk, garbage, refuse, ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except under a Temporary Certificate issued from the Building Official after approval of the Township Board of Appeals. Such certificate shall be issued in special cases for a period not to exceed one (1) year upon the filing of an application accompanied by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect, or leave the surfaces of the land, at the expiration date of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs. All dumping or disposal must also be in compliance with the State of Michigan's Solid Waste Management Act.

It is not the intent of this Section of the Ordinance to require application to the Township Board of Appeals for typical and normally accepted operations during construction or reconstruction projects. In these cases it shall be the responsibility of the builder, developer etc. to maintain the site in a neat orderly manner free of debris and construction waists. It shall be the responsibility of the Building Official to oversee and enforce this aspect of the Ordinance.

Section 4.20.2

DUMPING OF SOIL, SAND AND CLAY MATERIALS

The dumping of any soil, clay, gravel or like materials on any lot or parcel of land in Frenchtown Township is hereby prohibited unless said operation occurs pursuant to:

a site plan or plat which has been approved in accordance with the rules and regulations of the Frenchtown Charter Township Ordinances and pursuant to a duly issued building permit issued by the Building Official.

or

said operation occurs after the approval of the Board of Appeals and subject to requirements as said Board of Appeals deems appropriate, except as provided otherwise in Section 4.21 regarding filling and excavation operations.

Section 4.21 FILLING AND EXCAVATION OPERATIONS

It shall be unlawful for any person, firm, corporation, partnership or other organization or entity to remove, grade or strip any topsoil, sand, clay, gravel, vegetative surface cover or similar material, or use land for filling and/or stockpiling within Frenchtown Charter

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Township unless said operation is shown on and occurs pursuant to:

a site plan or plat which has been approved in accordance with the rules and regulations of the Frenchtown Charter Township Ordinances and pursuant to a duly issued building permit issued by the Building Official.

or

if the operation is **a fill operation only and the fill material**, (sand, soil, clay, dirt, stone, gravel, rock, or similar materials) is covered with a minimum of six (6") inch debris-free topsoil suitable for the growing of turf, is **20 cubic yards or less** and the fill operation does not modify existing water run-off patterns.

or

unless said operation occurs **pursuant to a permit issued by the Frenchtown Charter Township Building Official** in conformity with the following procedures:

Section 4.21.1 PERMIT REQUIREMENTS FOR FILLING OPERATIONS INVOLVING FILL MATERIAL OF 21 CUBIC YARDS OF MATERIAL OR GREATER, BUT LESS THAN 20,000 SQUARE FEET IN AREA AND EXCAVATIONS FOR FARM PONDS AND LANDSCAPE PONDS.

The Building Official may approve a site plan and issue a filling permit for any application which involves

- a. appropriate fill material of 21 cubic yards of material or greater, but less than 20,000 square feet in area
- or
- b. excavation for a farm pond.
- or
- c. excavation for a landscape pond.

A permit fee as approved by the Township Board shall be paid at the time the application is submitted. The Building Official shall issue a permit only if the application is in compliance with the following regulations and all other Township Ordinances:

Section 4.21.1(a) An application shall be filed and shall as a minimum contain the following information:

Section 4.21.1(a)(1) Names and addresses of the each owner(s), applicant(s) if other than owner (show interest), and person(s) or contractor(s) responsible for the filling or excavation for the farm pond or landscape pond.

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Section 4.21.1(a)(2) Legal description and plot plan of the entire property showing the specific location and dimensions of the area to be filled, or the excavation of the farm pond, or landscape pond, with current and proposed finish elevations. In the event that the plot plan submitted by the applicant is incomplete, as determined by the Building Official, the Building Official may require the submission of a site plan which shall be prepared by a Registered Engineer or Land Surveyor.

Section 4.21.1(a)(3) A written description of the extent, nature and duration of the proposed operation.

Section 4.21.1(b) The finished elevation of the filled area shall not be higher than twelve (12") inches above the crown of any adjacent road.

Section 4.21.1(c) Sand, soil, clay, dirt, stone, gravel, rock, brick, concrete, or similar materials may be deposited in the filled area provided that all such materials are leveled and covered with a minimum of six (6") inch debris-free topsoil suitable for the growing of turf within six (6) months of date of issuance of the permit.

Section 4.21.1(d) The applicant shall provide a \$500.00 cash bond which shall be put in escrow with the Township Treasurer and shall be returned if the filing is completed and approved prior to the expiration date of the permit. Said bond shall be forfeited if the filling is not completed and approved prior to the expiration date of the permit. Permits shall be valid for a period of six (6) months from the date issued, at which time the site shall comply to the submitted plot plan. Failure to comply shall constitute a violation of this Ordinance.

Section 4.21.1(e) A permit shall be issued only if filling operations or the farm pond excavations or landscape pond are designed and illustrated on the submitted plot plan to ensure that storm water runoff is prevented from crossing onto adjacent property by the use of swales and/or subsurface drainage piping without interfering with the natural drainage of the area. Said filling or farm pond or landscape pond excavation operations shall not result in accumulate of

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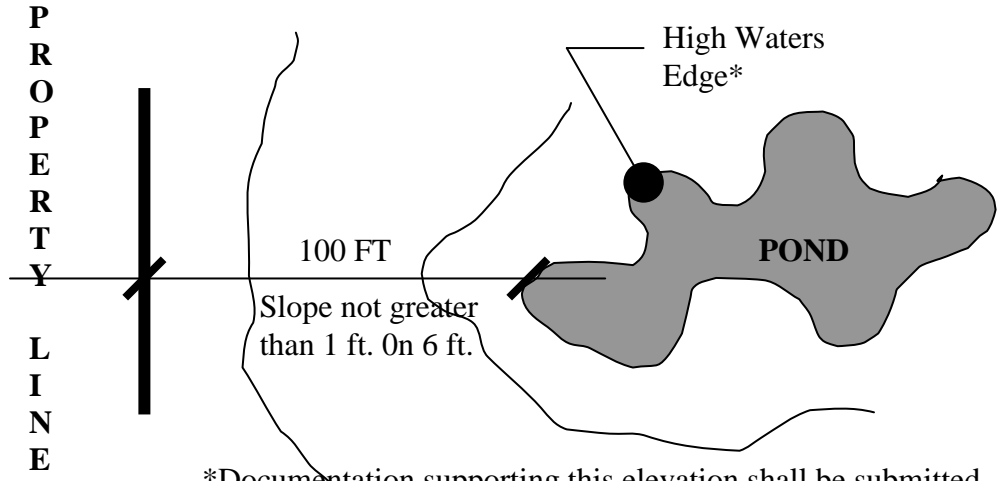
water on an adjacent lots or parcels. In reviewing the application the Building Official shall determine if the site has been the subject of an application for filing operations involving fill material of 25 cubic yards or less or an excavation for a farm pond or landscape pond within the previous eighteen (18) months prior to the date of the application. If the Building Officials finding is in the affirmative and the total filing operations for the eighteen (18) month period is 20,000 square feet in area or more or the excavation is for three (3) or more farm ponds then an application shall be required to be filed under and subject to the requirements of Section 4.21.2.

Section 4.21.1(f) All landscape ponds shall be required to meet the front, side and rear yard setback requirements for the district in which the landscape pond is located.

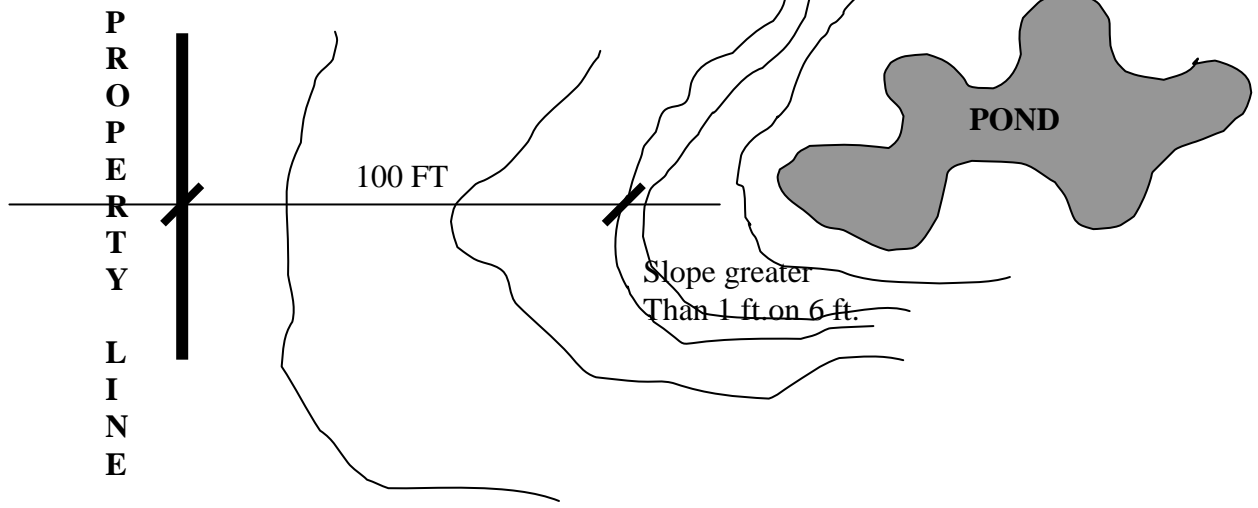
Section 4.21.1(g) When determining a required setback from the proposed pond to a property line the following requirements shall be met:

1. 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.

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*Documentation supporting this elevation shall be submitted with the application



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Section 4.21.2 PERMIT REQUIREMENTS FOR FILLING OPERATIONS GREATER THAN 20,000 SQUARE FEET IN AREA AND ALL EXCAVATION AND REMOVAL OPERATIONS OTHER THAN MINERAL MINING OPERATIONS, FARM PONDS AND LANDSCAPE PONDS.

A permit shall be required under this Section of the Ordinance for any application which proposes to fill an area 20,000 square feet or greater or any excavation and removal regardless of area involved except for mineral mining operations, farm ponds and landscape ponds. The permit shall be issued by the Building Official only after review by the Township Engineer and the Building Official. Each permit issued shall expire one year from the date issued. The permit may be renewed, if required, provided all regulations and requirements of the Ordinance are complied with.

The Building Official shall issue a permit only if the proposed plan is in compliance with the recommendations of the Engineer, all other applicable Township Ordinances and the following regulations:

Section 4.21.2(a) All applications shall be referred to the Township Engineer. The Township Engineer shall inspect the premises described in the application and shall prepare written recommendations to the Building Official for modifications or additions to the proposed plan. The engineer shall base his/her report on the adequacy of the proposed plan to safeguard adjacent properties and uses and conformance with the requirements of this Ordinance. The applicant shall pay the costs of the review and inspection in accordance with the fees established by the Township Board.

Section 4.21.2(b) In the case of excavation and removal of material from the site the Building Official, after reviewing the report of the Township Engineer, shall determine if such excavation and removal is necessary to alter the property for a use consistent with existing zoning requirements. If a determination is made otherwise the excavation and removal shall be deemed a mining operation. The applicant shall have a period of 90 days in which to appeal the determination of the Building Official to the Zoning Board of Appeals.

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Section 4.21.2(c) The application for permit shall contain a topographic site plan, drawn to scale of at least 1" = 100 ft., sealed by a Licensed Civil Engineer or Surveyor registered in the State of Michigan, and containing the following information:

Section 4.21.2(c)(1) Names and addresses of the each owner(s), applicant(s) if other than owner (show interest), and person(s) or contractor(s) responsible for the operation.

Section 4.21.2(c)(2) A full legal description of the premises wherein filling or excavation and removal operations are proposed.

Section 4.21.2(c)(3) Boundary lines of the property, dimensions and bearings of the property lines, and gross and net acreage.

Section 4.21.2(c)(4) Existing site improvements, such as buildings, drives, wells, and drain fields; existing public utilities; and location of wooded areas, streams, marshes and other natural features.

Section 4.21.2(c)(5) Existing topography on the site and 100 feet beyond the site, at contour intervals of two (2') feet.

Section 4.21.2(c)(6) Locations and description of soil types.

Section 4.21.2(c)(7) Location map.

Section 4.21.2(c)(8) Location and nature of structures and stationary equipment to be located on the site during filling or excavation and removal operations.

Section 4.21.2(c)(9) Existing and proposed drainage swells, storm sewers, and/or methods of storm water drainage.

Section 4.21.2(c)(10) Location and width of drives, sight distances, and proposed acceleration /deceleration lanes.

Section 4.21.2(c)(11) An estimate of the content, type and amount of material proposed to be filled or excavated and removed.

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- Section 4.21.2(c)(12) Proposed topography at contour intervals of two (2') feet clearly showing connection to existing undisturbed contour lines.
- Section 4.21.2(c)(13) Proposed ground cover and other planting to stabilize the soil surface.
- Section 4.21.2(c)(14) A schedule of operations outlining the proposed dates and progress of proposed operation from beginning to end of soil moving operation.
- Section 4.21.2(c)(15) Such other information the Building Official and/or Engineer may deem necessary to complete their review.
- Section 4.21.2(d) The Building Official shall review the hours of operation proposed and establish limits which shall not be detrimental to the operation or negatively impact the adjacent property owners.
- Section 4.21.2(e) Each owner/applicant shall be held responsible for all public or private highways, roads and streets upon which trucks haul materials from such operations, to keep these roads in a derivable sound condition at least equal to that which existed prior to the beginning of such operations; and to keep the roads dust-free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- Section 4.21.2(f) Any noise, odors, smoke, fumes or dust generated by any digging, filling, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the property lines of said operation so as not to cause a nuisance or hazard of any adjoining lot or public road, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental Protection Agency.
- Section 4.21.2(g) Operations shall not be conducted so as to cause the pollution of any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises, in accordance with the environmental standards established by the Michigan Department of Natural Resources and U.S. Environmental

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Protection Agency.

- Section 4.21.2(h) Operations shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot, or so as to alter the drainage pattern of surface or subsurface waters on adjacent property. All operations must be in conformance with the requirements of the Soil Erosion and Sedimentation Control Act of the State of Michigan. In the event that said operations cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage pattern shall take place after the date of the cessation of operation as specified in this paragraph.
- Section 4.21.2(i) Travel routes for trucks entering and leaving said operations shall be shown on a map of the Township at the time of application for the permit. Such routes except major thoroughfares or their equivalents, shall not pass through residential areas, unless alternate routes do not exist. Said routes shall be subject to approval of the Building Official.
- Section 4.21.2(j) Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- Section 4.21.2(k) Any road used for the purpose of ingress and egress to said operation which is located within three hundred (300') feet of an occupied residences shall be kept dustfree by hard-topping with cement, bituminous substance or chemical treatment.
- Section 4.21.2(l) No soil, sand, clay, gravel or similar material shall be placed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
- Section 4.21.2(m) A sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when operations are completed, may be recovered with a minimum of six (6") inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the operation.

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Section 4.21.2(n) Stockpiling of fill material to be used on the site shall not exceed a volume of 2 feet times total square footage of the proposed fill or excavated area divided by 27. Example: area to be filled 200' x 200'.

Permissible volume of stockpile -

$$\frac{2 \times 40,000}{27} = 2,962 \text{ cubic yards}$$

Section 4.21.2(o) Stockpiles shall be placed in such a manner as not to obscure traffic or cause unsafe traffic conditions, and shall be limited to a height of 15 feet. Stockpiles shall remain ungraded for a period of no longer than twenty (20) days.

Section 4.21.2(p) Upon completion of operations, the site shall be thoroughly finish-graded in accordance with the proposed plan grade (to within plus or minus 0.3 feet). All slopes exceeding one foot on three feet shall be protected from possible soil erosion.

Section 4.21.2(q) The owner(s) or operator(s) shall submit an "as built plan" to the Township, prepared and certified by a Licensed Civil Engineer or Land Surveyor registered in the State of Michigan. The purpose of the "as built plan" is to ensure that the filling and finish grading conforms to the originally proposed topographical plan.

The "as built plan" shall be submitted no later than two (2) months after completion of final grading and shall indicate final grade elevation at all extremities of the site, pertinent points of grade change and swales, and shall be certified by a Licensed Civil Engineer in compliance with the Zoning Ordinance requirements and the original plans. The "as built plan" shall be reviewed by the Township Engineer for final grade certification and compliance with other standards set forth herein prior to release of bonds or escrow funds by the Township.

Section 4.21.2(r) All sites in excess of one (1) acre shall have prior approval of the Monroe County Drain Commission Soil Erosion and Sedimentation Section, in accordance with the Soil Erosion and Sedimentation Control Act, Act 347, P.A. of 1972, as amended.

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Section 4.21.2(s) The Building Official and/or Engineer may modify the above requirements or may require such other future requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Frenchtown Charter Township.

Section 4.21.3 FEES

An application fee shall be paid to the Building Official at the time of filing an application for excavation or filling operations. Said fee shall be paid by the applicant in an amount which shall be established by the Frenchtown Charter Township Board. In addition to the above mentioned fee, an inspection fee shall be assessed by the Township to cover final Township inspection costs. The inspection fee shall be established by the Building Official after review by the Township Engineer and Township Supervisor. A receipt will be issued to the applicant showing the payment of the inspection fee. Upon the issuance of any permit, the fee, therefore, shall be paid into the General Fund of the Township, said sum is to be used to defray the administrative expenses occasioned by processing such application. In addition to the above referenced fees, the applicant shall provide a performance bond to insure compliance to the stated conditions. The amount of the performance bond shall be set by the Building Official after review by the Township Engineer and Township Supervisor.

Section 4.21.4 ISSUANCE OF PERMIT

The Building Official shall review and approve or disapprove all applications for filing and/or excavation permits. Further, the Building Official shall in the case of excavation and removal of material make a determination as to the necessity of said excavation to alter the property for use consistent with the existing zoning requirements for the property. If a determination is made otherwise, the excavation and removal shall be deemed a mining operation and shall be subject to the requirements of a mining operation. The applicant shall have a period of 90 days in which to appeal the determination of the Building Official to the Zoning Board of Appeals.

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Section 4.21.5 **REGULATIONS FOR LAND FILLING OPERATIONS
INVOLVING GARBAGE AND REFUSE DISPOSAL**

Given the natural land features of the Township, soils of the Township, and relationship to floodplains, wetlands and major bodies of fresh water this type of use would be contrary to public health, welfare and safety of the general public and is therefore not permitted.

Section 4.21.6 **SURETY BOND REQUIREMENTS**

The Building Official shall, to insure strict compliance with any regulations contained herein and required as a condition of the issuance of a permit either for filling and/or excavations, require the permittee to furnish a cash bond or irrevocable letter of credit in an amount determined by the Building Official after review by the Township Engineer and Township Supervisor. In fixing the amount of cash bond or irrevocable letter of credit the Building Official shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant to determining the sum reasonable in the light of all facts and circumstances surrounding each application.

Section 4.22 EXCAVATION OF HOLES

Section 4.22.1 **MENACE TO THE PUBLIC HEALTH, SAFETY OR WELFARE**

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

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Section 4.22.2 FARM PONDS

Farm ponds shall be considered to be excavations less than two (2') feet in depth and/or less than one thousand (1,000') square feet in area which shall be used primarily in support of agricultural pursuits permitted as part of a farm operation.

Section 4.23 FIRE PROTECTION REQUIREMENTS

All applications, plans and specifications for any land use or uses requiring site plan review under ARTICLE 27.00 TOWNSHIP PLANNING COMMISSION SITE PLAN AND DEVELOPMENT APPROVAL shall be checked by the Township Fire Chief and Building Official to insure that the following requirements have been met:

Section 4.23.1 SIZE OF WATER LINES

A water line of sufficient size, to provide efficient fire protection, shall be provided to all proposed buildings. In no case shall the line be less than eight (8") inches.

Section 4.23.2 LOCATION OF HYDRANTS

The location of all fire hydrants shall be approved by the Township Fire Chief and Building Official. The applicant shall provide a plan indicating the location, type and number of all proposed fire hydrants and their relationship to all driveways, streets, etc.

Section 4.23.3 SPACING OF HYDRANTS

Distance of fire hydrants apart shall not exceed three hundred (300') feet around a building complex. The water line system shall be arranged in a loop whenever possible so fire hydrants are fed from at least two directions.

Section 4.23.4 ACCESS OF STRUCTURE

Structures shall have adequate access for Fire Department and other emergency vehicles. There shall be an outside turning radius of no less than fifty (50') feet on dead-end streets or drives, regardless of whether dedicated to the public or a private roadway. Such turnarounds shall be designated as no parking zones.

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Section 4.24 EXPLOSIVES

The manufacture, possession, storage, sale, use and transportation of explosives shall be in accordance with the state of Michigan Regulations for Storage and Handling of Explosives as authorized in Act 207 of Public Acts of 1941, as amended and the most current adopted edition of the Uniform Fire Code.

Section 4.25 PERFORMANCE GUARANTEE

When in this Ordinance there is delegated to the Township Board, Board of Zoning Appeals or the Planning Commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval or variance, the Township Board, Board of Zoning 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, Board of Zoning 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, Board of Zoning 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. 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.

Section 4.25.1 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 does not include the entire project which is the subject of approval.

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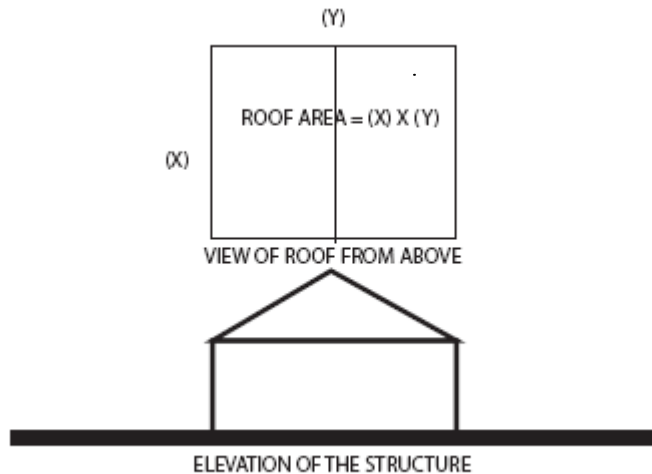
Section 4.26 PERMITTED HEIGHT

Section 4.26.1 GENERAL

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, bell towers, stage lofts and screens, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed.

Section 4.26.1a No such structure may be erected to exceed by more than twenty (20') feet the height limits of the district in which it is located.

Section 4.26.1b In the case of penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, the surface area of the roof of the proposed structure shall be equal to or less than twenty-five (25%) percent of the total roof area of the building. The roof area of the building shall be the area of the roof as viewed from above.



No such structure shall be used to house a use of or ancillary use to the main use of the building. The use of the structure shall be limited to housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Section 4.26.1c The erection of radio and television transmitting, relay, or other types of antenna towers, where permitted, shall abide by the regulations set forth in Section 4.02.

Section 4.26.1d Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be established by the Board of Zoning Appeals after consultation with and recommendation from the appropriate aeronautical agency.

Section 4.26.1e Parapet walls.

Section 4.26.1e(1) Where a parapet wall is provided the height of the parapet wall shall not exceed the maximum height allowed by more than 4 feet in height. If the roof is less than the maximum height permitted for the district, the parapet wall may be increased in height, but in no case shall said wall be greater than 6 ft in height or shall the proposed height with the parapet wall be greater than the maximum height permitted in the district.

Section 4.26.1e(2) . An exception to Section 4.26.1e(1) shall be as follows: Where the architect is proposing to break up the roof line to provide architectural relief, a portion of the parapet wall may be increased, but shall not exceed the maximum height of a flat roof by more than 9 feet in height. If the flat roof is less than the maximum height permitted, this portion of the parapet wall may be increased in height but in no case shall said wall be greater than 13 ft. This portion of the face of the building shall not exceed 30% of the elevation as a whole.

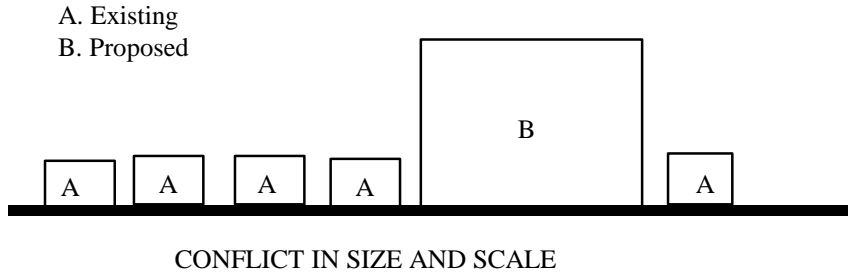
Section 4.26.2 HEIGHT OF PUBLIC, SEMI-PUBLIC AND FARM BUILDINGS

The height of public and semi-public buildings, churches, temples, hospitals, schools, farm buildings etc. shall not exceed fifty-five (55) feet unless otherwise permitted in the district the structure will be located in.

In cases where the proposed structure exceeds the height permitted in the district the structure will be located in, the minimum yard areas shall be established as follows:

Section 4.26.2(a) The minimum yard requirement shall be the specific yard setback as required per ARTICLE 21.00 SCHEDULE OF REGULATIONS for the district (footnote (c)) plus the difference between the proposed building height (not greater than fifty-five (55) feet) (B) and maximum height of building permitted in the district located (A).

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Amended July 8, 2008, by Zoning Ordinance Amendment No. 200-95.

Section 4.27 TENT SALE OR SIMILAR USE IN A C-1, C-2, C-3, LM, AND GM DISTRICT ONLY

A tent sale or similar use may be permitted in a C-1, C-2, C-3, LM, and GM District only. The proposed activity may be approved by the Township Supervisor after a favorable review and recommendation of the Building Official provided all of the following conditions are met:

Section 4.27.1 TEMPORARY

The use and occupancy shall be temporary. The proposed activity shall not exceed fourteen (14) days consecutively. This type of activity shall be restricted to no more than two (2) times per year for any business, lot or parcel of land within the Township.

Section 4.27.2 IMPACT ON ADJACENT PROPERTIES

The use and occupancy shall not impact, in an adverse manner, the adjacent and surrounding properties.

Section 4.27.3 PUBLIC PEACE AND TRANQUILLITY

The use and occupancy shall not impact, in an adverse manner, the public peace and tranquillity of the adjacent and surrounding properties.

Section 4.27.4 TRAFFIC HAZARD AND CONGESTION

The use and occupancy shall not create a traffic hazard or congestion on the adjacent and surrounding streets and roadways.

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Section 4.27.5 GENERAL PUBLIC HEALTH SAFETY AND WELFARE

The use and occupancy shall not impact, in an adverse manner, the general public health safety and welfare of the adjacent and surrounding properties.

Section 4.28 SPECIAL SIGNS AND LIGHTING FOR GRAND-OPENINGS, TENT SALE OR SIMILAR USE, IN A C-1, C-2, C-3, LM, AND GM DISTRICT ONLY

Special signs and lighting (flashing signs or lighting is prohibited) for grand-openings, tent sale or similar uses; in a C-1, C-2, C-3, LM, and GM District only, may be approved by the Township Supervisor after a favorable review and recommendation of the Building Official provided all of the following conditions are met:

Section 4.28.1 TEMPORARY

The special signs and lighting shall be temporary. The proposed special signs and lighting shall not be permitted for more than fourteen (14) days consecutively for any one period and shall not be permitted more than two (2) times per year for any business, lot or parcel of land within the Township.

Section 4.28.2 IMPACT ON ADJACENT PROPERTIES

The special signs and lighting shall not impact, in an adverse manner, the adjacent and surrounding properties.

Section 4.28.3 PUBLIC PEACE AND TRANQUILLITY

The special signs and lighting shall not impact, in an adverse manner, the public peace and tranquillity of the adjacent and surrounding properties.

Section 4.28.4 TRAFFIC HAZARD AND CONGESTION

The special signs and lighting shall not create a traffic hazard or congestion on the adjacent and surrounding streets and roadways.

Section 4.28.5 GENERAL PUBLIC HEALTH SAFETY AND WELFARE

The special signs and lighting shall not impact, in an adverse manner, the general public health safety and welfare of the adjacent and surrounding properties.

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Section 4.29 CONFLICTING REGULATIONS

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

Section 4.30 CORNER AND DRIVEWAY VISIBILITY

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.

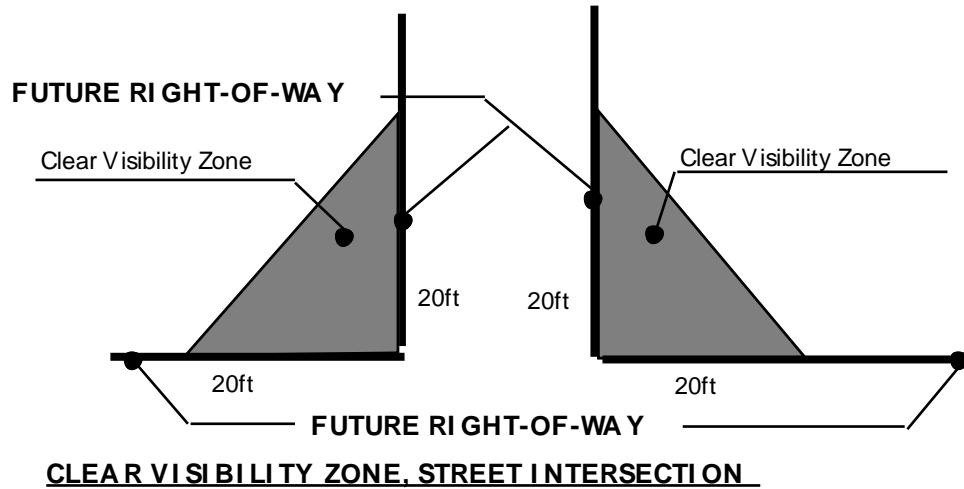
Section 4.30.1 CLEAR VISIBILITY ZONE, DRIVEWAY INTERSECTION

The clear visibility zone for a driveway shall be the triangular area created by connecting the two points established by measuring ten feet 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 six (6) feet above grade shall remain clear and unobstructed. The intent is to permit clear visibility for pedestrians and motorists.

Section 4.30.2 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 feet each direction from the intersection of the future right-of-way for the abutting roadways. Within the clear visibility zone an area extending from thirty (30) inches above grade to six (6) feet above grade shall remain clear and unobstructed. The intent is to permit clear visibility for pedestrians and motorists.

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Section 4.31 DANGEROUS OR OBNOXIOUS ANIMALS OR INSECTS

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.

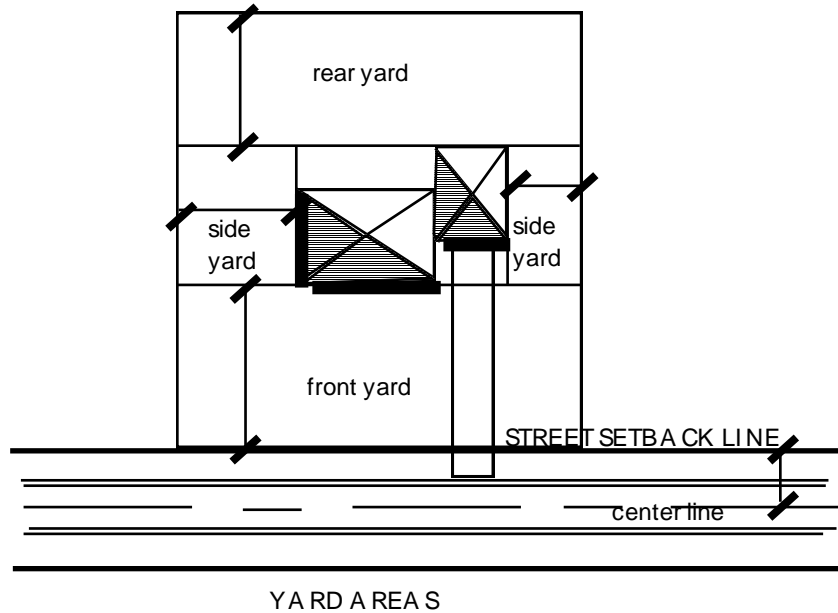
Section 4.32 DRAINAGE CHANNELS AND FLOODPLAINS

Drainage channels and floodplains, are essential for the maintenance of the health and general welfare of the people of the Township. Any encroachment, filling or destruction of these drainage channels or floodplains is a violation of this Ordinance; provided, however, this shall not prevent the development of the property for use consistent with the Master Plan for the community, when adequate facilities, as shall be determined by the Building Official, Township Engineering Consultant and all appropriate State and County Agencies having jurisdiction over drainage channels or floodplains, are provided to maintain the prime purpose of the drainage channel or floodplain. Please refer to ARTICLE 20.00 FLOODPLAIN DISTRICT.

Section 4.33 STREET SETBACK REQUIREMENTS

The street setback line is the distance as measured from the centerline of the road to establish the front, rear and/or side lot line for the purpose of establishing yard and or other requirements of this Ordinance. A street setback line shall be established in all districts as follows:

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200



Section 4.33.1 60 FT. FROM THE CENTER LINE OF THE FOLLOWING STREETS:

Grafton, Heiss (between Telegraph and North Monroe), Nadeau, North Dixie Highway, North Monroe, Newport (from Grafton east), North Custer Road, Stewart (between North Monroe and Telegraph), South Stoney Creek and Telegraph Roads.

Section 4.33.2 43 FT. FROM THE CENTER LINE OF THE FOLLOWING STREETS:

Bates Lane, Blue Bush, Cole, Exeter, Heiss (between Telegraph and Exeter), Lasalle, New Port South, North Stoney Creek (from Newport South to North Dixie Highway), Post, Reinhardt, Stewart (from Telegraph west), Sandy Creek, Vivian and War Roads.

Section 4.33.3 33 FT. FROM THE CENTER LINE OF ALL OTHER ROADS NOT MENTIONED, EXCEPT FOR RESIDENTIAL STREETS

Section 4.33.4 For all streets not mentioned above, the street setback line shall be the line separating the lot from the street right-of-way, regardless of the ownership of the road or the method for defining the street right-of-way.

Amended November 10, 2016 by Zoning Ordinance Amendment No. 200-127

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Section 4.34 SUBDIVISION OR DEED RESTRICTIONS

The standards and requirements found in this Zoning Ordinance reflect obligations to the community at large. Subdivisions may have restrictions, limitations or standards which are placed on each deed. The limitations or standards are commonly referred to as "Deed Restrictions" or "Subdivision Restrictions". "Deed Restrictions" or "Subdivision Restrictions" are separate obligations which represent rights and obligations of parties to a private contract, of which the Township is not a party. The Township shall administer and enforce the provisions of this Zoning Ordinance as it applies to all properties in the Township and shall not be responsible for the enforcement of private contracts such as "Deed Restrictions" or "Subdivision Restrictions". The Township Zoning Ordinance may or may not reflect standards or conditions found in the "Deed Restrictions" or "Subdivision Restrictions". The Township shall not be responsible for review and enforcement of "Deed Restrictions" or "Subdivision Restrictions". Enforcement of the "Deed Restrictions" or "Subdivision Restrictions" are the responsibility of an individual property owner located within the subdivision or a subdivision association.

Section 4.35 ACCESSORY USES SUCH AS DOG RUNS ETC.

Dog runs and other similar accessory uses that could negatively impact adjacent properties due to noise, odors or other inherent qualities associated with the accessory use, shall not be located in proximity or near adjacent property lines.

Section 4.36 VEHICULAR ACCESS/INTENSITY OF USES

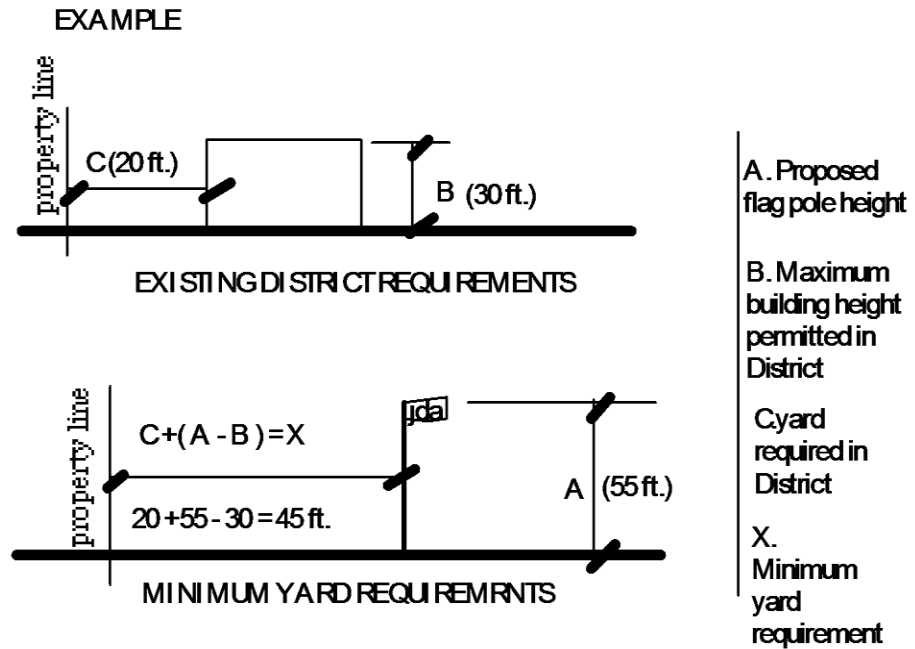
Generally vehicular access shall be based on a hierarchy of uses; uses which generate higher traffic volumes shall not be provided access through uses generating lower traffic volumes. The following is intended as examples of access scenarios which should be avoided. These examples are not intended to be all inclusive.

- Multiple family provided access through a single family area.
- Office use provided access through a residential use.
- Commercial use provided access through a residential use.

Section 4.37 FLAG POLES, LOCATION AND HEIGHT

The height of a flag pole 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 ARTICLE 21.00 SCHEDULE OF REGULATIONS 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.

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Section 4.38 OUTDOOR LIGHTING

Section 4.38.1 Purpose and Objectives of this Section. It is the contention of this ordinance that the inappropriate design of outdoor lighting leads to a negative impact on the overall environment of Frenchtown Charter Township. The regulations found in this section are based on the premise that proper attention to the placement of poles, the limitation to the height of poles, the type of light fixture used and the source of the light will result in a lighting pattern that addresses the potential intrusion of light and direct glare onto adjacent properties and road right-of-ways. It is the general intent of this ordinance to direct fixtures down and not up and to shield the source of the light (use of Hidden Source Fixtures).

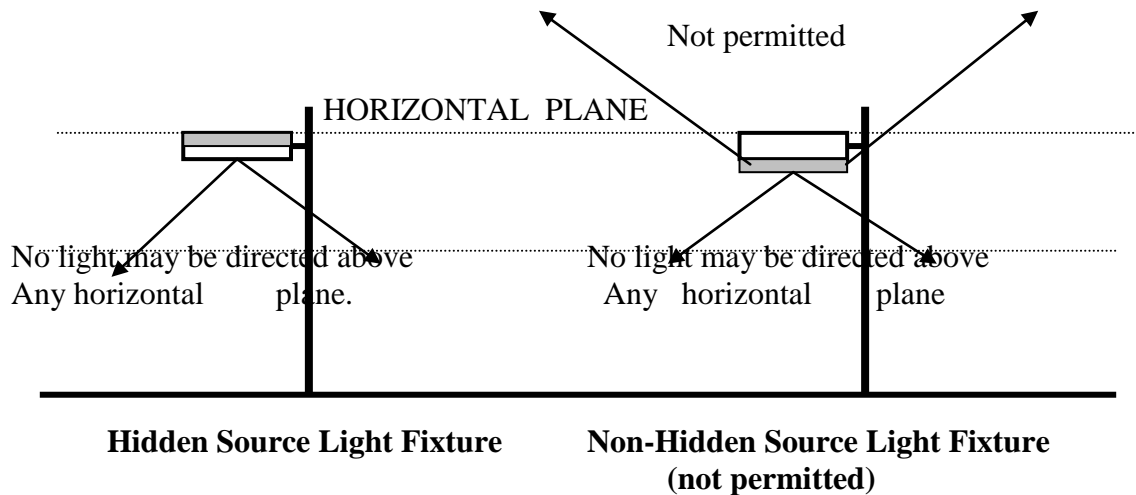
Section 4.38.2 General Requirements/Standards.

Section 4.38.2(a) Lighting should be provided in an amount sufficient to accomplish the objective at hand (provide safe pedestrian traffic, security etc.) only. Excessive lighting is not cost effective and is a negative impact on adjacent properties.

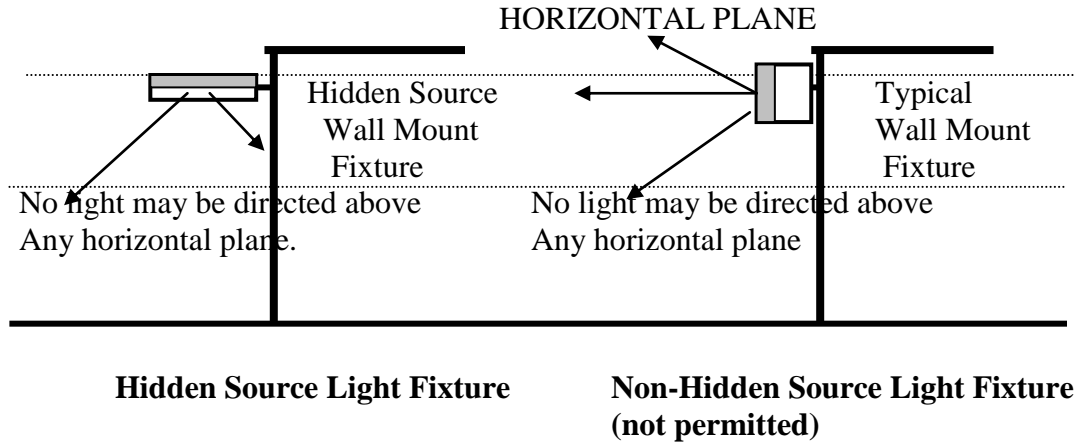
FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Section 4.38.2(b) Neon lighting may be used for architectural accent only. Use of neon lighting which is tied in to, is a part of or is used in conjunction with a sign shall be considered part of the sign and therefore shall be included when determining sign area etc. and shall be subject to the requirements of Article 25.00 Sign Regulations.

Section 4.38.2(c) Direct lighting glare, either on site or spilling off of the Site on which the lighting fixture is being installed along with lighting which is directed above a horizontal plane is a nuisance. Hidden source light fixtures avoid direct glare off and on premise (see illustrations below for illustrative definition). All lighting fixtures must be Hidden source lighting fixtures and shall not be directed in any manner above a horizontal plane, except for ornamental lighting which has been approved by the Planning Commission during the Site Plan review process or the Building Official under section 27.06.2.



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Section 4.38.2(d) The location and the height of lighting fixtures has a substantial impact on the intrusion of light onto adjacent properties. The fixtures shall be positioned to provide a uniform illumination field. Excessive height of fixtures will result in off site light intrusion.

Section 4.38.3 Lighting Required

Section 4.38.3(a) All commercial, office or industrial off street parking areas, driveways and building entryways shall be illuminated to ensure adequate security for the facilities and safety for the users of said facilities.

Section 4.38.3(b) Lighting shall be required in all districts for all uses to help define the automotive egress/ingress points to the facility. In the case of residential uses these requirements shall only apply to main entrances of subdivisions or to residential developments. The egress/ingress lighting shall be designed and located in a manner which is the least intrusive to the adjacent properties while clearly assisting the motorist to identify the egress/ingress points to the facility. A directional sign which is internally illuminated shall satisfy this requirement.

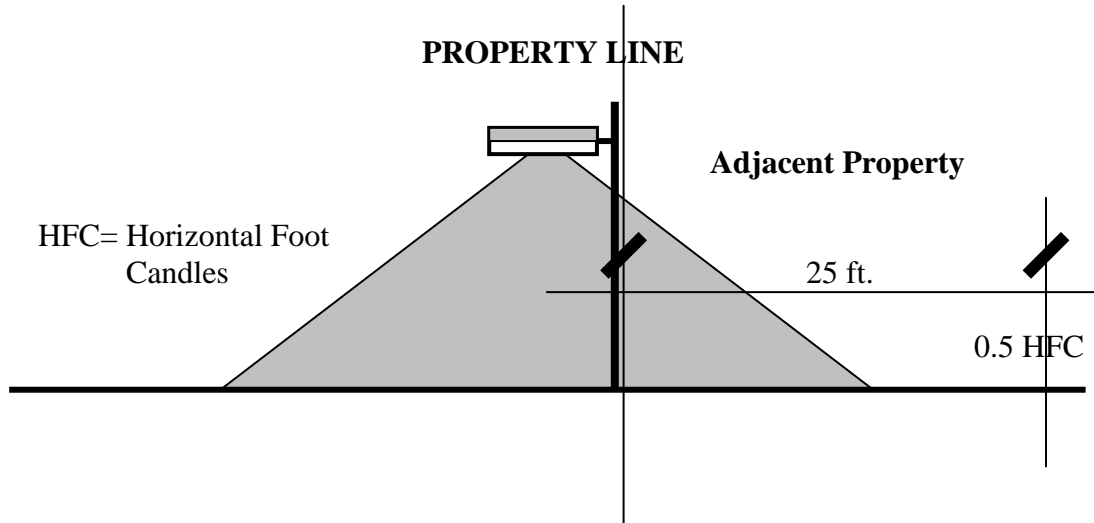
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Section 4.38.4 Time Limitations

Section 4.38.4(a) Lighting shall be provided within 30 minutes of sunset for all commercial, office or industrial off street parking areas, driveways and building entryways.

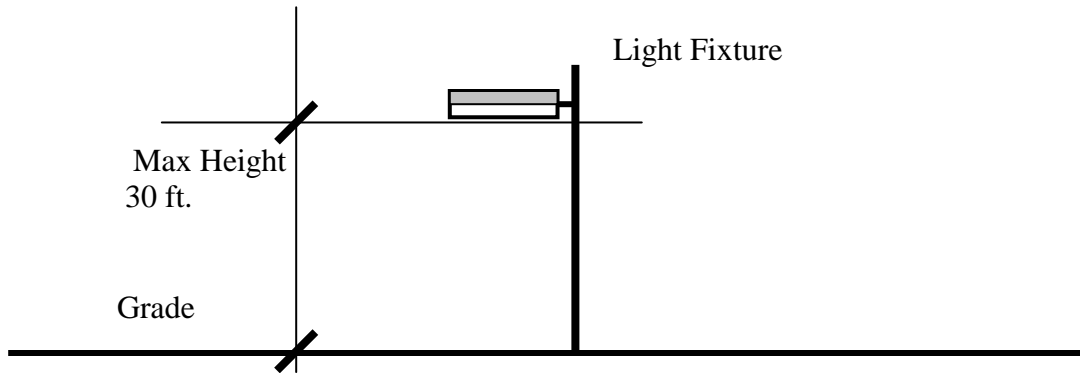
Section 4.38.4(b) The lighting for all commercial, office or industrial off street parking areas, driveways and building entryways shall be turned off within 60 minutes of the closing of the commercial, office or industrial use. Security lighting may be permitted, however, the full illumination of the site is prohibited.

Section 4.38.5 Location of Poles. Lighting poles shall be located on the Site in a manner that will not interfere with pedestrian or automobile circulation. Lighting poles may be located at the property line, however, the measurement of light shall not exceed 0.5 horizontal foot candles as measured a distance of 25 feet from the property line. This requirement would not apply to adjacent commercial, office or industrial properties.



Section 4.38.6 Height of Light Fixture. The maximum height for a lighting fixture shall be 30 feet as measured from grade to the bottom of the light fixture.

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Section 4.38.7

Average Maintained Foot Candles. The following table lists the recommended average maintained foot-candles at grade, for the various outdoor site areas. Any substantial deviation in either direction (lower or higher) shall, unless otherwise approved by the Planning Commission, be considered to be in conflict with the general intent of this section of the Ordinance and therefore a nuisance per se. A photometric topography map of the Site shall be submitted with all Site Plan applications where outdoor lighting is proposed.

Outdoor Area	Average Maintained Foot-Candles
Exterior site area adjacent to an active external entrance (pedestrian or vehicle)	5.0
Vital location requiring security	5.0
General building surroundings	1.0
Parking area with	
a. High activity	3.6
b. low activity/business closed	1.0
Private roads	2.0

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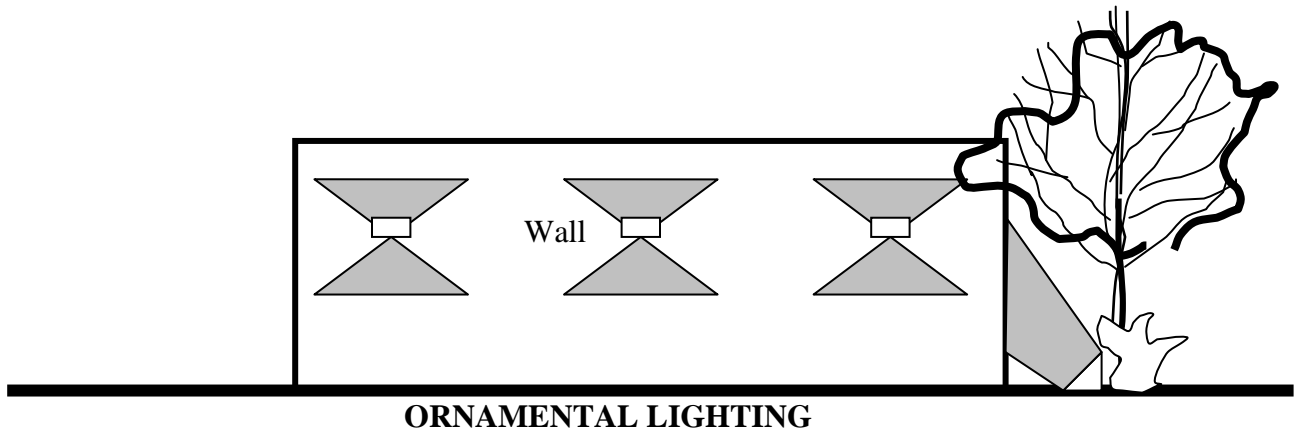
Section 4.38.8 As built photometric map. A photometric topographic map, illustrating actual as built measurements of the site, certified by a lighting expert, shall be submitted to the Building Official to illustrate compliance with this ordinance. Submissions shall be made for all new projects that have received Site Plan Approval or for projects which have modified existing lighting. All such submissions shall be submitted and approved prior to issuance of a certificate of Occupancy.

Section 4.38.9 Exceptions

Section 4.38.9(a) Recreation Facilities. Lighting may be used for outdoor recreation purposes for both Public and Private facilities such as football fields, soccer fields, tennis courts etc.

Section 4.38.9(b) Holiday Lighting. Special Temporary Lighting for Christmas, Halloween etc.

Section 4.38.9(c) Ornamental Lighting. Ornamental lighting is defined as lighting which is intended to set a mood, create a play of shadows, highlight a given area or element. This type of lighting is not intended to address the general lighting needs of the Site and shall in no case spill over or intrude onto an adjacent Site. Unless otherwise approved, ornamental lighting shall be a hidden source.



Section 4.38.9(d) Street Lighting.

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Section 4.39 ELECTRIC DISTRIBUTION AND SERVICE LINES

The distribution system in a new residential subdivision and an existing residential subdivision in which electric distribution facilities have not already been constructed 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 4.40 ZONING COMPLIANCE PERMITS

Section 4.40.1 No person shall commence construction on any building or other structure, 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 building or structure, a zoning compliance permit shall then be required.

Section 4.40.2 A zoning compliance permit shall be required for the following:

- A. Accessory structures.
- B. Farm buildings.
- C. Fences.
- D. Permanent retaining walls. A permit shall not be required for decorative landscaping.
- E. Sidewalks or driveways. A permit shall not be required for repairs to paved areas of less than 100 square feet in area.
- F. Pools.

Section 4.40.3 The submission of a site plan and such other information as is reasonable and necessary shall be required in order to

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consider the application and to issue the permit. The Building Official or the Zoning Administrator may also require that an initial inspection of the parcel or lot be made prior to issuing a zoning compliance permit.

Section 4.40.4 A zoning compliance permit shall not be issued unless, in the opinion of the Building Official and the Zoning Administrator, the finished structure would comply with the Township Zoning Ordinance.

Section 4.40.5 The Township Board may promulgate a schedule of fees for zoning compliance permits issued pursuant to this Ordinance, which schedule may be reviewed and modified from time to time by the Township Board.

Section 4.41 WIND ENERGY TURBINES

Section 4.41.1 PURPOSE.

The purpose of this section of the Frenchtown Charter Township Zoning Ordinance is to promote the safe, effective and efficient use of Wind Energy Turbines in the Township with the specific intent to assist in the reduction of the consumption of fossil fuels in producing electricity and to preserve and protect the public health, safety, welfare and quality of life of the residents of the Township by putting in place standards and procedures to help minimize potential negative impacts of Wind Energy Turbines. In no case shall the provision of this Ordinance guarantee the wind rights or establish access to the wind.

Section 4.41.2 DEFINITIONS.

Section 4.41.2(a) Ambient Sound Level:

The amount of background noise at a given location prior to the installation of a Wind Energy Turbine (WET) which may include, but is not limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. This means the sound pressure level exceeded 90% of the time. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

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Section 4.41.2(b) Anemometer or Meteorological (MET) Tower:

Temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Section 4.41.2(b)(1) Anemometer:

An instrument mounted on an Anemometer or Meteorological (MET) Tower that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Section 4.41.2(c) Decommissioning:

The process of terminating operation and completely removing a Wind Energy Conversion System (WECS) which shall include all related buildings, structures, foundations, access roads and equipment.

Section 4.41.2(d) Wind Energy Conversion System (WECS):

Any device or combination of devices, such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy. All Wind Energy Conversion Systems permitted in Frenchtown Charter Township shall fall into one of the following categories:

Section 4.41.2(d)(1) Agricultural Wind Energy Conversion System (AWECS).

This category shall include any Wind Energy Conversion System (WECS) that is accessory to a permitted farm or agricultural

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operation, and is designed and built to serve the needs of the farm or agricultural operation with the intent of reducing on-site consumption of utility power or the cost of said consumption.

Section 4.41.2(d)(2) Principal Use Wind Energy Conversion System (PUWECS)

This category shall include any Wind Energy Conversion System (WECS) that is accessory to a principal non-farm, non-agricultural use or an approved use subject to special conditions. The system shall be located on the same lot or parcel and shall be designed and built to serve the needs of the principal use or use subject to special conditions with the intent to primarily reduce on-site consumption of utility power or the cost of said consumption.

Section 4.41.2(d)(3) Commercial Wind Energy Conversion System (CWECS)

This category shall include any Wind Energy Conversion System (WECS) that is primarily designed and built to provide electricity to the electric utility's power grid.

Section 4.41.2(e) Nacelle:

Refers to the encasement which houses all of the generating components, gear box, drive train and other equipment.

Section 4.41.2(f) Net-metering:

Special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

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- Section 4.41.2(g) Operator:
Entity responsible for the day-to-day operation and maintenance of a Wind Energy Conversion System (WECS).
- Section 4.41.2(h) Rotor Diameter:
Cross-sectional dimension of the circle swept by the rotating blades of a Wind Energy Conversion System (WECS).
- Section 4.41.2(i) Shadow Flicker:
The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Conversion System (WECS). The amount of shadow flicker created by a WECS is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity and sunlight.
- Section 4.41.2(j) Height:
- Section 4.41.2(j)(1) Height of tower:
The vertical distance measured from the ground level at the base of the tower to the hub of the rotor.
- Section 4.41.2(j)(2) Height of system:
The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Conversion System (WECS).

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Section 4.41.2(k) Tower:

Section 4.41.2(k)(1) Utility turbine towers:

The utility turbines are usually associated with very large scale Commercial Wind Energy Conversion System (CWECS). Towers of the Commercial Wind Energy Conversion System (CWECS) are made of tubular steel, and are rather standardized, though their height depends on specific site conditions, up to 300ft.

Section 4.41.2(k)(2) Guyed small cylindrical Towers:

Many small wind turbines use narrow pole towers (pipe, tubing) supported by guy wires. Disadvantages: they aren't easily climbable (for inspections or repairs) and require more land than self-supporting towers, due to the guy wires.

Section 4.41.2(k)(3) Non-guyed cylindrical towers:

Non-guyed tilt-up/cylindrical towers use pipe or tubing and a self-supporting design. They do not use guy wires and have a small footprint. These towers can include climbing pegs.

Section 4.41.2(k)(4) Lattice towers:

Lattice towers use welded steel profiles and are an inexpensive and tested solution. Most lattice towers are not guyed, but there are also guyed configurations: three legged lattice structures suspended on all three sides by guy wires. They are usually climbable.

Section 4.41.2(l) Wind Energy Turbine (WET):

Any structure-mounted, small, medium or large wind energy conversion system that converts wind

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energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower and pad transformer, if any. This shall include horizontal and vertical axis systems.

Section 4.41.2(m) Abandonment of Facility:

A system shall be determined to be abandoned if it has been out of production for a period of one (1) year or more.

Section 4.41.3 STANDARDS AND REQUIREMENTS FOR THE THREE PERMITTED WIND ENERGY CONVERSION SYSTEMS (WECS) ALLOWED IN FRENCHTOWN CHARTER TOWNSHIP:

Agricultural Wind Energy Conversion System (AWECS)

Principal Use Wind Energy Conversion System (PUWECS)

Commercial Wind Energy Conversion System (CWECS)

Section 4.41.3(a) **Agricultural Wind Energy Conversion System (AWECS)**

This system shall be permitted only in an AG Agricultural Zoning District 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. In the case of a residential use in an A, Agricultural district and R-1-E, Single Family residential district of 2 acres or greater the requirements as found under the **Agricultural Wind Energy Conversion System (AWECS)** shall apply.:

Section 4.41.3(a)(1) Accessory to a permitted farm or agricultural operation: 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 farm or agricultural operation with the intent of

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reducing on-site consumption of utility power or the cost of said consumption. In the case of a residential use in an A, Agricultural district and R-1-E, Single Family residential district of 2 acres or greater the system shall be built to serve the needs of the residential use with the intent of reducing on-site consumption of utility power or the cost of said consumption.

Section 4.41.3(a)(2) Type of tower: Both non-guyed cylindrical and non-guyed lattice towers may be permitted.

Section 4.41.3(a)(3) Building Official Approval: 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.

Section 4.41.3(a)(4) Minimum Lot size: The subject property shall be a minimum of 5 acres.

Section 4.41.3(a)(5) Tower color: The tower shall be a non-reflective, non-obtrusive color (e.g. white, gray, black).

Section 4.41.3(a)(6) Maintenance: The function and the appearance of the turbine, tower and any ancillary facility shall be maintained in working condition and free of rust and corrosion.

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- Section 4.41.3(a)(7) Lighting: No part of the Agricultural Wind Energy Conversion System (AWECS) shall be artificially lighted, except to the extent required by the FAA.
- Section 4.41.3(a)(8) FAA approval: An airport is located within the proximity of the Township. The Applicant must obtain and provide the Township with proof that submission has been made to the FAA and all requirements or conditions if any, established by the FAA will be complied with.
- Section 4.41.3(a)(9) Attachments: No part of the Agricultural Wind Energy Conversion System (AWECS) shall be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacture.
- Section 4.41.3(a)(10) Ground clearance: The lowest extension of any blade or other exposed moving component of the Agricultural Wind Energy Conversion System (AWECS) shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the (AWECS).
- Section 4.41.3(a)(11) Noise: Noise emanating from the operation of the Agricultural Wind Energy Conversion System (AWECS) shall not exceed 5 dBA above the existing ambient level, as measured at all property lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

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- Section 4.41.3(a)(12) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which an Agricultural Wind Energy Conversion System (AWECS) is located.
- Section 4.41.3(a)(13) Guy Wires: Guy wires shall not be permitted as part of the Agricultural Wind Energy Conversion System (AWECS).
- Section 4.41.3(a)(14) Height: The total system height of an Agricultural Wind Energy Conversion System (AWECS) shall not exceed one hundred thirty (130) feet.
- Section 4.41.3(a)(15) Setback: The Agricultural Wind Energy Conversion System (AWECS) shall be set back from the property line, public right-of-way line and Street setback line a minimum distance of one hundred fifty percent (150%) of the System height. The Agricultural Wind Energy Conversion System (AWECS) shall be set back from public easement, on site building or overhead utility lines a minimum distance of one hundred percent (100%) of the System height.
- Section 4.41.3(a)(16) Quantity: No more than one (1) Agricultural Wind Energy Conversion System (AWECS) shall be installed per farm. The owner may however, appear before the Planning Commission to seek more than one system on any parcel of property. The owner must provide sufficient evidence that the additional systems are necessary to serve the needs of the farm or agricultural operation with the intent of reducing on-site consumption of utility power. In no case shall the property have more than one (1) system per forty (40) acres.

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Section 4.41.3(a)(17) Separation: If more than one Agricultural Wind Energy Conversion System (AWECS) is installed, a minimum distance equal to the height of the highest AWECS must be maintained between the base of each AWECS.

Section 4.41.3(a)(18) Electrical System: All electrical compartments, electrical controls, storage facilities, control wiring, grounding wires, power lines, system components and interconnections with utility companies shall conform to national, state and local electrical codes.

Section 4.41.3(a)(19) Shadow Flicker: No abutting occupied buildings shall be impacted by shadow flicker. If a shadow flicker is created impacting an occupied building an immediate action plan shall be provided and implemented illustrating how the existing conditions will be mitigated.

Section 4.41.3(a)(20) Compliance with all regulations: The Agricultural Wind Energy Conversion System (AWECS) shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(a)(21) Anemometers: The Agricultural Wind Energy Conversion System (AWECS) and an anemometer shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(a)(21)(a) The construction, installation or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.

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Section 4.41.3(a)(21)(b) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, and safety requirements that correspond to the size of the Agricultural Wind Energy Conversion System (AWECS) that is proposed to be constructed on the site.

Section 4.41.3(a)(21)(c) An anemometer shall be permitted for no more than thirteen (13) months after which all elements of the anemometer shall be removed from the site and the project shall proceed or the site refurbished to its original condition. If the MET or Anemometer tower is for research and shall be required for a longer period of time an application shall be submitted to the Planning Commission indicating the period of time requested, the circumstances causing the extension of time and what improvements will be made to lessen the impact of the system.

In the case of a temporary MET or Anemometer Tower guy wires may be used. No guy wire shall be closer than 30ft to any property line. The point where the guy wire is attached to the ground shall be identified with a visually bold material (usually florescent yellow) extending from the surface of the ground to 8ft or 10ft up and along the wire. The material shall be equal to or greater than that used by (DTE).

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- Section 4.41.3(a)(22) Design safety: All components and functions of the Agricultural Wind Energy Conversion System (AWECS) shall be operated in a manner which insures the safety of the system.
- Section 4.41.3(a)(23) Controls and Brakes: All Agricultural Wind Energy Conversion System (AWECS) projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the AWECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification.
- Section 4.41.3(a)(24) As-built certification: The installation company shall certify that the construction and installation of the Agricultural Wind Energy Conversion System (AWECS) meets or exceeds the manufacturer's construction and installation standards.
- Section 4.41.3(a)(25) Climb Prevention: The Agricultural Wind Energy Conversion System (AWECS) shall be design to prevent climbing without assistance from special equipment or security controls.
- Section 4.41.3(a)(26) General maintenance and site upkeep: All wastes generated from supplies, equipment parts, packaging, operation, or maintenance of the Agricultural Wind Energy Conversion System (AWECS), including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner consistent with all local, state, and federal rules and regulations.

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Section 4.41.3(a)(27) Falling ice: The application information shall include an analysis of the potential for falling ice providing information as to the most likely time for this issue to occur and designate the area of impact.

A plan shall be presented that identifies how this will be mitigated.

Section 4.41.3(a)(28) Notification to utility company: Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved.

Section 4.41.3(a)(29) Lightning: All Agricultural Wind Energy Conversion Systems (AWECS) projects shall be equipped with best practice lightning protection systems.

Section 4.41.3(b) **Principal Use Wind Energy Conversion System (PUWECS)**

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 in the following zoning districts subject to Special Use Approval from the Planning Commission provided the PUWECS meets all of the following conditions or requirements:

Section 4.41.3(b)(1) Zoning and minimum lot size: The Principal Use Wind Energy Conversion System (PUWECS) shall be limited to the following zoning districts:

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ZONING DISTRICT	MINIMUM SIZE PROPERTY IN AC.
A	2AC*(a)
R-1-E	2AC (a)
OS	5AC
LEM	5AC
C-2	5AC
C-3	5AC
LM	5AC
GM	5AC

* For residential use only

- (a) In the case of a residential use in an A, Agricultural district and R-1-E, Single Family residential district of 2 acres or greater the requirements as found under the **Agricultural Wind Energy Conversion System (AWECS)** shall apply.

Section 4.41.3(b)(2) Accessory to the principal use: The Principal Use Wind Energy Conversion System (PUWECS) must be accessory to a principal non-farm, non-agricultural use located on the same lot or parcel and 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.

Section 4.41.3(b)(3) Type of tower: Only non-guyed cylindrical towers may be permitted. No roof mounted towers shall be permitted on residential structures. Roof mounted towers may be considered in cases involving nonresidential structures, provided appropriate and sufficient documentation is submitted by a licensed professional engineer guaranteeing the safety and structural integrity of the system and the structure upon which it will be placed.

Section 4.41.3(b)(4) Special Use Approval: An application shall be submitted to the Planning Commission for review and approval. The application shall include a plot plan indicating the location of the proposed tower, the height of

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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. An engineering analysis of the tower showing compliance with the State Building Code and certification by a licensed professional engineer shall also be submitted.

- Section 4.41.3(b)(5) Tower color: The tower shall be a non-reflective, non-obtrusive color (e.g. white, gray, black).
- Section 4.41.3(b)(6) Maintenance: The function and the appearance of the turbine, tower and any ancillary facility shall be maintained in working condition and free of rust and corrosion.
- Section 4.41.3(b)(7) Lighting: No part of the Principal Use Wind Energy Conversion System (PUWECS) shall be artificially lighted, except to the extent required by the FAA.
- Section 4.41.3(b)(8) FAA approval: An airport is located within the proximity of the Township. The Applicant must obtain and provide the Township with proof that submission has been made to the FAA and all requirements or conditions, if any, established by the FAA will be complied with.
- Section 4.41.3(b)(9) Attachments: No part of the Principal Use Wind Energy Conversion System (PUWECS) shall be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacture.

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Section 4.41.3(b)(10) Ground clearance: The lowest extension of any blade or other exposed moving component of the Principal Use Wind Energy Conversion System (PUWECS) shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Principal Use Wind Energy Conversion System (PUWECS).

Section 4.41.3(b)(11) Noise: Noise emanating from the operation of the Principal Use Wind Energy Conversion System (PUWECS) shall not exceed 5 dBA above the existing ambient level, as measured at all property lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

Section 4.41.3(b)(12) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which an Principal Use Wind Energy Conversion System (PUWECS) is located.

Section 4.41.3(b)(13) Guy Wires: Guy wires shall not be permitted as part of the Principal Use Wind Energy Conversion System (PUWECS).

Section 4.41.3(b)(14) Height: The total system height of a Principal Use Wind Energy Conversion System (PUWECS) shall not exceed one hundred thirty (130) feet in an R-1-E Single family or an Ag- Agricultural district and one hundred sixty (160) feet in an OS Office Service District, LEM Lake Erie Marina District, C-2 General Commercial District, C-3 Highway Commercial District, LM Light Manufacturing District and GM General Manufacturing District.

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Section 4.41.3(b)(15) Setback: The Principal Use Wind Energy Conversion System (PUWECS) shall be set back from the property line, public right-of-way line and Street setback line a minimum distance of one hundred fifty percent (150%) of the system height. The Principal Use Wind Energy Conversion System (PUWECS) shall be set back from public easement, on site building or overhead utility lines a minimum distance of one hundred percent (100%) of the system height.

Section 4.41.3(b)(16) Quantity: No more than one (1) Principal Use Wind Energy Conversion System (PUWECS) shall be installed per parcel or lot. The Planning Commission may approve more than one system on any parcel or lot provided the owner provides sufficient evidence that the additional systems are necessary to serve the needs of the on-site use with the intent of reducing on-site consumption of utility power. In no case shall the parcel or lot have more than one (1) system per forty (40) acres.

Section 4.41.3(b)(17) Separation: If more than one Principal Use Wind Energy Conversion System (PUWECS) is installed, a minimum distance equal to the height of the highest Principal Use Wind Energy Conversion System (PUWECS) must be maintained between the base of each Principal Use Wind Energy Conversion System (PUWECS).

Section 4.41.3(b)(18) Electrical System: It is the intent of this section of the ordinance, to where possible and practicable, as determined by the Planning Commission, place underground all control wires, grounding wires, power lines and system wiring. All electrical compartments, electrical controls, storage

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facilities, control wiring, grounding wires, power lines, system components and interconnections with utility companies shall conform to national, state and local electrical codes.

Section 4.41.3(b)(19) Shadow Flicker: Certification by a licensed professional engineer shall be submitted indicating that no abutting occupied buildings will be impacted by shadow flicker. This analysis may be supplied by the manufacturer.

Section 4.41.3(b)(20) Compliance with all regulations: The Principal Use Wind Energy Conversion System (PUWECS) shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(b)(21) Anemometers: An anemometer to evaluate the use of a Principal Use Wind Energy Conversion System (PUWECS) shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(b)(21)(a) The construction, installation or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.

Section 4.41.3(b)(21)(b) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, and safety requirements that correspond to the size of the Principal Use Wind Energy Conversion System (PUWECS) that is proposed to be constructed on the site.

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Section 4.41.3(b)(21)(c) An anemometer shall be permitted for no more than thirteen (13) months after which all elements of the anemometer shall be removed from the site and the project shall proceed or the site refurbished to its original condition.

If the MET or Anemometer tower is for research and shall be required for a longer period of time an application shall be submitted to the Planning Commission indicating the period of time requested, the circumstances causing the extension of time and what improvements will be made to lessen the impact of the system.

In the case of a temporary MET or Anemometer Tower guy wires may be used. No guy wire shall be closer than 30ft to any property line. The point where the guy wire is attached to the ground shall be identified with a visually bold material (usually florescent yellow) extending from the surface of the ground to 8ft or 10ft up and along the wire. The material shall be equal to or greater than that used by (DTE).

Section 4.41.3(b)(22) Design safety: A licensed professional engineer shall certify the safety of the design of all components and functions of the Principal Use Wind Energy Conversion System (PUWECS).

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- Section 4.41.3(b)(23) Controls and Brakes: All Principal Use Wind Energy Conversion System (PUWECS) projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the Principal Use Wind Energy Conversion System (PUWECS). The professional engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.
- Section 4.41.3(b)(24) As-built certification: A licensed professional engineer shall certify that the construction and installation of the Principal Use Wind Energy Conversion System (PUWECS) meets or exceeds the manufacturer's construction and installation standards.
- Section 4.41.3(b)(25) Climb Prevention: The Principal Use Wind Energy Conversion System (PUWECS) shall be designed to prevent climbing without special equipment or security controls.
- Section 4.41.3(b)(26) General maintenance and site upkeep: All wastes generated from supplies, equipment parts, packaging, operation, or maintenance of the Principal Use Wind Energy Conversion System (PUWECS) including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner consistent with all local, state, and federal rules and regulations.
- Section 4.41.3(b)(27) Falling ice: The application information shall include an analysis of the potential for falling ice providing information as to the most likely time for this issue to occur and designate the area of impact.

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A plan shall be presented that identifies how this will be mitigated.

Section 4.41.3(b)(28) Notification to utility company: Evidence shall be provided that the utility company has been informed of the customer’s intent to install an interconnected, customer-owned generator and that such connection has been approved.

Section 4.41.3(b)(29) Lightning: All Principal Use Wind Energy Conservation Systems (PUWECS) projects shall be equipped with best practice lightning protection systems.

Section 4.41.3(c) **Commercial Wind Energy Conversion System (CWECS)**

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 in the following zoning districts subject to Special Use and Site Plan Approval from the Planning Commission and all of the following conditions or requirements are met:

Section 4.41.3(c)(1) Commercial Wind Energy Conversion System (CWECS) shall be limited to the following zoning districts:

ZONING DISTRICT	MINIMUM SIZE PROPERTY IN AC.
PS	20AC
LM	20AC
GM	20AC

Section 4.41.3(c)(2) Special Use and Site Plan Approval: An application shall be submitted to the Planning Commission for review and approval. The application shall include the following information:

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- Section 4.41.3(c)(2)(a) Document compliance: Site Plan and documentation must be submitted that clearly illustrates that sound pressure levels, construction code requirements, tower requirements, interconnection and safety requirements have been reviewed and the submitted site plan addresses compliance with these issues.
- Section 4.41.3(c)(2)(b) Legal description: Legal description of the subject property.
- Section 4.41.3(c)(2)(c) Project limits: The site plan shall clearly identify the limits of the project within the subject property.
- Section 4.41.3(c)(2)(d) Project phasing: The phases of the project along with a projected Construction schedule.
- Section 4.41.3(c)(2)(e) Existing conditions: The location, height, and dimensions of all existing structures and fencing. Show any existing buildings which are proposed for demolition.
- Section 4.41.3(c)(2)(f) Proposed conditions: The location, height, and dimensions of all proposed structures and fencing. All new above and below grade infrastructure related to the project.
- Section 4.41.3(c)(2)(g) Abutting properties: Existing land use of the abutting properties illustrating all occupied buildings within 300 ft. of the property line.
- Section 4.41.3(c)(2)(h) Manufacturers' Material Safety Data Sheet: A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of

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all equipment including, but not limited to, all lubricants and coolants.

Section 4.41.3(c)(2)(i) Noise analysis: A copy of a noise modeling and analysis report and a plan illustrating locations of equipment identified as a source of noise. A Site Plan which addresses the issues so that the system will not exceed the maximum permitted sound pressure levels.

Section 4.41.3(c)(2)(j) Visual impact simulation: A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall illustrate the view from each adjacent property and public ways looking into the site.

Section 4.41.3(c)(2)(k) Environmental Analysis: A copy of an Environmental Analysis by a 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 as part of the site plan submission.

Section 4.41.3(c)(2)(l) Avian and Wildlife Impact Analysis: A copy of an Avian and Wildlife Impact Analysis by a qualified professional. The analysis shall identify and assess any potential impacts on wildlife and endangered species. The Applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts

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identified in the analysis, and shall show those measures as part of the site plan submission.

Section 4.41.3(c)(2)(m) Decommissioning plan: A complete decommissioning plan which addresses when decommissioning shall begin, what all of the elements of the process are and timing from start to completion. This shall include removal of access roads.

Section 4.41.3(c)(2)(n) Shadow Flicker: The Applicant shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the Commercial Wind Energy Conversion System (CWECS). The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.

Section 4.41.3(c)(2)(o) Phasing: The Applicant shall provide a detailed on-site and off-site construction phase schedule. In addition the Applicant shall include the method of servicing the site during construction and operational phases of the facility. Particular attention shall be given to the potential impacts to off-site properties.

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Section 4.41.3(c)(3) Type of tower: Only non-guyed cylindrical towers may be permitted.

Section 4.41.3(c)(4) Decommissioning Plan: The decommissioning plan shall include the following:

Section 4.41.3(c)(4)(a) The owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life of the project. The project will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Upon request of the owner(s) or assigns of the project and for good cause, the Planning Commission may grant a reasonable extension of time. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

Section 4.41.3(c)(4)(b) Decommissioning shall include the removal of each tower, foundations, buildings, electrical components, underground wiring or cables and interior and access roads.

Section 4.41.3(c)(4)(b)(1) Each tower, foundations, buildings, electrical components, underground wiring or cables shall be removed to a depth of sixty (60) inches. In the case of foundations they shall be removed to a minimum depth of sixty (60) inches below grade or to the level of the bedrock if less than sixty (60) inches below grade. Following removal the location of the remaining wind turbine foundations shall be identified

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on a map with specific GPS coordinates and recorded with the deed to the property with the Monroe County Register of Deeds Office.

Section 4.41.3(c)(4)(b)(2) In addition to the above a soils analysis shall be conducted and presented to the Planning Commission. The analysis shall include a detailed plan illustrating how any negative soil issues will be resolved.

Section 4.41.3(c)(4)(c) All access roads to the Commercial Wind Conservation System (CWECS) and interior roads of the System shall be removed, cleared, graded and planted to prevent soil erosion. Removal shall be to a depth sufficient to remove the pavement and the full depth of the base course material for the road.

Section 4.41.3(c)(4)(c) All access roads to the Commercial Wind Energy Conversion System (CWECS) shall be removed, cleared and graded.

Section 4.41.3(c)(4)(d) The site and any disturbed earth shall be stabilized, graded and cleared of any debris. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

Section 4.41.3(c)(4)(e) The Applicant shall provide a cash bond or irrevocable letter of credit, prior to start of operations, to cover all aspects of decommissioning. If the CWECS owner(s) or operator(s) fails to complete decommissioning

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within the period described, the Township may designate a contractor to complete the decommissioning with the expense thereof to be paid with the cash bond or irrevocable letter of credit.

- Section 4.41.3(c)(5) Tower color: The tower shall be a non-reflective, non-obtrusive color (e.g. white, gray, black).
- Section 4.41.3(c)(6) Maintenance: The function and the appearance of the turbine, towers and any ancillary facilities shall be maintained in working condition and free of rust and corrosion.
- Section 4.41.3(c)(7) Lighting: No part of the Commercial Wind Energy Conversion System (CWECS) shall be artificially lighted, except to the extent required by the FAA.
- Section 4.41.3(c)(8) FAA approval: An airport is located within the proximity of the Township. The Applicant must obtain and provide the Township with proof that all proper permits and approvals from the FAA have been obtained.
- Section 4.41.3(c)(9) Attachments: No part of the Commercial Wind Energy Conversion System (CWECS) shall be used for displaying any advertising (including flags, streamers or decorative items), except for reasonable identification of the turbine manufacture.
- Section 4.41.3(c)(10) Ground clearance: The lowest extension of any blade or other exposed moving component of a Commercial Wind Energy Conversion System (CWECS) shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower).

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- Section 4.41.3(c)(11) Noise: Noise emanating from the operation of the Commercial Wind Energy Conversion System (CWECS) shall not exceed 55 dBA, as measured at the property line. The level however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- Section 4.41.3(c)(12) Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a Commercial Wind Energy Conversion System (CWECS) is located.
- Section 4.41.3(c)(13) Guy Wires: Guy wires shall not be permitted as part of the Commercial Wind Energy Conversion System (CWECS).
- Section 4.41.3(c)(14) Height: The total system height of a Commercial Wind Energy Conversion System (CWECS) shall not exceed three hundred forty (340) feet.
- Section 4.41.3(c)(15) Setback: All portions of a Commercial Wind Energy Conversion System (CWECS) shall be set back from the property line, public right-of-way line, street setback line, public easement or overhead utility lines a minimum distance of one hundred fifty percent (150%) of the height of the system.
- Section 4.41.3(c)(16) Quantity: The number of Commercial Wind Energy Conversion Systems (CWECS) shall be determined based on the industry standard and the manufacturer's recommendations.
- Section 4.41.3(c)(17) Separation: Tower separation shall be based on industry standard and manufacturer recommendations and shall be subject to review by the Township Planning Commission.

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Section 4.41.3(c)(18) Electrical System: All wiring connecting the various wind turbines and the collector lines running from the wind turbines to the sub-station shall be underground. Further, where possible and practicable, as determined by the Planning Commission, all wiring at and from the sub-station shall be placed underground. All electrical compartments, electrical controls, storage facilities, control wiring, grounding wires, power lines, system components and interconnections with utility companies shall conform to national, state and local electrical codes.

Section 4.41.3(c)(19) Shadow Flicker: Certification by a licensed professional engineer shall be submitted indicating that no abutting occupied buildings will be impacted by shadow flicker. This analysis is frequently supplied by the manufacturer.

Section 4.41.3(c)(20) Compliance with all regulations: The Commercial Wind Energy Conversion System (CWECS) shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(c)(21) Anemometers: An anemometer to evaluate the use of a the Commercial Wind Energy Conversion System (CWECS) shall be in compliance with all applicable local, state and national regulations.

Section 4.41.3(c)(21)(a) The construction, installation or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.

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Section 4.41.3(c)(21)(b) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, and safety requirements that correspond to the size of the Principal Use Wind Energy Conversion System (PUWECS) that is proposed to be constructed on the site.

Section 4.41.3(c)(21)(c) An anemometer shall be permitted for no more than thirteen (13) months after which all elements of the anemometer shall be removed from the site and the project shall proceed or the site refurbished to its original condition.

If the MET or Anemometer tower is for research and shall be required for a longer period of time an application shall be submitted to the Planning Commission indicating the period of time requested, the circumstances causing the extension of time and what improvements will be made to lessen the impact of the system.

Section 4.41.3(c)(22) Design safety: A licensed professional engineer shall certify the safety of the design of all components and functions of the Commercial Wind Energy Conversion System (CWECS).

Section 4.41.3(c)(23) Controls and Brakes: Commercial Wind Energy Conversion System (CWECS) projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of Commercial Wind Energy Conversion System (CWECS) The licensed professional

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engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

Section 4.41.3(c)(24) As built certification: A licensed professional engineer shall certify that the construction and installation of the Commercial Wind Energy Conversion System (CWECS) meets or exceeds the manufacturer's construction and installation standards.

Section 4.41.3(c)(25) Climb Prevention: The Commercial Wind Energy Conversion System (CWECS) shall be designed to prevent climbing without special equipment or security controls.

Section 4.41.3(c)(26) General maintenance and site upkeep: All wastes generated from supplies, equipment parts, packaging, operation, or maintenance of the Commercial Wind Energy Conversion System (CWECS) including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner consistent with all local, state, and federal rules and regulations.

Section 4.41.3(c)(27) Falling ice: The application information shall include an analysis of the potential for falling ice providing information as to the most likely time for this issue to occur and shall designate the area of impact.

Section 4.41.3(c)(28) Utility company: Evidence shall be provided that the utility company is working with the Applicant and they are directly involved in the design process.

Section 4.41.3(c)(29) Signal Interference: The Commercial Wind Energy Conversion System (CWECS) shall not interfere with communication systems such as, but not limited to, radio, telephone,

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television, satellite or emergency communication systems.

Section 4.41.3(c)(30) Security: Security measures need to be in place to prevent unauthorized trespass and access.

Section 4.41.3(c)(31) Lightning: A report analyzing the issue of lightning and lightning strikes. The report shall provide what steps will be taken to reduce lightning strikes and specifically what steps will be taken to protect off site properties from damage.

Amended August 28, 2012, by Zoning Ordinance No. 200-108.

Section 4.42 FENCES AND OBSCURING WALLS

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

Section 4.42.1 No fence shall exceed seven (7) feet in height.

Section 4.42.2 No fence in a required front yard shall exceed four (4) feet in height. On lots with multiple street frontages, all yards abutting street frontage shall be considered front yards. (See Section 37.01.292(a)).

Section 4.42.3 Fences in a required front 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."

Section 4.42.4 Clear corner vision as described in Section 4.30 must be maintained at all intersections of roadways or driveways.

Section 4.42.5 No structure shorter than three (3) feet tall shall be considered a fence. Structures shorter than three (3) feet tall shall be considered landscaping, as defined in Section 37.01.137.

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- Section 4.42.6 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.
- Section 4.42.7 Fences that enclose animals must be designed sufficiently to prevent the animal from escaping the enclosure, subject to approval by the Building Official.
- Section 4.42.8 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 A, LM, GM, and PS districts
- Section 4.42.9 Electrified fences are only permitted in the A, LM, GM, and PS districts. This section shall not apply to invisible electric fences designed to enclose animals.
- Section 4.42.10 On lots abutting Lake Erie, regardless of Zoning District:
- Section 4.42.10(a) Both the yard abutting Lake Erie and any yards abutting street frontages shall be considered front yards, for the purposes of this Section. Fences in either front yard shall be at least 75% transparent, as defined in Section 4.42.3 3 above.
 - Section 4.42.10(b) No fence shall be permitted in the required yard adjacent to Lake Erie, which is a fifty (50) foot setback from the Ordinary High Water Mark, as defined in Footnote f.1 in the Schedule of Regulations (Article 21) and Section 37.01.190-1.
 - Section 4.42.10(c) Notwithstanding Section 4.42 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 4.42.3 above, and space between the top of the fence and a line seven (7) feet from grade may be considered “empty space.”

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Section 4.42.10(d) All other provisions of the relevant zoning district listed in Sections 4.42.1-7 and all relevant exemptions and additional standards (See Section 4.42.9) shall apply to the site.

Section 4.42.11 **Exemptions and Additional Standards.** In the circumstances listed below, additional standards and/or exemptions from the requirements of this Section may apply. For each circumstance, the specific regulations are included in the sections listed below. Where the specific regulations listed below conflict with this section, the standards in the specific regulations shall apply.

Section 4.42.11(a) Ponds:

- i. In A Districts: 7.02.4
- ii. In R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R Districts: 8.02.10
- iii. In RMH Districts: 9.02.7
- iv. In R-3-A and R-3-B Districts: 10.02.13
- v. In R-1-O Districts: 11.02.7
- vi. In OS Districts: 12.02.15
- vii. In C-1 Districts: 15.02.9
- viii. In C-2 Districts: 16.02.14
- ix. In C-3 Districts: 17.02.9
- x. In LM Districts: 18.02.11
- xi. In GM Districts: 19.02.6

Section 4.42.11(b) Child Care Centers:

- xii. In A Districts: 7.03.2
- xiii. In R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R Districts: 8.03.2
- xiv. In RMH Districts: 9.03.2
- xv. In R-3-A and R-3-B Districts: 10.03.2
- xvi. In R-1-O Districts: 11.03.2
- xvii. In OS, C-1, C-2, and C-3 Districts: 12.03.2

Section 4.42.11(c) Radio and TV Transmitters: 7.03.17

Section 4.42.11(d) Mining Operations: 7.03.20

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Section 4.42.11(e) Tennis Courts:

- xviii. In R-1-A, R-1-B, R-1-C, R-1-D, R-1-E, and R-1-R Districts: 8.03.9
- xix. In RMH Districts: 9.03.10

Section 4.42.11(f) Mobile Home Parks: 9.02.5

Section 4.42.11(g) Marinas: 13.04.8

Section 4.42.11(h) Open Air Businesses:

- xx. In C-2 Districts: 16.03.7
- xxi. In C-3 Districts: 17.03.9

Section 4.42.11(i) Outdoor Storage: 18.03.6

Section 4.42.11(j) Junk Yards: 19.03.2

Section 4.42.11(k) Asphalt and Concrete Plants: 19.03.6

Section 4.42.11(l) Flood Plains: Article 20

Section 4.42.11(m) Required Landscaping and Screening: Article 21

Amended August 9, 2016, by Zoning Ordinance Amendment No. 200-122.

Section 4.43 **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:

Section 4.43.1 **Intensity of Use.** Home Based Businesses must be conducted within a principal dwelling unit and/or permitted accessory structures, and shall be clearly subordinate to the dwelling unit's use for residential purposes.

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Section 4.43.2 Performance Standards.

- Section 4.43.2(a) 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 Article 25. There shall be no external alterations to the structure that are not customarily found in a residential area.
- Section 4.43.2(b) The exterior storage of materials, equipment, or refuse in excess of what is common for a residential use shall be prohibited.
- Section 4.43.2(c) 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.
- Section 4.43.2(d) 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.
- Section 4.43.2(e) The dwelling must have a two-lane wide paved driveway or other paved parking area to accommodate safe and efficient parking for any employees or customers that may visit the home.
- Section 4.43.2(f) The business shall not have regular hours during which it is open to the general public, unless it is specifically exempted by State Law.

Amended November 22, 2016, by Zoning Ordinance Amendment No. 200-124.

Section 4.44 Wireless Telecommunication Facilities

- Section 4.44.1 **New Facilities.** New wireless telecommunications facilities, as defined in the Michigan Zoning Enabling Act, shall be permitted by Special Use approval in all Zoning Districts, regardless of whether a new support structure (tower) will be constructed or not, subject to the following standards:

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Section 4.44.1(a) Before constructing a new facility, the applicant must demonstrate that they cannot achieve the needed service improvement by co-locating at an existing facility.

Section 4.44.1(a)(1) 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.

Section 4.44.1(a)(2) 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.

Section 4.44.1(b) To the extent practical, all ground equipment associated with the facility must be enclosed within a locked building.

Section 4.44.1(c) Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.

Section 4.44.1(d) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.

Section 4.44.1(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.

Section 4.44.1(f) If a new tower is to be constructed for the facility, it shall meet the following standards:

Section 4.44.1(f)(1) The tower must be set back from all property lines by a distance equal to 1.5 times its height.

Section 4.44.1(f)(2) Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.

Section 4.44.1(f)(3) The tower must be a monopole design. Guyed and lattice towers are prohibited.

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- Section 4.44.1(f)(4) No signage shall be placed upon the tower structure.
- Section 4.44.1(f)(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.
- Section 4.44.1(f)(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.
- Section 4.44.1(f)(7) The applicant must demonstrate the number of co-location sites that will be available on the tower.
- Section 4.44.1(f)(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.
- Section 4.44.1(f)(9) The applicant must submit renderings or photo-sims of the proposed tower as viewed from the following locations:
- i. The nearest public roadway.
 - ii. The nearest residential use.
 - iii. Any other location requested by the Township from which the tower may potentially be visible.
- Section 4.44.1(f)(10) The applicant must pay all required fees, as designated by the Township Board.

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Section 4.44.2 Co-Locations and Modifications to Existing Facilities

Section 4.44.2(a) Co-locations and modifications to existing facilities shall not require Special Use 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 his discretion.

Section 4.44.2(b) Under the following circumstances, co-locations and modifications shall require Special Use approval, regardless of the zoning district they are located in:

Section 4.44.2(b)(1) 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.

Section 4.44.2(b)(2) The applicant proposes to increase the width of the tower by more than the minimum necessary for structural stability given existing and proposed antennae.

Section 4.44.2(b)(3) The applicant proposes to increase the ground-level compound to more than 2,500 square feet in area.

Section 4.44.2(c) Co-locations and modifications must meet the following standards in order to be approved, either administratively or by Special Use.

Section 4.44.2(c)(1) 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.

Section 4.44.2(c)(2) 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.

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Section 4.44.2(c)(3) Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.

Section 4.44.2(c)(4) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.

Section 4.44.2(c)(5) No lighting may be added to the tower unless required by the Federal Aviation Administration.

Section 4.44.2(c)(6) 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.

Section 4.44.2(c)(7) The applicant must pay all required fees, as designated by the Township Board.

Section 4.44.3 **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.

Section 4.44.3(a) 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 Special Use within 90 days of the application being deemed complete by the Township.

Section 4.44.3(b) 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.

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Section 4.44.3(c) 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.

Section 4.44.4 **Abandonment and Removal.** At the time of application for a new tower structure, the applicant shall, at its cost and expense, be required to execute and file with the Township a bond in an amount of at least \$75,000.00. If the tower is not used for as a wireless telecommunications facility for any period of six consecutive months, it must be removed at the expense of the property owner and/or owner of the tower. If the property owner and/or owner of the tower fail to remove the tower, the bond shall be forfeited, and the bond amount shall be used by the Township to remove the tower.

Amended November 10, 2016, by Zoning Ordinance Amendment No. 200-123.