

ARTICLE 3.00
ZONING DISTRICTS, ZONING MAP, USES PERMITTED,
USES PERMITTED ONLY BY SPECIAL CONDITIONS

Section 3.01 ZONING DISTRICTS

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

PS	Public Service District
A	Agriculture District
R-1-E	Single-Family Residential District
R-1-D	Single-Family Residential District
R-1-A	Single-Family Residential District
R-1-B	Single-Family Residential District
R-1-C	Single-Family Residential District
R-1-R	Single-Family Residential District.
R-M-H	Mobile Home Park District
R-3-A	Multiple Family Residential District
R-3-B	Multiple Family Residential District
R-O-1	Restricted Office District
O-S	Office Service District
L-E-M	Lake Erie Marina District
V-P	Vehicular Parking District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Highway Commercial District
L-M	Light Manufacturing District
G-M	General Manufacturing District
FP	Floodplain District

Section 3.02 ZONING MAP

The areas comprising the above referenced zoning districts and the boundaries of said districts, as shown upon the zoning map marked and designated "Zoning Map, Frenchtown Charter Township, Monroe County, Michigan Effective June 19, 1994" attached hereto and made a part of this Ordinance are hereby established; and the districts above described are hereby created. The Zoning Map of Frenchtown Charter Township with all proper notations, references and other information shown thereon, shall be as much a part of this Ordinance as though described herein, provided, however, where uncertainty exists with respect to the boundaries, the rules set forth in Section 3.03 of this article shall apply (See Zoning Map).

Section 3.03 BOUNDARIES OF DISTRICT

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

Where a district boundary line, as established in the above paragraph or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the district boundary line shall be fixed from the scale of the Zoning Map.

Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals only after recommendation from the Township Planning Commission.

Section 3.04 AMENDMENT OF ZONING MAP

The Zoning Map may be amended from time to time, in whole or in part, by Ordinance to which there shall be attached a map of the section or any part thereof affected by the amendments and designated the Amendment No. ___ and each map shall be given an amendment number.

Section 3.05 BOUNDARY LINES AFTER STREET VACATION

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

Section 3.06 USES NOT SPECIFICALLY PERMITTED

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed by the Planning Commission to be similar to a use expressly permitted. No land within the boundaries of Frenchtown Charter Township shall be used for any purpose other than those uses specifically set forth in the following Sections, except for non-conforming uses as permitted by ARTICLE 5.00 of this Ordinance.

Section 3.07 ZONING OF FILLED LAND; USES OF WATERS

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

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Section 3.08 PRINCIPAL PERMITTED USES IN DISTRICT

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

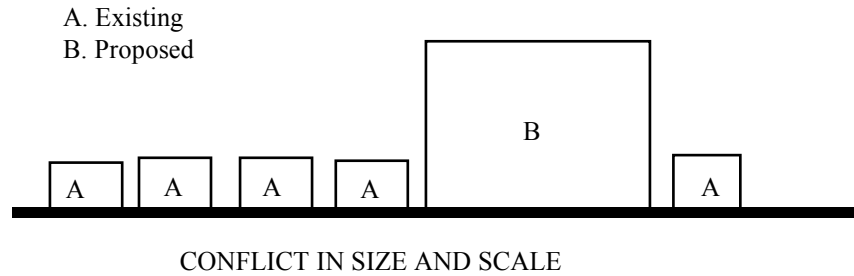
Section 3.09 USES SUBJECT TO SPECIAL CONDITIONS

Section 3.09.1 PURPOSE

Within each zoning district there are uses which may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions and when developed in accordance with sound planning and site plan principals. For the purpose of this Ordinance these uses shall be known as "uses subject to special conditions" as set forth in the individual district and shall be allowed within that particular district subject to the development requirements for the district, provided the Commission finds the proposed use:

- Section 3.09.1(a) Shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts or uses. When determining if the size and character of the project will be in harmony with the orderly development of adjacent districts or uses the Commission shall review the activities associated with said use, intensity of said use and size of buildings proposed for said use in relationship to existing and projected character, intensity of use and size of buildings of the area. For example if the existing uses in the area are single family residential, are two (2) stories and area located in buildings approximately forty (40) ft. x forty (40) ft. and the use proposed will bring in substantial numbers of people not typically associated with a residential section and the building size and bulk is substantially different the use or uses shall be determined to be in conflict with the appropriate and orderly development of the district in which it is situated and will be detrimental to the orderly development of adjacent districts or uses.

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- Section 3.09.1(b) Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.
- Section 3.09.1(c) Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.
- Section 3.09.1(d) Will be served by a vehicular circulation system that will be in the best interest of the public health, safety and welfare; in relationship to ingress/egress to the site, vehicular turning movements related to street intersections and street gradient, site distance and potential hazards to the normal flow of traffic.
- Section 3.09.1(e) The location, use and assembly of persons in connection with the proposed use will not be hazardous to the planning unit in which the use is located or hazardous to a specific use or life and property within the planning unit, or be incongruous therewith or in conflict with the normal traffic of the planning unit.
- Section 3.09.1(f) The proposed site layout is in compliance with the general standards of **ARTICLE 27.00 TOWNSHIP PLANNING COMMISSION SITE PLAN AND DEVELOPMENT APPROVAL** regarding site development and shall insure that:
 - Section 3.09.1(f)(1) The use and associated activities on the property are located so that they will not hinder the projected development of adjacent lands. This shall include all uses associated with the particular use such as parking, lighting, display sign, etc.

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Section 3.09.1(f)(2) Sufficient landscaping, fencing, walls or other means of buffering are provided to insure that the operations and functions of the use will not be objectionable to nearby uses or dwellings by reason of noise, fumes, or flash of lights, nor increase the danger of fire or otherwise create the potential of endangering the public safety.

Section 3.09.2 APPLICATION

Application for approval shall be made by the owner or owners of any tract where such use is contemplated. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board to cover the cost of evaluating the application as to principles and conditions hereinafter set forth.

Section 3.09.3 APPLICATION INFORMATION

Application for approval shall contain the following information:

- Section 3.09.3(a) A metes and bounds description of the acreage comprising the proposed conditional or special land use.
- Section 3.09.3(b) A survey including natural and manmade features at a scale no greater than 1"=50'.
- Section 3.09.3(c) An existing land use map showing the existing use of the subject property and adjacent lands.
- Section 3.09.3(d) A general development plan of sufficient detail to define the proposed location of buildings, parking, interior circulation and landscaped areas.
- Section 3.09.3(e) Any other pertinent information deemed necessary by the Planning Commission to make a determination concerning the desirability of permitting the use with special conditions.

Section 3.09.4 PUBLIC HEARING REQUIREMENT

A public hearing shall be held by the Planning Commission on a proposed "use subject to special conditions" in order to acquaint the public and adjoining property owners with the proposal prior to furnishing of detailed plans and specifications by the petitioner.

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Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than forty five (45) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- Section 3.09.4(a) Describe the nature of the proposed "use subject to special conditions".
- Section 3.09.4(b) Indicate the property which is the subject of the proposed "use subject to special conditions" request.
- Section 3.09.4(c) State when and where the "use subject to special conditions" request will be considered.
- Section 3.09.4(d) Indicate when and where written comments will be received concerning the request.
- Section 3.09.4(e) Indicate the date, time and place for the public hearing on the "use subject to special conditions" request.

Section 3.09.5 PLANNING COMMISSION DECISION

The Planning Commission may deny, approve or approve with conditions, a request for "use subject to special conditions" approval. In permitting such request the Planning Commission may require any conditions and safe-guards the Commission determines to be in keeping with the spirit and intent of this Ordinance and which may protect the neighboring properties from a negative impact. The decision on such use shall be incorporated in a statement to be made part of the minutes of the meeting, said

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statement shall contain the conclusions relative to the use under consideration, specifying the basis for the decision and any conditions imposed. Conditions and requirements stated and made part of the approval shall be a continuing obligation running with the use of said property.

Section 3.09.6 RECORD OF CONDITIONS

The conditions imposed with respect to the "use subject to special conditions" approval shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner after public hearing consistent with the requirements of this Article. The Building Official shall maintain a record of each approved "use subject to special conditions" and the specific conditions imposed by the Commission.

Section 3.09.7 SPECIAL LAND USE APPROVAL EFFECTIVE DATE

Special Land Use Approval shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, site plans have not been submitted for review and approval, Special Land Use approval shall automatically be revoked. The Planning Commission may however, upon written request of the applicant, prior to the expiration period, grant one (1) extension up to twelve (12) months.