

**ARTICLE 17.00
C-3 HIGHWAY COMMERCIAL DISTRICT**

Section 17.01 PURPOSE

This district is intended to provide the community with an area that, in general, will contain the most intensive commercial uses and will cater primarily to the motoring public and those uses that would be considered typical and/or ancillary to said uses.

Section 17.02 PRINCIPAL PERMITTED USES

In all C-3 Highway Commercial Districts, no building or land, except as otherwise specifically provided for in this Ordinance, shall be erected or used for other than the following specified uses:

Section 17.02.1 PRINCIPAL PERMITTED USES IN AN OS OFFICE SERVICE DISTRICT

Any use permitted in an OS office Service District as a principal permitted use unless otherwise indicated in this Article.

Section 17.02.2 PRINCIPAL PERMITTED USES IN A C-1 LOCAL COMMERCIAL DISTRICT

Any use permitted in a C-1 Local Commercial District as a principal permitted use unless otherwise indicated in this Article.

Section 17.02.3 PRINCIPAL PERMITTED USES IN A C-2 GENERAL COMMERCIAL DISTRICT

Any use permitted in a C-2 General Commercial District as a principal permitted use unless otherwise indicated in this Article.

Section 17.02.4 AUTOMOBILE PARKING STRUCTURES

Section 17.02.5 HOTELS, MOTELS ETC. SUBJECT TO THE FOLLOWING:

Section 17.02.5(a) All access to the facility shall be by way of a major thoroughfare.

Section 17.02.5(b) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.

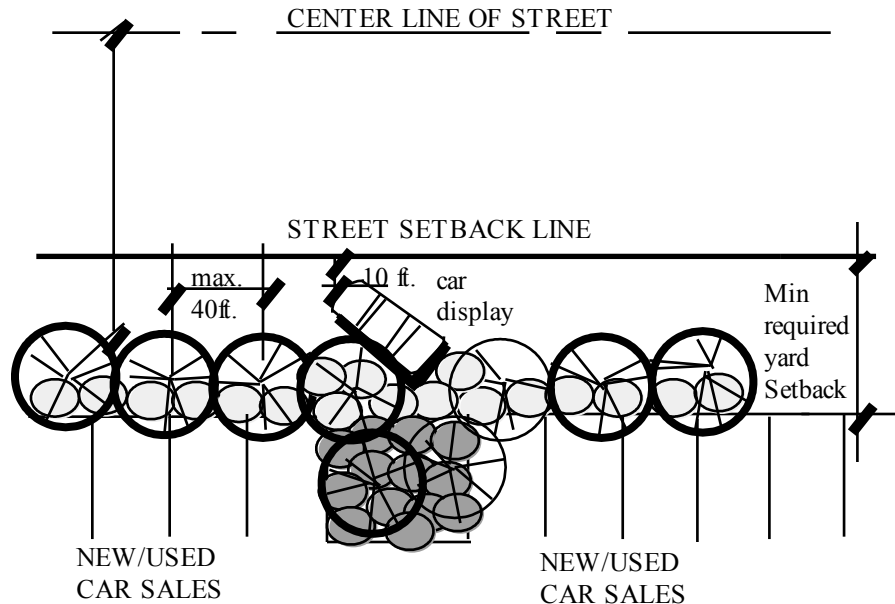
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Section 17.02.6 BUS PASSENGER STATION

Section 17.02.7 SALES ROOMS AND ASSOCIATED SALES LOTS FOR NEW AND USED CAR SALES SUBJECT TO THE FOLLOWING:

Section 17.02.7(a) All areas subject to vehicular use shall be paved with a hard surface, concrete or black top (bituminous) with appropriate bumper guards, curbing or other means approved by the Commission that separate said paved areas from landscape and lawn areas.

Section 17.02.7(b) There shall be compliance with all setbacks and yard requirements as specified in the C-3 Districts. This shall include all new or used car storage areas. A new or used car display area may be located in the yard setback area provided the display area is for no more than two (2) automobiles, the display area is located a minimum of ten (10) feet from the street setback line and the display area is incorporated and made part of the landscape development plan.



Section 17.02.7(c) All access to the facility shall be by way of a major thoroughfare.

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Section 17.02.7(d) All ingress and egress to the facility shall be located a minimum of one hundred (100) feet from the intersection of any two streets.

Section 17.02.7(e) Lighting shall be provided in an amount which shall be sufficient to permit safe, effective movement of vehicles and pedestrians at low light conditions. All lighting shall be so located designed to reflect light away from abutting properties. All lighting shall be hidden source.

Section 17.02.7(f) All service and repair facilities shall be contained within an enclosed building, except for storage of repaired or wrecked cars waiting for repair. All repaired or wrecked cars waiting for repairs shall be screened from view.

Section 17.02.8 ACCESSORY BUILDINGS AND USES

Accessory buildings, structures and uses customarily incidental to the above permitted uses.

Section 17.02.9 PONDS TO BE LOCATED WITHIN A COMMERCIAL COMPLEX SUBJECT TO THE FOLLOWING:

Section 17.02.9(a) The construction, maintenance 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 and 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.

Section 17.02.9(b) Ponds shall be set back at least one hundred (100) feet from all property lines and any dwellings. This requirement may be varied by the Commission for buildings located within a Commercial Complex.

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- Section 17.02.9(c) Ponds shall be subject to all applicable Department of Natural Resources and County Soil Conservation District requirements.
- Section 17.02.9(d) Subject to the permit requirements of Section 4.21.2 of ARTICLE 4.00 GENERAL PROVISIONS.
- Section 17.02.9(e) All man made ponds which are located on a parcel of land which is less than 5 Acres in area, shall be secured by totally enclosing the pond or the subject property with a fence which shall be a minimum of four (4) feet in height, unless otherwise approved by the Planning Commission. In reviewing this matter the Commission shall take into consideration the size of the subject property and the density and proximity of housing on the surrounding properties.
- Section 17.02.9(f) In all cases the pond, surrounding lands and the enclosure fence shall be maintained.
- Section 17.02.9(g) In all cases a life saving station shall be located at the pond. The life saving station shall, as a minimum, have a flotation device with safety rope attached
- Section 17.02.10 Landscape ponds subject to the following:
- Section 17.02.10(a) A Landscape Pond for the purpose of this ordinance is an excavation, container, lining or other means for holding permanent water which is 2 ft. or less in depth, has a water surface of 300 sq. ft. or less and is intended for viewing purposes only. If a proposed pond is not a Farm Pond or a Landscape Pond as defined by this ordinance, it shall be considered a pond and shall be subject to the restrictions for a pond as found in Section 4.21.2 of this ordinance.
- Section 17.02.10(b) A Landscape Pond may be constructed as an element ancillary to a residential use only. A landscape pond may not be developed on a lot which does not contain a single family use.

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- Section 17.02.10(c) The water source for the Landscape pond may be an open source of water (water fall, simulated creek etc.) provided it is 10 ft. or less from the Landscape Pond, 6-8 inches in depth and is 3 ft. or less in width (water surface).
- Section 17.02.10(d) The Landscape pond must meet all building setback requirements for this district.
- Section 17.02.10(e) Subject to the permit requirements of Section 4.21.1 of ARTICLE 4.00 GENERAL PROVISIONS.

Section 17.03 USES SUBJECT TO SPECIAL CONDITIONS

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

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

- Section 17.03.1 ADULT FOSTER CARE FACILITIES
- Section 17.03.2 ADULT FOSTER CARE LARGE GROUP HOMES
- Section 17.03.3 ADULT FOSTER CARE SMALL GROUP HOMES
- Section 17.03.4 MUNICIPAL USES OR BUILDINGS

Municipal uses or buildings such as, but not limited to: fire stations, police stations, parks, parkways, water treatment plants, sewage treatment plants and public or private emergency facilities.

Section 17.03.5 HOSPITALS AND CLINICS SUBJECT TO THE FOLLOWING:

- Section 17.03.5(a) Minimum lot area shall be ten (10) acres.
- Section 17.03.5(b) The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.

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Section 17.03.5(c) All main and accessory buildings shall be setback a minimum of one hundred (100) feet from all property lines.

Section 17.03.5(d) Ambulance and emergency entrance areas shall be located away and visually screened from adjacent residential uses. Screening shall be by way of a structure or by a masonry wall of six (6) feet or more in height.

Section 17.03.5(e) Helipad for air ambulance and emergency entrance associated with the helipad shall be located away and visually screened from adjacent residential uses. In siting the helipad consideration shall be given to the impact of take off and landings and the potential impact on adjacent properties. Screening shall be by way of a structure or by a masonry wall of six (6) feet or more in height.

Section 17.03.5(f) No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use or district.

Section 17.03.5(g) Hospitals shall be constructed, maintained and operated in conformance with all applicable State and Federal laws.

Section 17.03.6 ESSENTIAL SERVICES

Essential services such as public utility buildings, public utility transformer stations, sub-stations and gas regulator stations, without service or storage yards, shall comply with the requirements of ARTICLE 26.00 SCREENING, LAND USE BUFFERS, AND LANDSCAPE REQUIREMENTS and ARTICLE 37.00 DEFINITIONS and shall be subject to the following:

Section 17.03.6(a) A perimeter yard setback of not less than fifty (50) feet shall be provided.

Section 17.03.6(b) When a transmission or relay tower, etc. is proposed as part of the facility, the tower shall be so located that it does not present a nuisance to abutting residential properties. The tower shall be so located on the subject property that the distance from the base of the tower to all points on each property line shall be not less than one and one-half (1-1/2) times the height of the tower, unless engineering data is provided which indicates the proposed tower construction is such that failure would be restricted.

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Section 17.03.6(c) The applicant substantiates that the proposed use will be so designed and so located as to reasonably minimize potential impact on adjoining properties by reason of noise, traffic problems or similar factors.

Section 17.03.6(d) In the case of cellular towers the requirements as found in Section 4.02 inclusively shall apply.

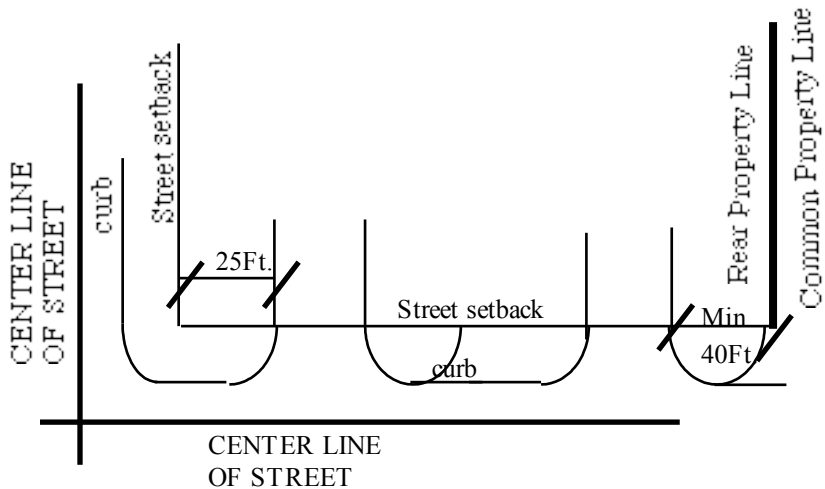
Section 17.03.7 **AUTOMOBILE REPAIR GARAGES SUBJECT TO THE FOLLOWING:**

Section 17.03.7(a) No repair garage etc. existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on said date.

Section 17.03.7(b) Minimum lot area shall be thirty thousand (30,000) square feet.

Section 17.03.7(c) Minimum lot width shall be one hundred and fifty (150) feet. When the facility is located on a corner lot the minimum width of one hundred and fifty (150) feet shall apply to frontage on both streets as measured from the street setback line.

Section 17.03.7(d) All driveways for a repair garage shall be located not less than forty (40) feet from the common property line extended. In addition no driveway shall be located less than twenty-five (25) feet from the street setback line extended for a corner site.



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Section 17.03.7(e) No servicing or repair of any vehicle shall be permitted unless said vehicle is parked within the building.

Section 17.03.7(f) All equipment used in the operation shall be located within an enclosed building.

Section 17.03.7(g) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for building setbacks (yard setback) as specified for this Section. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted outside of areas specifically designated for said purpose on the site plan.

All repaired or wrecked cars waiting for repairs shall be screened from view. The use of the open space for parking of vehicles for storage, sale or rental or for any other use other than that defined in the approved site plan is prohibited. The entire lot, excluding the area occupied by the building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except for planting and landscaped areas. All landscaped areas shall be separated from paved areas by a concrete curb. A minimum of ten (10) percent of the net site area shall be developed as landscaped area. The landscape area shall consist of trees, shrubs and ground cover.

Section 17.03.7(h) No repair garage or other similar establishment shall be located and no property shall be used as such, nearer than five hundred (500) feet to the nearest property line of any church, school (public or parochial), police station, fire station, hospital or building used for public assembly.

Section 17.03.7(i) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

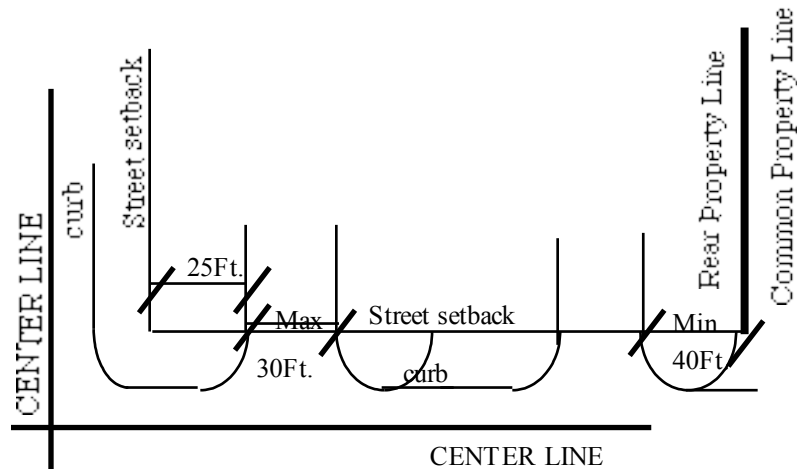
Section 17.03.7(j) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

Section 17.03.7(k) Building elevations shall be submitted illustrating the configuration and design of the exterior of the building. The Planning Commission shall review same with respect to the architectural compatibility of the structure and other related improvements with the surrounding area.

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Section 17.03.8 **AUTOMOBILE SERVICE STATIONS, FILLING STATIONS
SUBJECT TO THE FOLLOWING:**

- Section 17.03.8(a) No automobile service station, filling stations, etc. existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on said date.
- Section 17.03.8(b) Minimum lot area shall be thirty thousand (30,000) square feet.
- Section 17.03.8(c) Minimum lot width shall be one hundred and fifty (150) feet for a public garage, automobile service station and a filling station. When the facility is located on a corner lot the minimum width of one hundred and fifty (150) feet shall apply to frontage on both streets as measured from the street setback line.
- Section 17.03.8(d) All driveways shall be located not less than forty (40) feet from the common property line extended. In addition no driveway shall be located less than twenty-five (25) feet from the street setback line extended for a corner site.



- Section 17.03.8(e) Ingress and egress drive widths shall be in compliance with the standards set forth by the agency having jurisdiction (i.e. Monroe County Road Commission or the Michigan Department of Transportation).

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- Section 17.03.8(l) The entire lot, excluding the area occupied by the building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except for planting and landscaped areas. All landscaped areas shall be separated from paved areas by a concrete curb. A minimum of ten (10) percent of the net site area shall be developed as landscaped area. The landscape area shall consist of trees, shrubs and ground cover.
- Section 17.03.8(m) Hoists or other equipment used in servicing motor vehicles shall be located within an enclosed building.
- Section 17.03.8(n) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for building setbacks (yard setback) as specified for this Section. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted. Open space on the gasoline service station site may be used for parking or maneuvering of vehicles being serviced, waiting to be serviced or serviced vehicles waiting to be picked up. The use of the open space for parking of vehicles for storage, sale or rental or for any other use other than that defined in Section 37.01.23 of this Ordinance is prohibited.
- Section 17.03.8(o) No gasoline service station, service garage, auto wash facility, or other establishment where gasoline is stored and sold, which because of their nature unavoidably invite vehicle traffic, depend on standing vehicles while awaiting service and route such traffic across curb lines and sidewalks, shall be located and no property shall be used as such, nearer than five hundred (500) feet to the nearest property line of any church, school (public or parochial), police station, fire station, hospital or building used for public assembly.
- Section 17.03.8(p) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties and the general public.

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Section 17.03.8(q) Only one (1) free-standing sign per street frontage shall be permitted, which shall display only the name of the user or occupant of the premises along with current price. (See ARTICLE 25.00 SIGN REGULATIONS for additional requirements related to signs.)

Section 17.03.8(r) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

Section 17.03.8(s) Building elevations shall be submitted illustrating the configuration and design of the exterior of the building. The Planning Commission shall review same with respect to the architectural compatibility of the structure and other related improvements with the surrounding area. (See ARTICLE 25.00 SIGN REGULATIONS for additional requirements related to signs.)

Section 17.03.8(t) All gasoline and other combustible fuels used to propel internal combustion motors shall be stored in compliance with the Fire Prevention Code of Frenchtown Charter Township.

Section 17.03.9 OPEN AIR BUSINESS SUBJECT TO THE FOLLOWING:

Section 17.03.9(a) Minimum lot area shall be ten thousand (10,000) square feet.

Section 17.03.9(b) Minimum lot width shall be one hundred (100) feet.

Section 17.03.9(c) A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper and other debris from blowing off the premises, except as provided otherwise in ARTICLE 26.00 SCREENING, LAND USE BUFFERS, AND LANDSCAPE REQUIREMENTS. This provision does not apply if all of the activities are carried out within the confines of a structure.

Section 17.03.9(d) All open-air businesses shall comply with all Township and County health regulations regarding sanitation and general health conditions.

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- Section 17.03.9(e) Unless specifically waived by the Planning Commission, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.
- Section 17.03.9(f) The Planning Commission and/or the Building Official may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a bond. The bond shall be in the form of cash or an irrevocable and unconditional letter of credit issued by a banking or saving and loan institution satisfactory to the Township, making the Township the beneficiary thereof. The bond shall be in an amount determined by the Building Official (after consultation with the Engineer and Planner) to be reasonably necessary to insure compliance hereunder. In fixing the amount of such bond, the Building Official shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the amount of the bond.
- Section 17.03.9(g) Lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. The lighting shall be hidden source and so located and designated as to reflect light away from adjacent properties with particular attention to single family residential areas.
- Section 17.03.9(h) In a C-2 District a sales room and associated sales lot for new and/or used cars is a "Use Subject to Special Conditions" under an "open air business". To avoid confusion a sales room and associated sales lot for new and/ or used cars is a principal permitted use in a C-3 District and therefore does not fall under the "Use Subject to Special Conditions" with the requirement of a public hearing.

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Section 17.03.9(i) In the case of a plant materials nursery:

- Section 17.03.9(i)(1) The storage or materials display area shall meet all the yard setback requirements applicable to any building in the district.
- Section 17.03.9(i)(2) All loading activities and parking areas shall be provided on the same premises (off-street) and shall be designed so as not to impact the normal flow and activities of the site.
- Section 17.03.9(i)(3) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained and converted to prevent it from blowing or running onto adjacent properties and adversely affecting adjacent properties.

Section 17.03.9(j) In the case of a carnival, outdoor assembly and the like:

- Section 17.03.9(j)(1) All activity areas of carnivals, outdoor assemblies and like uses, including eating areas, games, rides, shows, not including parking, shall either be enclosed in a building or delimited by a fence or other suitable barrier which clearly defines the area of activity.
- Section 17.03.9(j)(2) Parking requirements shall be in accordance with ARTICLE 24.00 OFF-STREET PARKING REQUIREMENTS, LAYOUT, STANDARDS, AND OFF-STREET LOADING AND UNLOADING.
- Section 17.03.9(j)(3) The applicant shall not operate or provide parking for a carnival on property presently used as the required parking for another use, unless the Township Planning Commission shall determine that such a temporary operation will not reduce parking below an undesirable minimum during the period of the operation of the carnival, outdoor assembly or like use.

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Section 17.03.9(j)(4) All lights, wires, poles, fences, stands, machinery or other items incidental to the carnival use shall be removed from the premises no later than one week after the closure of the carnival, outdoor assembly or like use.

Section 17.03.9(j)(5) To indemnify the Charter Township of Frenchtown, and its agents and its citizens against damage, loss, injury or costs attributable to cleaning up the site and/or adjoining area, a bond from a corporate bonding company, in the amount required by the Planning Commission shall be provided by the applicant for the building permit.

Section 17.03.9(j)(6) Operation of such uses described herein shall not commence until the Building Official shall have issued the Certificate of Occupancy to the applicant for the building permit, in effect stating that the provisions of this Ordinance have been complied with.

Section 17.03.9(j)(7) Before the issuance of a building permit the licensee may be required by the Township Planning Commission to obtain public liability insurance with limits of not less than \$100,000.00 and property damage insurance with a limit not less than \$50,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amount for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Building Official of the Township of Frenchtown in writing at least 10 days before the expiration or cancellation of said insurance.

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Section 17.03.9(j)(8) Prior to the issuance of a permit, applicants for such permit shall show satisfactory evidence that all requirements of the Monroe County Health Department, and all other applicable laws and codes have been met and in addition may be required by the Planning Commission to provide a detailed, written and graphic explanation, including text, diagrams, and drawings of plans to adequately provide for the following: police and fire protection; medical facilities, including emergency vehicles and equipment; camping and trailering facilities; illumination; communication facilities, including telephones; noise control; facilities for cleanup and waste disposal; and food, water, health and sanitation facilities.

Section 17.03.10 GOLF COURSES, COUNTRY CLUBS AND GOLF DRIVING RANGES SUBJECT TO THE FOLLOWING:

Section 17.03.10(a) Regulation length 18-hole golf course shall have a minimum lot size of 140 acres. Nine-hole courses with regulation length fairways shall have a minimum lot size of 60 acres. Eighteen-hole, par-3 golf courses shall have a minimum lot size of 50 acres.

Section 17.03.10(b) The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall be oriented and designed in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course or driving range.

Section 17.03.10(c) At least one (1) shelter building with toilet facilities shall be provided. The shelter shall meet all requirements of the Monroe County Health Department and the Township Building Code.

Section 17.03.10(d) Engineering data shall be submitted to the Township to permit review by the Township Engineering Consultant. The submitted data shall document the impact of the golf course watering system on ground water supply for the general area.

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Section 17.03.10(e) Facilities such as licensed restaurants and bars may be permitted in conjunction with the facility. Exterior display or advertising of said facilities shall be permitted.

Section 17.03.11 HOMES FOR THE AGED AND NURSING HOMES

Section 17.03.11(a) Minimum lot size shall be three (3) acres.

Section 17.03.11(b) The lot or parcel shall be located so that at least one (1) property line abuts a collector or major thoroughfare road. All egress/ingress to this facility shall be directly from the collector or major thoroughfare road. In no case shall access be from a primarily residential street.

Section 17.03.11(c) The main and accessory buildings shall be set back a minimum of seventy-five (75) feet from all property lines.

Section 17.03.11(d) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

Section 17.03.11(e) Each facility shall be constructed, maintained and operated in conformance with applicable state and federal laws and regulations.

Section 17.03.12 THEATERS, INCLUDING DRIVE-IN THEATERS. DRIVE-IN THEATERS SHALL BE SUBJECT TO THE FOLLOWING:

Section 17.03.12(a) The lot or parcel shall be located so that at least one (1) property line abuts a major thoroughfare road. All egress/ingress to the facility shall be directly from the major thoroughfare road. In no case shall any property line be less than one thousand (100) feet from property zoned or master planned residential.

Section 17.03.12(b) A seven (7) feet solid screen fence shall enclose the subject property.

Section 17.03.12(c) All egress/ingress points shall be located a minimum of two hundred and fifty (250) feet from the intersection of any two (2) roads (measurement shall be from the nearest egress/ingress to the street setback of the nearest street.)

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Section 17.03.12(d) The site plan shall provide for sufficient internal stacking of vehicles which are waiting for processing and entry to the theater to avoid vehicle stacking or back-up onto any public road right-of-way.

Section 17.03.12(e) The theater screen shall be so located and designed so that it will not be visible from adjacent public roads.

Section 17.03.13 INDOOR RECREATION FACILITIES, PRIVATE NON-COMMERCIAL AND PUBLIC COMMERCIAL RECREATION FACILITIES SUCH AS:

Bowling alleys, indoor and outdoor tennis facilities, pool and billiard halls, roller and ice skating rinks, batting cages and other general indoor or outdoor recreation facilities, when said facilities or the structure housing such facilities are located at least fifty (50) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

Section 17.03.14 VETERINARY CLINICS, ANIMAL CLINICS AND ANIMAL HOSPITALS SUBJECT TO THE FOLLOWING:

Section 17.03.14(a) Any building designed or constructed for such uses shall be used for the sole purpose of providing necessary medical care for sick or diseased household pets and shall not be constructed or used as a boarding establishment for household pets.

Section 17.03.14(b) Animals eligible for treatment at such establishments as herein defined if kept overnight on the premises of such establishment or for a period longer than regular professional business hours, then a full-time duly qualified attendant shall be stationed in charge of said premises.

Section 17.03.14(c) In no case shall such establishments have open or outdoor runways, kennels or pens.

Section 17.03.14(d) In no case shall there be, in connection with the operation of such establishment, the disposal of rubbish and litter in such a manner as to be obnoxious or offensive.

Section 17.03.14(e) In no case shall there be any harboring of vermin or decaying matter on the premises, and effective provision shall be made to confine all noise, confusion and odor, if any, to the premises.

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Section 17.03.14(f) The building housing such use and the ventilating system used in connection therewith shall be so constructed as to insure that all noise and odors emanating from the area used for the treatment and temporary keeping of such sick and diseased household pets is kept from reaching the building exterior.

Section 17.03.15 RESTAURANTS OTHER THAN A STANDARD RESTAURANT AND THOSE ANCILLARY TO THE PRIMARY USE SUCH AS A LARGE FOOD STORE ETC. SUBJECT TO THE FOLLOWING:

Section 17.03.15(a) The nature of the restaurant and the intended exterior operations are such that the design and orientation of the facility and all of its ancillary uses on the site shall be completed in a manner which will not impact the adjacent properties by way of traffic, noise, odors, litter or similar factors.

Section 17.03.15(b) In the case of a "drive-thru" facility, a separate stacking lane shall be provided to accommodate a minimum of seven (7) cars. The stacking lane shall be a minimum of ten (10) feet wide and shall be positioned in such a manner that stacking will not interfere with normal vehicular on site traffic, off site traffic and entering and exiting traffic.

Section 17.03.15(c) All restaurants shall be responsible for exterior site clean up (on site and off site) of any litter, blowing papers etc. generated from the operation of the facility.

Section 17.03.15(d) In the case of a drive-in restaurant all buildings shall be set back a minimum of sixty (60) feet from the street setback line for any adjacent streets and any property line adjacent to property zoned or master planned for residential use.

Section 17.03.16 AUTO WASH FACILITIES SUBJECT TO THE FOLLOWING:

Section 17.03.16(a) Minimum lot size shall be ten thousand (10,000) square feet.

Section 17.03.16(b) All washing activities must be conducted within a building.

Section 17.03.16(c) Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.

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Section 17.03.16(d) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility. Drains shall be provided at all entrances and exits at the street setback line. Ingress and egress points shall be located a minimum of sixty (60) feet from the point of intersection of the curb and the extension of the street setback line, when the proposed auto wash facility is located at the intersection of any two roads. Auto wash facilities shall not, in general, be located within two hundred (200) feet of an intersection of any two roads when either of the two roads is considered to carry moderate to heavy traffic levels.

Section 17.03.16(e) A hard surfaced driveway of either one or more lanes shall be constructed on the site in such a manner as to provide a continuous movement of cars into the wash rack.

Section 17.03.16(e)(1) The driveways, so provided, shall be not less than ten (10) feet wide for a single lane and not less than ten (10) additional feet, in width, from each additional lane.

Section 17.03.16(e)(2) Storage space for cars required to wait for access to the facilities shall be provided within the parcel and shall be prohibited from the street right-of-way.

Section 17.03.16(e)(3) When the building is eighty (80) feet or less in overall length, a minimum of fifteen (15) off-street storage spaces per wash facility shall be provided. An additional one (1) off-street storage space per wash facility shall be required for each five (5) feet or fraction thereof by which the building exceeds eighty (80) feet in overall length.

Section 17.03.16(f) Lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. The lighting shall be hidden source and so located and designated as to reflect light away from adjacent properties with particular attention to single family residential areas.

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Section 17.03.17 ARCADES AS DEFINED IN ORDINANCE 132 [20.150] OF FRENCHTOWN CHARTER TOWNSHIP ORDINANCES SUBJECT TO THE FOLLOWING:

Section 17.03.17(a) Said use shall be in compliance with Frenchtown Charter Township Arcade Ordinance 132 [20.150] and all pertinent provisions of this and all other Frenchtown Charter Township Ordinances.

Section 17.03.17(b) Any building proposed to house an arcade shall be located over 1,000 feet from:

Section 17.03.17(b)(1) A church or any house of worship of any religious faith.

Section 17.03.17(b)(2) A school, day-care facility etc.

Section 17.03.17(b)(3) A nursing home or rest home.

Section 17.03.17(b)(4) A public library.

Section 17.03.17(b)(5) Residentially used or zoned property.

Section 17.03.17(b)(6) A hospital.

Section 17.03.17(b)(7) A rehabilitation facility.

Section 17.03.17(c) The proposed arcade shall be located over 3,000 feet from any other existing arcade.

Section 17.03.17(d) The building housing such use shall be so constructed and maintained as to insure that all interior noises, sounds and/or music shall be kept from reaching the building exterior.

Section 17.03.17(e) The Commission shall review the operation and function of the proposed arcade to determine the need for bicycle racks. Where bicycle racks are required they shall be provided with 1 space for each amusement machine in the arcade. Said rack shall be designed to permit the orderly parking of bicycles and permit them to be secured. The racks shall be so located as to prevent the disruption of on-site and off-site pedestrian and automobile traffic flow.

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Section 17.03.18 LUMBER YARDS SUBJECT TO THE FOLLOWING:

- Section 17.03.18(a) The site shall be a minimum of five (5) acres.
- Section 17.03.18(b) The lot or parcel shall be located so that at least one (1) property line abuts a major thoroughfare road. All egress/ingress to the facility shall be directly from the major thoroughfare road.
- Section 17.03.18(c) All buildings shall be setback a minimum of fifty (50) feet from the street setback line of any adjacent street and all property lines.
- Section 17.03.18(d) All building materials stored outside shall be set back a minimum of twenty five (25) feet from all property lines.
- Section 17.03.18(e) All outside storage shall be completely screened from the view of all adjacent streets and adjacent properties. All solid screen fencing shall include landscape plantings (consisting of trees and shrubs) between said fencing and all roads of general circulation and between said fencing and any adjacent residential used or zoned properties.
- Section 17.03.18(f) No outside operations such as board cutting and trimming operations shall be permitted. All such activities shall be located within a building.

Section 17.03.19 SHOPS OR SERVICE ESTABLISHMENTS WITH OFFICE-SHOW ROOM-WORK SHOP RELATIONSHIP SUBJECT TO THE FOLLOWING:

- Section 17.03.19(a) Not more than fifteen (15) persons are employed for the production portion of the operation.
- Section 17.03.19(b) The production shall not be discernible on the exterior by way of noise, odor, smoke, vibration or other variable.
- Section 17.03.19(c) No outside storage or operation shall be permitted.

Section 17.03.20 ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS, CABARETS, MASSAGE PARLORS, NUDE MODELING STUDIOS AND SAUNAS SUBJECT TO THE FOLLOWING:

- Section 17.03.20(a) The above-named uses shall not be permitted within one thousand (1000) feet of each other.

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Section 17.03.20(b) All such uses shall be a minimum of one thousand (1000) feet from all of the following:

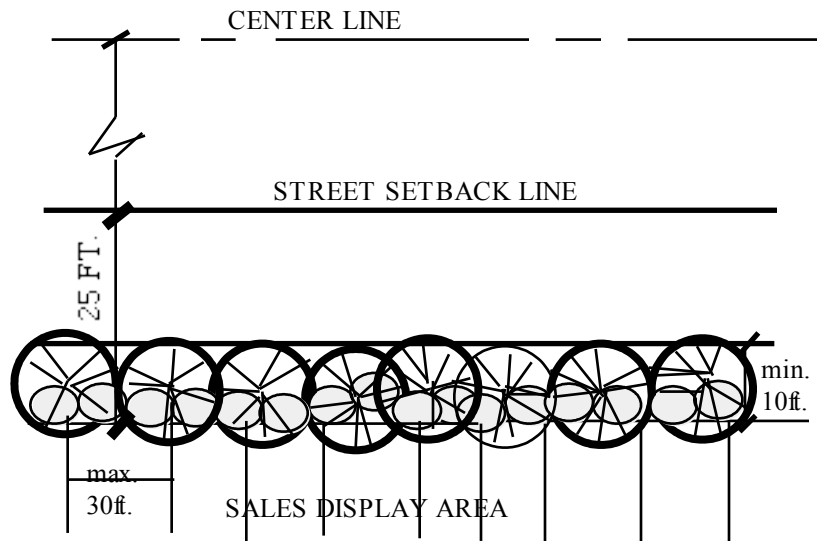
- Section 17.03.20(b)(1) All schools.
- Section 17.03.20(b)(2) Day-care centers.
- Section 17.03.20(b)(3) Libraries.
- Section 17.03.20(b)(4) Municipal Buildings.
- Section 17.03.20(b)(5) Parks, playgrounds, recreation facilities (private and public).
- Section 17.03.20(b)(6) Churches, convent. monastery or similar religious institution.
- Section 17.03.20(b)(7) Nursing homes, rest homes.
- Section 17.03.20(b)(8) Residentially used or zoned property.
- Section 17.03.20(b)(9) Hospitals.
- Section 17.03.20(b)(10) Rehabilitation facilities.
- Section 17.03.20(b)(7) The facility shall not by way of architectural features, design, display, decoration, signage, window decorations or other displays call attention to the nature of the internal activities to the general public which shall include minors.

Section 17.03.21 RENTAL FACILITIES, SALES LOT FOR RECREATION VEHICLES, MOBILE HOMES, TRAILERS AND MODULAR HOMES SUBJECT TO THE FOLLOWING:

- Section 17.03.21(a) All access to the facility shall be by way of a major thoroughfare.
- Section 17.03.21(b) All ingress and egress to the facility shall be located a minimum of one hundred (100) feet from the intersection of any two streets.
- Section 17.03.21(c) Lighting shall be provided in an amount which shall be sufficient to permit safe, effective movement of vehicles and pedestrians at low light conditions. All lighting shall be so located designed to reflect light away from abutting properties. All lighting shall be hidden source.

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Section 17.03.21(d) When the proposed facility abuts a street the outdoor sales area shall be set back a minimum of twenty five (25) feet from the street setback line. A minimum ten (10) foot planting strip shall be provided between the street setback line for the street and the sales lot. The planting strip shall consist of a minimum of one deciduous shade tree for every thirty (30) feet of frontage and shrubbery to break up the area without totally circumventing the view of the product. The minimum ten (10) foot planting area shall be parallel to the street and shall extend the full length of the frontage.



Section 17.03.21(e) All service and repair activities shall be contained within an enclosed building.

Section 17.03.22 MAN MADE PONDS ARE NOT PERMITTED IN A C-3 GENERAL COMMERCIAL DISTRICT EXCEPT WHEN LOCATED WITHIN A COMMERCIAL COMPLEX SUBJECT TO THE REQUIREMENTS OF SECTION 17.02.9.

Section 17.03.23 MAIL ORDER RECEIVING AND DISTRIBUTION FACILITIES SUBJECT TO THE FOLLOWING:

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Section 17.03.23(a) The site shall be located so that at least one (1) property line abuts a major thoroughfare road, a road with an existing or proposed right-of-way of one hundred and twenty feet (120) feet or greater. All traffic associated with the delivery and pick-up of goods shall be directly from said thoroughfare.

Section 17.03.23(b) All delivery and pick-up areas shall be located within the site so as to limit the potential impacts associated with said areas on adjacent properties, especially residential areas.

Section 17.03.23(c) The internal traffic movement patterns of all delivery and pick-up vehicles shall be located within the site so as to limit the potential impacts associated with said areas on adjacent properties, especially residential areas.

Section 17.03.23(d) All operations shall be retail only.

Section 17.03.24 TRUCK STOP OR SIMILAR OPERATION SUBJECT TO THE FOLLOWING:

Section 17.03.24(a) All areas subject to vehicular use shall be paved with a hard surface, concrete or black top (bituminous) with appropriate bumper guards, curbing or other means approved by the Commission that separate said paved areas from landscape and lawn areas.

Section 17.03.24(b) All access to the facility shall be by way of a major thoroughfare.

Section 17.03.24(c) All ingress and egress to the facility shall be located a minimum of one hundred (100) feet from the intersection of any two streets.

Section 17.03.24(d) Lighting shall be provided in an amount which shall be sufficient to permit safe, effective movement of vehicles and pedestrians at low light conditions. All lighting shall be so located designed to reflect light away from abutting properties. All lighting shall be hidden source. Flood and mass lighting shall not be permitted.

Section 17.03.24(e) Any service or repair activities shall be contained within an enclosed building.

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Section 17.03.24(f) All scales shall be located on the site to avoid back onto the public roads serving the site or the general internal circulation of the site.

Section 17.03.24(g) When the facility contains activities for both automobiles and trucks the site shall be designed in a manner that will separate the automobile user from the truck user.

Section 17.03.25 OTHER COMMERCIAL/SERVICE USES NOT SPECIFIED

Any commercial establishment or professional or commercial services not specified as a principal permitted use which the Planning Commission finds not to be inconsistent with the purposes of this Article and will not impair the present or potential use of adjacent properties.

Section 17.04 DEVELOPMENT REQUIREMENTS

The following requirements shall be complied with in a C-3 Highway Commercial District:

Section 17.04.1 SITE PLAN AND DEVELOPMENT APPROVAL FOR ALL USES AS SPECIFIED IN ARTICLE 27.00 OF THIS ORDINANCE

Section 17.04.2 OFF-STREET PARKING FOR ALL USES AS SPECIFIED IN ARTICLE 24.00 OF THIS ORDINANCE

Section 17.04.3 SCREENING AND LAND USE BUFFER FOR ALL USES AS SPECIFIED IN ARTICLE 26.00 OF THIS ORDINANCE

Section 17.04.4 SIGNS FOR ALL USES AS SPECIFIED IN ARTICLE 25.00 OF THIS ORDINANCE

Section 17.04.5 HEIGHT, AREA, LOT COVERAGE AND YARD REGULATIONS AS SPECIFIED IN ARTICLE 21.00 OF THIS ORDINANCE FOR THE (C-3) HIGHWAY COMMERCIAL ZONING DISTRICTS

Section 17.04.6 GENERAL PROVISIONS OF THIS ORDINANCE, ARTICLE 4.00

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

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Section 17.04.7 YARD GRADING AND DRAINAGE

All yards in a C-3 Highway Commercial District shall be graded in a manner which shall avoid the ponding of storm water unless said conditions have been designed to occur as part of a storm detention plan which has been approved by Frenchtown Charter Township and such grading shall comply with the engineering design standards for Frenchtown Charter Township. A detailed grading plan shall be submitted by the builder/developer and shall be approved by Frenchtown Charter Township prior to issuance of a permit.

Section 17.04.8 SPECIFIC REQUIREMENTS

The following specific requirements shall apply with in a C-3 Highway Commercial District:

- Section 17.04.8(a) All roads shall be constructed in accordance with standards adopted by Frenchtown Charter Township.
- Section 17.04.8(b) All utility lines or similar facilities intended to serve any use in a C-3 Highway Commercial District, whether designed for primary service from main lines or for distribution of services throughout the site, shall be placed and maintained underground at all points within the boundaries of the site.
- Section 17.04.8(c) Sanitary and storm sewer systems shall be provided in accordance with standards adopted by Frenchtown Charter Township.
- Section 17.04.8(d) All buildings shall be readily accessible by fire and emergency vehicles and shall comply with the Township Fire Prevention Ordinance.
- Section 17.04.8(e) Lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night. The lighting shall be hidden source and so located and designated as to reflect light away from adjacent properties with particular attention to single family residential areas.
- Section 17.04.8(f) Water system improvements and hydrant shall be provided in accordance with standards adopted by Frenchtown Charter Township.

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Section 17.04.8(g) The method of trash pick up shall be presented to the Planning Commission for approval. If dumpsters are proposed, they shall be screened in a manner acceptable to the Planning Commission. No dumpster shall be located less than fifteen (15) feet from any building.

Section 17.04.8(h) Fences and /or walls.

The erection, construction, or alteration of any fence, wall or other type of protective barrier shall require a Building Permit and prior to construction shall be approved by the Building Official. The Building Official shall review the adequacy and appropriateness of the proposed construction plans and shall review the application to insure conformance to the requirements of this Ordinance, in regards to land use development, and to the specific requirements of this Section. Fences shall conform to the following requirements:

Section 17.04.8(h)(1) All fencing and/or screening walls required and/or approved by the Planning Commission as part of Use Subject to Special Conditions and/or Site Plan Approval shall be permitted.

Section 17.04.8(h)(2) Fencing shall conform to the following requirements:

Section 17.04.8(h)(2-a) No fence shall hereafter be erected on a lot in excess of six (6) feet or less than three (3) feet in height above the grade of the surrounding land, except that tennis court fencing is exempt from this provision in accordance with Section 8.03.9

Section 17.04.8(h)(2-b) No fence in excess of three (3) feet shall be located in the required front yard of any lot unless other wise approved by the Planning Commission as part of Use Subject to Special Conditions and/or Site Plan Approval.

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Section 17.04.8(h)(2-c) No fence shall be located in the required (street side) side yard of a corner lot unless other wise approved by the Planning Commission as part of Use Subject to Special Conditions and/or Site Plan Approval.

Section 17.04.8(h)(2-d) Lake lots: No fence shall be located in the required lakeside yard setback and street side yard setback.

Section 17.04.8(h)(2-e) All fences hereafter shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on the top of or on the side of any fence, or electric current or charge in said fences are prohibited. Notwithstanding anything in this Ordinance to the contrary, fences protecting municipal or public utility installations may exceed the heights provided for herein and barbed wire cradles may be placed on the top of said fences enclosing municipal or public utility installations or wherever deemed necessary in the interest of public safety. Plastic or other type of striping intertwined in cyclone fencing shall be prohibited.

Section 17.04.8(h)(2-f) No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level (see Section 4.30 for specific requirements.) Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them.

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- Section 17.04.8(i) See the current Uniform Building Code, adopted by Frenchtown Charter Township, for regulations pertaining to pool fencing.
- Section 17.04.8(j) Street trees shall be provided between the street or road pavement and sidewalk or street setback line of all interior and exterior street and/or roadways.
- Section 17.04.8(k) All parking spaces shall be restricted to customer and employee parking. Parking of vehicles used in the operation of the business shall be subject to review by the Planning Commission. All such vehicles shall be restricted to areas which are not exposed to public streets and roads.
- Section 17.04.8(l) The above specified stores, shops or businesses shall be retail establishments offering personal services and/or new merchandise only.
- Section 17.04.8(m) Such stores, shops or businesses shall be conducted entirely within a building unless otherwise approved.
- Section 17.04.8(n) Products made incident to a permitted use shall be sold only at retail on the premises.
- Section 17.04.8(o) All exterior walls of every building--hereafter erected or extended or whose exterior is structurally altered--which faces a street or which is adjacent to property classified as residential shall be designed, treated and finished in a uniform manner similar to the basic material forming the exterior of the front of the building. The Planning Commission shall review and approve all proposed building elevations.
- Section 17.04.8(p) Compliance with the Environmental Performance Standards in ARTICLE 29.00 PERFORMANCE STANDARDS is required for all uses.

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Section 17.04.9 YARD USE

Except for private roads the area lying between the front property line and the back of curb or edge of roadway is street right-of-way and as such is under the jurisdiction of the Monroe County Road Commission or Michigan Department of Transportation. A permit from the Monroe County Road Commission or Michigan Department of Transportation shall be required for all work performed in this area. Parking of vehicles shall be restricted to driveways or approved designated parking areas. Parking or storage of vehicles on lawn or landscape areas shall be prohibited.