

**ARTICLE 19.00
GM GENERAL MANUFACTURING DISTRICT**

Section 19.01 PURPOSE

The intent is to provide a district for more intense industrial uses in locations adjacent to, and serviced by, a major thoroughfare. It is further intended that said districts will be placed in locations which will minimize their inherent incompatible aspects and conflict with other land uses, in particular residential uses.

Section 19.02 PRINCIPAL PERMITTED USES

In all GM General Manufacturing 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 19.02.1 ALL PERMITTED USES IN THE LM DISTRICT

Section 19.02.2 PRODUCTION, MANUFACTURING, PROCESSING AND PACKAGING OF SUCH PRODUCTS AS CEREALS, DOG FOODS, CIDER AND VINEGAR, SOFT DRINKS, AND DISTILLATION OF GRAINS AND FRUITS

Section 19.02.3 DROP FORGES, HEAVY STAMPING, FABRICATING ASSEMBLY AND OTHER MANUFACTURING PROCESSES, EXCEPT TANNERIES, SLAUGHTER HOUSES, STOCK YARDS, OIL REFINERIES OR SOAP FACTORIES

Section 19.02.4 LUMBER AND PLANING MILLS

Section 19.02.5 ACCESSORY BUILDINGS AND USES

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

Section 19.02.6 PONDS TO BE LOCATED WITHIN A GENERAL MANUFACTURING COMPLEX SUBJECT TO THE FOLLOWING:

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- Section 19.02.6(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 19.02.6(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 General Manufacturing Complex.
- Section 19.02.6(c) Ponds shall be subject to all applicable Department of Natural Resources and County Soil Conservation District requirements.
- Section 19.02.6(d) Subject to the permit requirements of Section 4.21.2 of ARTICLE 4.00 GENERAL PROVISIONS.
- Section 19.02.6(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 19.02.6(f) In all cases the pond, surrounding lands and the enclosure fence shall be maintained.
- Section 19.02.6(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

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Section 19.02.7 Landscape ponds subject to the following:

- Section 19.02.7(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 19.02.7(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.
- Section 19.02.7(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 19.02.7(d) The Landscape pond must meet all building setback requirements for this district.
- Section 19.02.7(e) Subject to the permit requirements of Section 4.21.1 of ARTICLE 4.00 GENERAL PROVISIONS.

Section 19.03 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 19.03.1 ALL USES PERMITTED UNDER SPECIAL CONDITIONS IN THE LM DISTRICT

Section 19.03.2 JUNK YARD SUBJECT TO THE FOLLOWING:

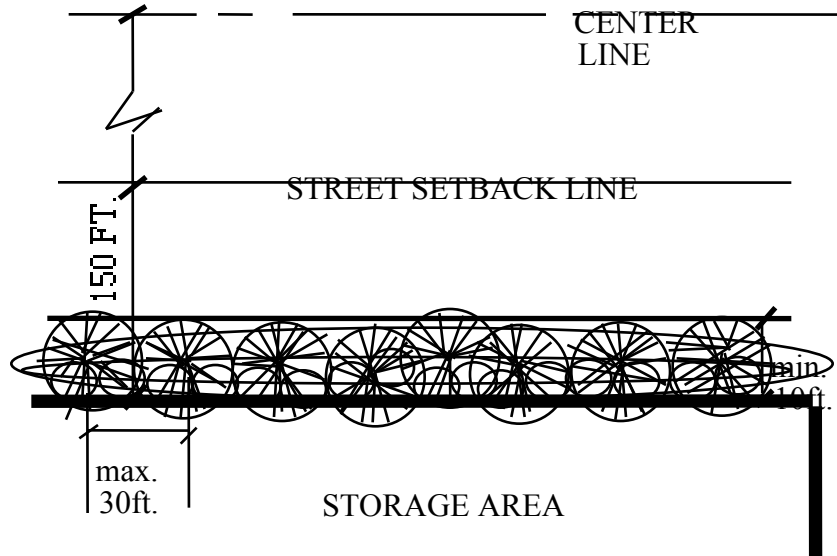
- Section 19.03.2(a) Minimum lot area shall be five (5) acres.

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- Section 19.03.2(b) All junk material shall be stored at least one hundred fifty (150) feet from any street setback line.
- Section 19.03.2(c) All access to the facility shall be by way of a major thoroughfare.
- Section 19.03.2(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 19.03.2(e) The junk yard shall be located in the interior of the District in such a manner that no property line of the subject property shall form the exterior boundary of the GM General Manufacturing District.
- Section 19.03.2(f) 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 19.03.2(g) All junk yards shall be enclosed and screened on all sides of the subject property by a solid eight (8) foot wall or fence. When the proposed facility abuts a street the enclosure fence shall be setback at least one hundred fifty (150) feet from any street setback line and a ten foot planting strip shall be provided on the street side of the wall or fence. The ten foot planting strip shall consist of a minimum of one deciduous tree for every thirty (30) feet of fencing provided. In addition flowering trees and shrubs in sufficient quantity and location shall be provided to break up the mass of the screen fencing. The planting strip shall be parallel to the street and shall extend the full length of the frontage.
- Section 19.03.2(h) All stored material shall be located a minimum of twenty (20) feet from any interior lot line.

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Section 19.03.2(i) A roadway shall be provided, graded, paved, and maintained from the street to the rear of the property to permit free and full access of fire trucks and other emergency vehicles at all times.



Section 19.03.2(j) 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 19.03.3 **MAGAZINES FOR THE STORAGE OF EXPLOSIVES SUBJECT TO THE FOLLOWING:**

- Section 19.03.3(a) Minimum lot area shall be five (5) acres.
- Section 19.03.3(b) A current (within thirty days of the submission) aerial photo, at a scale of one inch equals one foot, shall be submitted showing all uses within one-half mile of the site.
- Section 19.03.3(c) All access to the facility shall be by way of a major thoroughfare.
- Section 19.03.3(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.

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Section 19.03.3(e) Sufficient barriers and or structures to house the magazines in a manner which will protect the general public and any near by land uses shall be provided.

Section 19.03.3(f) The applicant shall provide the Township with all required certificates and permits.

Section 19.03.3(g) Failure to comply with any certificate, permit, or provision of this Ordinance shall constitute an immediate revocation of the special use permit and all operations shall cease and all explosives shall immediately be removed from the premises.

Section 19.03.4 REHABILITATION FACILITIES SUBJECT TO THE FOLLOWING:

Section 19.03.4(a) Minimum lot area shall be ten (10) acres.

Section 19.03.4(b) A current (within thirty days of the submission) aerial photo, at a scale of one inch equals one foot, shall be submitted showing all uses within one-half mile of the site.

Section 19.03.4(c) All access to the facility shall be by way of a major thoroughfare.

Section 19.03.4(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 19.03.4(e) The applicant shall provide an overall action and physical improvement plan illustrating how the adjacent properties and property owners shall be protected. The plan shall include the specific action to be taken to increase the protection of the adjacent properties and property owners if the initial plan is violated.

Section 19.03.5 COMPOSTING FACILITIES AND COMPOSTING SUPPORT FACILITIES SUBJECT TO THE FOLLOWING:

Section 19.03.5(a) The following terms are defined herein for the purpose of assisting the provisions of this Section to regulate the siting of commercial composting operations, their development and use.

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Section 19.03.5(a)(1) Composting. A yard waste management alternative to burning and/or land filling in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of through the decomposition of organic materials, leaves, grass clippings, twigs, and wood chips into a humus-type substance which is used as a soil conditioner.

Section 19.03.5(a)(2) Composting Facility. A composting facility is a yard clipping area processing 1,000 cubic yards or more annually of yard clippings where the yard clippings are processed using composting technology. Processing may include physical turning, spreading, screening, chipping, grinding, windrowing, aeration, or other mechanical handling of organic matter. Farms where composting is an ancillary part of operations with regard to on-site sources only, are not included as composting facility in the terms of this definition.

Section 19.03.5(a)(3) Level I Environmental Site Assessment. A Level I Environmental Site Assessment includes, but is not limited to site inspection and report wherein a team of scientists or other qualified technicians walk the site in a systematic grid pattern to visually inspect for signs of adverse environmental activity. This includes a search for stressed vegetation, strained geologic structures, obvious placement of fill / debris, or the excavation of earth. Aerial photographs are reviewed from a historical perspective over the last few decades. Property ownership records and permit activities from the regulating agencies are researched and reviewed. Also, selected neighboring landowners are interviewed for their knowledge of any activity on the site. Based upon the site inspection and data review, a chronological description of activity on the site can be established.

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Section 19.03.5(a)(4) Support Services Facility. For the purpose of this Ordinance, support service facilities shall mean those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.

Section 19.03.5(a)(5) Yard Clippings/Yard Waste. Leaves, grass clippings, shrubbery or brush or tree trimmings less than four feet (4') in length and two inches (2") in diameter that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal wastes, roots, sewage sludge or garbage.

Section 19.03.5(b) Site characteristics

Section 19.03.5(b)(1) Parcel Size: A parcel to be used for composting shall be a minimum of ten (10) acres in size and shall not exceed forty (40) acres for a single operation. The site shall be capable of accommodating a maximum of three thousand (3,000) cubic yards of leaves or other less than fully decomposed yard waste for every one (1) acre of land. Adequate space must be provided for required setbacks, buffers, and drainage systems along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, office, storage and service buildings, internal rows and storm water retention basins.

Section 19.03.5(b)(2) Platted Lands: Sites proposed to be located on lands which have previously been subdivided or platted, in accordance with Public Act 288 of 1967 of the State Acts, are prohibited.

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- Section 19.03.5(b)(3) Public Act 116 Lands: Sites proposed to be located on lands which have been previously issued a development rights agreement, under the Farmland and Open Space Preservation Act, Public Act 116 of 1974 of the State of Michigan, are prohibited for the duration of the agreement.
- Section 19.03.5(b)(4) Frontage: Parcel should have frontage for the entire width of the lot on a public street. However, applications will be accepted and reviewed for sites with less than full width frontage. Determinations of acceptance shall be based upon the characteristic merits of the particular site and the ability of the site to comply with the overall intent of this Ordinance as well as protecting the general health, safety and welfare of the neighboring properties, the community as a whole, and the developer.
- Section 19.03.5(b)(5) Spacing of Facilities: Minimum spacing of five-thousand, two-hundred eighty (5,280) feet shall be maintained between individual composting operations governed by this Ordinance.
- Section 19.03.5(b)(6) Access: The site must have direct access to a concrete or asphaltic concrete paved major thoroughfare or County Primary road as designated by the Monroe County Road Commission. The access route shall avoid residential areas.
- Section 19.03.5(b)(7) Surface Water: Composting operations must be isolated from navigable waterways and surface waters including inland rivers' ponds, water courses and county drains. Sites shall be at least one thousand (1000) feet from a navigable waterway and at least five hundred (500) feet from other surface waters.

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Section 19.03.5(b)(8) Airports: The Federal Aviation Administration in order 5200-5A prohibits the establishment and operation of any waste disposal facility (including yard waste composting operations) within five thousand (5,000) feet of any end of runway used only by piston powered aircraft, and within ten thousand (10,000) feet of any runway used by turbine aircraft. If the proposed facility falls within these distances, a letter of compliance from the appropriate FAA office must be filed with the Township prior to the consideration of an application for special approval use permit.

Section 19.03.5(b)(9) Floodplains: A composting facility shall not be allowed in any 100-year or 500-year floodplain unless the Michigan Department of Natural Resources (MDNR) has approved the area of operations. A statement from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.

Section 19.03.5(b)(10) Wetlands: A composting facility shall not be allowed in any protected wetlands. If necessary, a wetlands determination shall be made by the MDNR prior to site plan review. A buffer zone or setback of twenty (20) feet is required from any wetland area.

Section 19.03.5(b)(11) Finished Compost: A composting facility shall obtain and offer proof to the Township of receipt of any licenses required by the Michigan Department of Agriculture for the sale of finished compost product.

Section 19.03.5(c) Ground and surface water quality.

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Section 19.03.5(c)(1)

A Level I Environmental Assessment of the site shall be conducted prior to site plan review and a report submitted with the site plan. Should the Level I Assessment indicate adverse environmental activity, a Level II Environmental Assessment shall be required and further, ground water testing and soil boring shall be conducted. To ensure that ground or surface waters are not contaminated, no less than four (4) monitoring wells must be installed at all sites by the owner / operator and / or lessee on site prior to construction of the composting facility with at least one on each side of the facility. The location of such wells shall be determined on a site by site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/ operator and/or lessee.

Section 19.03.5(c)(2)

If any stream or swale is present on the site, it shall be buffered by a twenty foot (20') unoccupied setback measured from the outer edge of the floodplain or all alluvial (clay, silt, sand, gravel or similar material deposited by running water) soils. Further, a vegetative strip shall be required at the setback. Approval from the designated agent responsible for the enforcement of the Soil Erosion and Sedimentation Control Act, Public Act 347 of 1972 that being the Monroe County Drain Commissioner, shall be required ensuring the stream is adequately protected from pollution.

Section 19.03.5(c)(3)

The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.

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- Section 19.03.5(c)(4) Sampling of ground water monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a five (5) year period after operations cease for compliance with Act 245 of Public Acts of 1929, as amended. Further, tests for pesticides and toxins shall be conducted annually in addition to those required quarterly for conventional pollutants. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner / operator and / or lessee.
- Section 19.03.5(c)(5) Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the applicant shall be required to install a ground water remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator and/or lessee.
- Section 19.03.5(c)(6) Surface water monitoring shall also be required in addition to ground water monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 245 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/ or lessee.
- Section 19.03.5(c)(7) Written analyses for all ground and surface water monitoring events shall be submitted to the Township and the Monroe County Health Department within thirty (30) days after analysis.

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- Section 19.03.5(c)(8) Discharge of water collected in an on-site retention basin shall only be handled in the following ways.
- 1.) Reintroduced into the compost pile.
 - 2.) Directed into a sanitary sewer
 - 3.) Transported by a liquid industrial waste hauler
- Section 19.03.5(d) Site plan review. All proposed composting facilities shall be submitted to the Frenchtown Charter Township Planning Commission for approval.
- Section 19.03.5(e) The information submitted with the application shall include a site plan sealed by a professional civil engineer, which shall include as a minimum the following;
- Section 19.03.5(e)(1) A vicinity map and legal description.
- Section 19.03.5(e)(2) Distances to all adjacent and neighboring residences and commercial and industrial facilities.
- Section 19.03.5(e)(3) Proposed storage areas, both interior and exterior. Interior storage facilities shall be identified as a "support services facility."
- Section 19.03.5(e)(4) Utility locations including storm and sanitary sewers and water mains.
- Section 19.03.5(e)(5) Fire hydrant locations.
- Section 19.03.5(e)(6) Access route traffic patterns as well as on-site traffic patterns.
- Section 19.03.5(e)(7) All visual screening measures.
- Section 19.03.5(e)(8) Drainage patterns. Property used for a composting facility shall contain a minimum 2%-3% slope which permits surface water runoff from the composting process to be collected in an on-site retention basin.
- Section 19.03.5(e)(9) Detailed map of entire site showing compost pad and drainage design.

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- Section 19.03.5(e)(10) Description of soil types from surface to first ground water aquifer usable for potable water.
- Section 19.03.5(f) The applicant shall submit with the site plan an operations plan designed to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan must be approved by the Planning Commission prior to beginning operation of the facility. Written documentation as to the operations plan shall address the following:
- Section 19.03.5(f)(1) Proposed hours of operation.
- Section 19.03.5(f)(2) Methods of controlling fugitive dust, noxious odors, noise, vibration, light and blowing debris.
- Section 19.03.5(f)(3) Fencing and other means of limiting access.
- Section 19.03.5(f)(4) Method and location of receiving compost materials.
- Section 19.03.5(f)(5) Method of sorting and handling composting materials on-site.
- Section 19.03.5(f)(6) Measures to be taken should anaerobic conditions (occurring in absence of free oxygen) arise.
- Section 19.03.5(f)(7) Expected frequency of removal of composted materials.
- Section 19.03.5(f)(8) Expected frequency for turning of composting windrows.
- Section 19.03.5(f)(9) Fire protection.
- Section 19.03.5(f)(10) Description of daily cleanup procedures.

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- Section 19.03.5(f)(11) Measures to be taken should surface or ground water contamination take place.
- Section 19.03.5(f)(12) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
- Section 19.03.5(f)(13) Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting which allows on-site ponding/pooling of water in places other than a retention basin.
- Section 19.03.5(f)(14) In the preparation of the operations plan or the contingency plan required by this Ordinance, the applicant or operator shall comply with the requirements of the Air Quality rules promulgated under Air pollution Act 348 of 1965 as amended.
- Section 19.03.5(f)(15) Testing procedures for moisture content, nitrogen ratios and temperature and how often it will be tested.
- Section 19.03.5(f)(16) Proposed number of employees and description of any training or experiences which will be required or supplied to those employees.
- Section 19.03.5(f)(17) Detailed plan as to proposed method of correcting anaerobic conditions which may arise.
- Section 19.03.5(f)(18) Plan as to means of handling and disposing of non-yard waste garbage.
- Section 19.03.5(f)(19) List of equipment to be used at the facility to chip, grind, turn, load, unload, screen and haul yard waste and finished compost.
- Section 19.03.5(f)(20) List and description of any and all chemicals to be used as accelerant for dust or odor control at the facility or for any other purpose at the facility.

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- Section 19.03.5(f)(21) Statement of intention to conduct and pay for annual rodent inspections and plan detailing means of remedying any rodent problem which may arise.
- Section 19.03.5(f)(22) Marketing plan for finished compost and contingency plan for use of finished compost if it cannot be sold in accordance with plan.
- Section 19.03.5(f)(23) If bagged materials will be accepted on site, applicant must submit operations plan for debugging process indicating time in which compost will remain in bags and methods for ensuring that no bags or remnants thereof become a part of the compost materials.
- Section 19.03.5(f)(24) Emergency Plan which includes action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, unauthorized dumping or receipt of hazardous materials or other emergency situations. Plan should address reserve or alternative equipment, alternative handling methods, agencies to be notified and method of handling compost and/or operating facility in an emergency.
- Section 19.03.5(f)(25) The applicant shall ensure that the tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and shall ensure that mud and/or compost materials which are tracked off- site are adequately removed. At the time of submission of a site plan, the operator of the composting facility shall submit an off-site road maintenance plan which addresses, at a minimum, the following:
- Section 19.03.5(f)(26)(a1) Method of dislodging mud and/or composting materials from the vehicles or undercarriage.

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- Section 19.03.5(f)(26)(b1) An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
- Section 19.03.5(f)(26)(c1) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.
- Section 19.03.5(f)(26)(d1) Trucks and off-site roads shall be cleaned as described in the plan as required under this Ordinance as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

- Section 19.03.5(g) A closure plan shall be submitted with the site plan which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan shall describe:
 - Section 19.03.5(g)(1) How the existing site will be cleaned up.
 - Section 19.03.5(g)(2) How and where the existing surface debris will be disposed of.
 - Section 19.03.5(g)(3) What the final disposition of the land will be.

- Section 19.03.5(h) The applicant shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, in an amount to be determined acceptable by the Frenchtown Charter Township Board.

- Section 19.03.5(i) Landscape Requirements. To ensure proper buffering of the composting facility from nearby land uses which may be adversely affected by the facility, the following requirements shall apply:

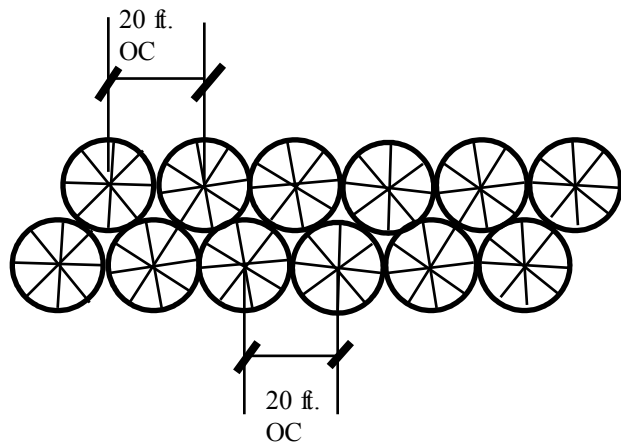
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Section 19.03.5(i)(1)

An isolation distance shall be maintained between the beginning of the working area of the composting facility and residential land uses. No composting facility shall be constructed within 1,500 feet of an existing residential district lot line, nor within 1,500 feet of the nearest existing residential dwelling in other zoning districts. The isolation distance shall be measured from the nearest working area of the composting facility to a residential lot line in residential districts. In other zoning districts, the isolation distance shall be measured from the nearest working area of the composting facility to the existing residence.

Section 19.03.5(i)(2)

If a residence is within 1,500 feet of a composting facility or if the property fronts on a public road, there shall be established along the composting facility's lot line a dense evergreen landscape buffer strip. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows twenty (20) feet apart on center in each row.



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Section 19.03.5(j) Fugitive Dust, Noxious Odors, Noise, Vibration, Light and Blowing Debris

Section 19.03.5(j)(1) The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

Section 19.03.5(j)(2) The following performance standards must be met in an effort to control noxious odors, noise, vibration, and light so as to prevent off-site problems and nuisances:

Section 19.03.5(j)(2)(a1) Odor: The emission of noxious odors is prohibited. Noxious odors shall include any odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air as to produce a public nuisance or hazard beyond lot lines.

Section 19.03.5(j)(2)(a2) Odor: All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.

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Section 19.03.5(j)(2)(b1) Noise: The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.

Objectionable noise as determined by the Frenchtown Charter Township Board, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

Section 19.03.5(j)(2)(c1) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.

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- Section 19.03.5(j)(2)(d1) Light. Exterior lighting shall be hidden source which shall be so installed that the surface of the source light shall not be visible from any existing bedroom window, and shall be so arranged as to reflect light away from any residential use. In no case shall more than one (1) foot candle power of light cross a lot line five feet above ground into a residential district.
- Section 19.03.5(j)(3) All composting facilities must notify, in writing, the Frenchtown Charter Township Building Official and Monroe County Health Department that actual operations have begun.
- Section 19.03.5(j)(4) Site shall be closed when anaerobic conditions arise and the only operations which will be permitted during these conditions must be directly related to correcting the anaerobic conditions. If anaerobic conditions arise more than two (2) times in a one month period and the facility owner/operator fails to remedy the problem, the Township Planning Commission may take action provided in Section 19.03.5(k). Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Building Official.
- Section 19.03.5(j)(5) Compost materials shall not be accepted on site in an anaerobic condition. If inspections reveal acceptance of anaerobic materials the owner/operator and/or lessee shall be subject to the closure of the facility.

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Section 19.03.5(j)(6) If there is evidence that performance standards have not been met and / or that a problem or nuisance condition exists as determined by the Building Official, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten (10) working days from the date that the Building Official notifies the operator of the problem or nuisance condition requiring a contingency plan. This plan shall demonstrate to the satisfaction of the Building Official that the problem will be abated within two (2) weeks.

Section 19.03.5(j)(7) All composting facilities must keep a log as to complaints received which shall include the date, time, nature of complaint, name of complainant and responsive action taken.

Section 19.03.5(k) Compost Storage

Section 19.03.5(k)(1) Storage of any material, other than compost, shall not be allowed on site.

Section 19.03.5(k)(2) Height of compost material shall not exceed eight (8) feet.

Section 19.03.5(k)(3) No sludge of any kind shall be stored or deposited on composting facility property.

Section 19.03.5(k)(4) No bagged materials containing grass or other materials shall be stored at the composting facility in excess of thirty (30) days.

Section 19.03.5(k)(5) Finished compost shall not be allowed to remain on site in excess of a two (2) year period.

Section 19.03.5(l) Right of Entry and Inspection

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Section 19.03.5(1)(1)

To determine compliance with this Ordinance, the Township Board shall appoint three (3) persons, in addition to the Building Official, who will act as Township representatives for purposes of site inspections. All composting areas are subject to inspection by the Building Official or Township representative during reasonable hours. This includes all site inspections made during the preparation, construction, operation, and closure periods. Should entry to a premise for an inspection be refused, the Building Official or Township representative may obtain a warrant authorizing premise entry and inspection. The Building Official or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, videotape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined by the Building Official or a Township representative, nor shall any person molest, intimidate, harass, or impede the Building Official or a representative of the Township in the lawful discharge of his or her powers and duties.

Section 19.03.5(1)(2)

Based on an alleged violation of this Ordinance, designated employees or officers of the Township may enter the disposal area when accompanied by a representative of the facility. If the designated Township employee or officer confirms the alleged violation, the Building Official shall be contacted immediately. The governing body of the municipality shall designate by resolution no more than three (3) employees or officers to be given this responsibility as described in Section 19.03.5(1)(1); and shall transmit copies of the resolution to the Building Official and to the compost area

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operator.

Section 19.03.5(m) Violations and Penalties

Section 19.03.5(m)(1) Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the revocation of site plan approval as provided for herein. If necessary, the Township has the right to seek a declaration that the site is a public nuisance. Upon the issuance of such a declaration, the Township may abate the nuisance and assess the costs as a lien upon the property.

Section 19.03.5(m)(2) Any site plan and/or Operations Plan approval may be revoked when the facility is not in conformance with those plans or those plans fail to adequately meet the requirements of this Ordinance. The Planning Commission shall give the applicant notice of intention to revoke such permit approval at least ten (10) days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the facility if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

Section 19.03.6 CONCRETE AND ASPHALT PLANTS

Concrete and asphalt plants where material produced is intended primarily for construction activities off the site may be permitted in the GM General Manufacturing District as a Use Permitted by Special Conditions if the Planning Commission and Township Board determine the following criteria and design standards are met. These standards are intended to acknowledge a potential demonstrated need for concrete and asphalt plants in the area but recognize the impacts of such use demand careful consideration of site selection and design. The standards of this Section are intended to minimize significant negative consequences on existing land uses and promote realization of planned development patterns in the vicinity.

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Section 19.03.6(a) Procedures

Upon receipt of an application for a concrete or asphalt plant, the Township shall follow the notification procedures in the Township Rural Zoning Act for "Special Land Uses." The Planning Commission shall review the request and make a recommendation to the Board of Trustees. The Board of Trustees shall either approve, approve with conditions or deny the request. The decision on the request shall be incorporated in a statement containing the conclusions relative to the Special Land Use request which specifies the basis for the decision and any conditions imposed.

Section 19.03.6(b) Required Submittal Information

A request for a concrete or asphalt plant shall include the following:

Section 19.03.6(b)(1) A site plan in accordance with ARTICLE 27.00 TOWNSHIP PLANNING COMMISSION SITE PLAN AND DEVELOPMENT APPROVAL.

Section 19.03.6(b)(2) A traffic study analyzing the levels of service for thoroughfare intersections along the route within two (2) miles of the site, impacts on school bus operations and potential impacts on the safety of pedestrians and bicyclists along all haul routes.

Section 19.03.6(b)(3) A "Fiscal and Market Analysis" describing expected impacts on property values in the vicinity, expected tax benefits to the Township, anticipated costs to provide municipal services and the need for such a facility to serve demand in the surrounding area.

Section 19.03.6(c) Evaluation Criteria

The Planning Commission and Board of Trustees may approve a request for a concrete or asphalt plant only upon finding that all the following conditions are satisfied:

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- Section 19.03.6(c)(1) The plant will be designed, operated and maintained to be compatible with the general character of surrounding land uses and zoning in terms of noise, traffic generated, air quality and hours of operation.
- Section 19.03.6(c)(2) The plant will be compatible with the goals and objectives of the Charter Township of Frenchtown Master Plan and shall not discourage short or long term realization of the expected development pattern on properties within the vicinity.
- Section 19.03.6(c)(3) The plant will not infringe on adjacent property owners right to a reasonable rate of return on their property or have a significant negative impact on the market value of properties in the vicinity. The Township shall consider information provided by the Township Assessor, staff from communities with a concrete or asphalt plant and information provided by appraisers.
- Section 19.03.6(c)(4) Air Quality
- A complete description of the types and quantities of pollutants expected to be emitted into the air shall be provided. The applicant shall provide information on prevailing winds and other documentation necessary to clearly demonstrate the plant and accessory operations comply with all local, state and federal requirements for air quality. Necessary mitigation measures shall be described.
- Section 19.03.6(c)(5) Information on hazardous materials, secondary containment measures and a spill response plan is satisfactory to help protect the public and the environment.

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- Section 19.03.6(c)(6) Activities associated with the concrete or asphalt plant will not contaminate or degrade the quality of water courses, lakes, streams, wetlands or aquifers and shall demonstrate strict compliance with all requirements of the Michigan Department of Natural Resources, U.S. Environmental Protection Agency and other appropriate agencies.
- Section 19.03.6(c)(7) The plant shall comply with the performance standards of ARTICLE 29.00 PERFORMANCE STANDARDS. The type, frequency of occurrence and duration of noise generated shall not be disruptive to other uses in the vicinity.
- Section 19.03.6(c)(8) The traffic impact study shall demonstrate expected truck traffic will not have a significant negative impact on level of service, accident potential, school bus operations or safety of pedestrians and bicyclists along all routes.
- Section 19.03.6(c)(9) The market analysis shall demonstrate the need for the facility to serve demand in the local area. The study shall also demonstrate why the subject site would have less negative public impacts than other potential sites in the local area; with local area being defined as within a ten (10) mile radius.
- Section 19.03.6(c)(10) The Fiscal Impact Analysis shall demonstrate the tax benefits afforded by the facility will have a positive impact on the community in consideration of the anticipated impacts on property values in the vicinity over the long term and anticipated costs to provide necessary municipal services.

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Section 19.03.6(c)(11) The Board may establish limits on the duration of operation of the impacts on land uses in the vicinity and anticipated local reserve of sand, gravel and aggregate materials for the plant.

Section 19.03.6(d) Design Standards

The site plan and operations for the plant shall meet the following standards, in addition to the applicable standards from other Sections of this Ordinance:

Section 19.03.6(d)(1) Plant Setbacks

All potential locations of the plant shall be setback six hundred (600) feet from any adjacent residential district or occupied residence including those across a right-of-way. In addition, all potential locations of the concrete or asphalt plant shall be at least three hundred (300) feet from any other property line. If the plant is to be moved periodically within the site, the area in which the plant is to be confined shall be illustrated on the site plan.

Section 19.03.6(d)(2) Setbacks from a Shoreline

The plant, stockpiles, storage, parking and all operations and accessory buildings shall be setback at least one hundred fifty (150) feet from all running water courses, lakes, ponds and wetlands regulated by the Michigan Department of Natural Resources and the United States Environmental Protection Act.

Section 19.03.6(d)(3) Setbacks for Accessory Buildings and Operations

The minimum setbacks for accessory buildings, internal roads, parking, stock piles, storage and other operations shall be provided in accordance with the following: (required setbacks shall consist only of living plant material unless otherwise approved by the Planning Commission.)

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- (a) setback minimum one district including across a right-of-way along any property line adjacent to a residential minimum five hundred (500) foot wide which shall include a hundred fifty (150) foot wide landscaped greenbelt
- (b) minimum public abutting a non-residential zoning district along any property line abutting a non-residential zoning district Minimum fifty (50) foot wide setback which includes a twenty five (25) foot wide greenbelt except for an approved drive leading to the street.
- (c) for abutting street rights-of-way, but not across from a residential district Minimum fifty (50) foot wide landscaped greenbelt except approved drives leading to the public street.

Section 19.03.6(d)(4)

Required Greenbelt Landscaping

Landscaping within the greenbelt shall consist of a combination of evergreen trees, deciduous trees, shrubs berms and walls. The location and extent of landscaping required shall be determined by the Planning Commission in consideration of the height of the plant, topography, current and planned adjacent land uses, and the extent of existing vegetation on the site. Any maximum height limits for berms listed elsewhere in this Ordinance shall not apply.

Section 19.03.6(d)(5)

Height

The plant shall meet the height restrictions of the General Manufacturing District.

Section 19.03.6(d)(6)

Air Quality

The site, including internal roads, parking areas and access routes to the site, shall be designed or treated to prevent drifting or airborne transmission of dust particles or debris from any open storage area.

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Section 19.03.6(d)(7)

Truck Routing

Truck routing to and from the site shall be approved by the Township and the Monroe County Road Commission. In determining appropriate truck routes, the Township shall consider the potential impacts on property values along the routes, safety and traffic operations. All truck routes shall be Class "A" roads, roads bonded as Class "A" or County Primary Roads. The applicant shall demonstrate capability to enforce routing.

Section 19.03.6(d)(8)

Access

The site shall have direct access to paved public roadways.

Section 19.03.6(d)(9)

Paving

All internal roads, parking and storage areas shall be paved.

Section 19.03.6(d)(10)

Security

The site shall be fenced to prohibit vandalism and illegal access, with the fence provided on the interior side of the required greenbelt.

Section 19.03.6(d)(11)

Operating Hours

All operations associated with the concrete or asphalt plant shall occur between the hours of 7:00 a.m. to 7:00 p.m. and shall not be operated on Saturdays, Sundays and all State and Federal legal holidays.

Section 19.03.6(d)(12)

Environmental Protection

The site and operations shall include measures to minimize and control potential negative impacts on soil conditions, water quality, stormwater runoff and air quality.

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Section 19.03.6(e) Review Assistance

The Township may obtain reports from qualified technical consultants of the Township's choosing, analyzing potential impacts and capability to comply with the standards of this Section. The cost for the reviews shall be borne by the applicant.

Section 19.03.6(f) Financial Guarantee

The Board of Trustees may require the posting of a performance bond, cash deposit or other financial guarantee acceptable to the Township to ensure compliance with the standards of this Ordinance. The amount of the financial guarantee shall be equal to the total valuation, as determined by the Township, of all construction work required to comply with the approved site plan including pavement, driveways, drives, landscaping, parking, lighting, drainage improvements, erosion protection, fences, and similar items, plus at least ten percent (10%) for contingencies.

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

Section 19.03.7 MAN MADE PONDS ARE NOT PERMITTED IN A GM, GENERAL MANUFACTURING DISTRICT EXCEPT WHEN LOCATED WITHIN A GENERAL MANUFACTURING COMPLEX SUBJECT TO THE REQUIREMENTS OF SECTION

Section 19.04 DEVELOPMENT REQUIREMENTS

The following requirements shall be complied with in a GM General Manufacturing District:

Section 19.04.1 SITE PLAN AND DEVELOPMENT APPROVAL FOR ALL USES AS SPECIFIED IN ARTICLE 27.00 OF THIS ORDINANCE

Section 19.04.2 OFF-STREET PARKING FOR ALL USES AS SPECIFIED IN ARTICLE 24.00 OF THIS ORDINANCE

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Section 19.04.3 SCREENING AND LAND USE BUFFER FOR ALL USES AS SPECIFIED IN ARTICLE 26.00 OF THIS ORDINANCE

Section 19.04.4 SIGNS FOR ALL USES AS SPECIFIED IN ARTICLE 25.00 OF THIS ORDINANCE

Section 19.04.5 HEIGHT, AREA, LOT COVERAGE AND YARD REGULATIONS AS SPECIFIED IN ARTICLE 21.00 OF THIS ORDINANCE FOR THE GM GENERAL MANUFACTURING ZONING DISTRICTS

Section 19.04.6 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.

Section 19.04.7 YARD GRADING AND DRAINAGE

All yards in a GM General Manufacturing 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 19.04.8 SPECIFIC REQUIREMENTS

The following specific requirements shall apply with in a GM General Manufacturing District:

Section 19.04.8(a) All roads shall be constructed in accordance with standards adopted by Frenchtown Charter Township.

Section 19.04.8(b) All utility lines or similar facilities intended to serve any use in a GM General Manufacturing 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 with in the boundaries of the site.

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Section 19.04.8(c) Sanitary and storm sewer systems shall be provided in accordance with standards adopted by Frenchtown Charter Township.

Section 19.04.8(d) All buildings shall be readily accessible by fire and emergency vehicles and shall comply with the Township Fire Prevention Ordinance.

Section 19.04.8(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 19.04.8(f) Water system improvements and hydrant shall be provided in accordance with standards adopted by Frenchtown Charter Township.

Section 19.04.8(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. All dumpsters shall be located on a concrete pad sufficient in size (area) to accommodate the dumpster and the dumpster pick up vehicle.

Section 19.04.8(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 19.04.8(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.

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Section 19.04.8(h)(2) Fencing shall conform to the following requirements:

Section 19.04.8(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 19.04.8(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.

Section 19.04.8(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 19.04.8(h)(2-d) Lake lots: No fence shall be located in the required lakeside yard setback and street side yard setback.

Section 19.04.8(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

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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 19.04.8(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.

Section 19.04.8(i) See the current Building Code requirements, adopted by Frenchtown Charter Township, for regulations pertaining to pool fencing.

Section 19.04.8(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 19.04.8(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 19.04.8(l) All uses shall be conducted entirely within a building unless otherwise approved.

Section 19.04.8(m) 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

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Commission shall review and approve all proposed building elevations.

Section 19.04.8(n) Compliance with the Environmental Performance Standards in ARTICLE 29.00 PERFORMANCE STANDARDS is required for all uses.

Section 19.04.9 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.