

**ARTICLE 7.00
A AGRICULTURAL DISTRICT**

Section 7.01 PURPOSE

To preserve lands best suited for agricultural use from the encroachment of incompatible uses; to preserve in agricultural use land suited to eventual development in uses which would be consistent with the Future Land Use Plan of Frenchtown Charter Township, pending proper timing to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements.

Section 7.02 PRINCIPAL PERMITTED USES

In all agricultural 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 7.02.1 GENERAL FARMING

General farming on five (5) acres or more including livestock and poultry raising, dairy farm, sod farm, farm forestry and similar bonafide agricultural enterprises or use of land and structures except not including a farm operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughter houses.

Section 7.02.2 SINGLE FAMILY DWELLINGS

Section 7.02.3 RAISING OR GROWING OF PLANTS, TREES, SHRUBS, AND NURSERY STOCK

Raising or growing of plants, trees, shrubs, and nursery stock including any building or structure used for such activities or for the storage of equipment and materials necessary for such activities. Retail sale shall be prohibited unless approved as a use subject to special conditions. For the purpose of this Ordinance, the above uses in an A Agricultural District shall be considered an Agriculture Use and shall not be considered an open air business.

Section 7.02.4 FARM PONDS/LANDSCAPE PONDS AND PONDS TO BE LOCATED ON A LOT OR PARCEL CONTAINING A SINGLE FAMILY RESIDENTIAL STRUCTURE:

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Section 7.02.4(a) Farm Ponds subject to the following:

Section 7.02.4(a)(1) A Farm Pond for the purposes of this Ordinance is an excavation less than 2 feet in depth and/or less than one thousand (1000) square feet in area which shall be used primarily in support of agricultural pursuits permitted as part of the farm operation. 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 7.02.4(a)(2) Subject to the permit requirements of Section 4.21.1 of ARTICLE 4.00 GENERAL PROVISIONS.

Section 7.02.4(b) Landscape ponds subject to the following:

Section 7.02.4(b)(1) 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 7.02.4(b)(2) 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 7.02.4(b)(3) 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 7.02.4(b)(4) The Landscape pond must meet all building setback requirements for this district.

Section 7.02.4(b)(5) Subject to the permit requirements of Section 4.21.1 of ARTICLE 4.00 GENERAL PROVISIONS.

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Section 7.02.4(c) Ponds to be located on a lot or parcel containing a Single Family residential structure subject to the following:

Section 7.02.4(c)(1) 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 7.02.4(c)(2) Ponds shall be set back at least one hundred (100) feet from all property lines and any dwellings.

Section 7.02.4(c)(3) Ponds shall be subject to all applicable Department of Natural Resources and County Soil Conservation District requirements.

Section 7.02.4(c)(4) Subject to the permit requirements of Section 4.21.2 of ARTICLE 4.00 GENERAL PROVISIONS.

Section 7.02.4(c)(5) 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 7.02.4(c)(6) In all cases the pond, surrounding lands and the enclosure fence shall be maintained.

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Section 7.02.4(c)(7) 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 7.02.5 FAMILY DAY-CARE HOMES

Section 7.02.6 ADULT FOSTER CARE FAMILY HOMES

Section 7.02.7 STATE LICENSED RESIDENTIAL FACILITIES FOR SIX OR LESS PERSONS

Section 7.02.8 FOSTER FAMILY HOME

Section 7.02.9 FOSTER FAMILY GROUP HOME

Section 7.02.10 ACCESSORY BUILDINGS, STRUCTURES, AND USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES

For the purpose of clarification, a roadside stand for the display and sale of produce raised on the same premise shall be considered an accessory use in this district subject to the following:

Section 7.02.10(a) The gross floor area of the temporary building shall not be less than one hundred and fifty (150) square feet but not more than eight hundred (800) square feet.

Section 7.02.10(b) Suitable containers for rubbish shall be placed on the premise for public use.

Section 7.02.10(c) Any stand located within two hundred (200) feet of any dwelling or adjacent premises shall close not later than 10:00 p.m.

Section 7.02.10(d) The temporary building shall be located not less than fifty (50) feet from the nearest public road pavement. Its height shall be no more than one (1) story.

Section 7.02.10(e) Off-street parking may be provided in the required front yard setback area. Said parking shall, however, not be located nearer than twenty-five (25) feet to the road pavement. This twenty-five (25) foot area shall remain as open space. Egress/ingress shall be limited to in and out driveways. Direct access to parking areas from the

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roadway shall not be permitted.

Section 7.02.10(f) The temporary building shall be constructed to be portable and shall be removed from its location during the off-season of the produce being sold. It may be stored as an accessory building in the rear yard of the premise, meanwhile subject to all yard setbacks and space requirements of the District.

Section 7.03 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 7.03.1 PUBLIC, PAROCHIAL AND PRIVATE SCHOOLS SUBJECT TO THE FOLLOWING:

- Section 7.03.1(a) Minimum site size shall be two (2) acres.
- Section 7.03.1(b) Site must adjoin a major thoroughfare (projected 120 ft. right-of-way) or collector road (projected 86 ft. right-of-way).
- Section 7.03.1(c) Any building used in whole or part for school purposes shall be located not less than one hundred (100) feet from any adjacent property line.
- Section 7.03.1(d) There must be provided and maintained a minimum of at least one hundred and fifty (150) square feet of outdoor recreation area for each enrolled student, with the minimum outdoor recreation area to be five thousand (5,000) square feet.

Section 7.03.2 CHILD CARE CENTER OR DAY-CARE CENTER SUBJECT TO THE FOLLOWING:

- Section 7.03.2(a) No dormitory facilities are permitted.
- Section 7.03.2(b) The facility shall comply with all State laws and standards.

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- Section 7.03.2(c) A minimum of five thousand (5,000) square feet of usable outdoor play area shall be provided, equipped and maintained for each facility. The outdoor play area shall be fenced and screened from residentially zoned or used properties and adjacent parking areas. The objective shall be to offer visual separation from adjacent residential properties and/or to avoid negative visual intrusions into the play area.
- Section 7.03.2(d) The nursery or day-care center shall front onto a major thoroughfare or collector road.
- Section 7.03.3 CHURCHES SUBJECT TO THE FOLLOWING:
- Section 7.03.3(a) Minimum lot width shall be one hundred and fifty (150) feet.
- Section 7.03.3(b) Minimum lot area shall be four (4) acres.
- Section 7.03.3(c) The height of the building (excluding spire) may exceed the maximum height limitation for the district provided an additional foot of front, rear, and side yard setback is provided for every foot of height by which the building exceeds the maximum height limitation.
- Section 7.03.3(d) 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 the facility shall be directly from this collector or major thoroughfare road.
- Section 7.03.3(e) The main and accessory buildings shall be setback a minimum of one hundred (100) feet from any adjacent dwelling or residentially zoned property.
- Section 7.03.3(f) Off street parking shall be prohibited from the front yard setback area and from the first fifteen feet of any side or rear yard setback. The yard setback shall be measured from the street setback line as established in ARTICLE 4.00 GENERAL PROVISIONS. Each yard area shall be landscaped with deciduous and evergreen trees and shrubs.
- Section 7.03.3(g) The following minimum building setbacks shall be provided for all religious institutions:
- Front Yard Setback: 60 Feet
 - Side Yard Setback: 30 Feet
 - Rear Yard Setback: 60 Feet

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Section 7.03.4 CEMETERIES

Provided that no building or structure shall be located nearer than two hundred (200) feet to the boundary line of any adjacent parcel and a minimum lot area of ten (10) acres is provided. The grounds shall be well maintained and kept in a neat, orderly, and debris free condition.

Section 7.03.5 MUNICIPAL USES OR BUILDINGS

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

Section 7.03.6 TRUCK GARDENING SUBJECT TO THE FOLLOWING:

Section 7.03.6(a) Minimum lot area shall be ten thousand (10,000) square feet.

Section 7.03.6(b) Minimum lot width shall be one hundred (100) feet.

Section 7.03.6(c) All loading and parking areas shall be located within the interior of the site so that the operations associated with each shall not impact adjacent roadways and uses.

Section 7.03.6(d) 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 use.

Section 7.03.6(e) 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 this use, require the permittee to furnish:

- a surety bond executed by a reputable surety company authorized to do business in the State of Michigan
- or
- an irrevocable letter of credit
- or
- cash

in an amount determined by the Building Official to be reasonably necessary to insure compliance thereunder. In fixing the amount of such surety bond, irrevocable letter of credit, or cash, the Building Official shall take into account

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the size and scope of the proposed use, the current prevailing cost of rehabilitating the premises upon default of the operator of the site, estimated expenses to compel the operator to remove 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 sum reasonable in the light of all the facts and circumstances surrounding each application.

Section 7.03.7 RAISING OR GROWING PLANTS, TREES, SHRUBS, AND NURSERY STOCK

Raising or growing plants, trees, shrubs, and nursery stock including any building or structures used for such activities or for the storage of equipment and materials necessary for such activities along with retail sales of the product subject to the following :

Section 7.03.7(a) The retail facilities, parking and storage of materials display area shall meet all yard setback requirements for the district.

Section 7.03.7(b) Parking shall be screened from all exterior property lines.

Section 7.03.7(c) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained and covered to prevent it from blowing or running onto adjacent properties and adversely affecting adjacent properties.

Section 7.03.8 HOSPITALS SUBJECT TO THE FOLLOWING:

Section 7.03.8(a) Minimum lot area shall be ten (10) acres.

Section 7.03.8(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.

Section 7.03.8(c) All main and accessory buildings shall be setback a minimum of one hundred (100) feet from all property lines.

Section 7.03.8(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 7.03.8(e) Hellipad for air ambulance and emergency entrance

associated with the hellipad shall be located away and

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visually screened from adjacent residential uses. In siting the hellipad, 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 7.03.8(f) No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use or district.

Section 7.03.8(g) Hospitals shall be constructed, maintained and operated in conformance with all applicable State and Federal laws.

Section 7.03.9 VETERINARIAN AND ANIMAL CLINICS SUBJECT TO THE FOLLOWING:

Section 7.03.9(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 animals and shall not be constructed or used as a boarding establishment for household pets.

Section 7.03.9(b) A duly qualified attendant shall be stationed in charge of the clinic if animals are kept overnight or for a period longer than regular professional business hours.

Section 7.03.9(c) In no case shall such establishments have open or outdoor runways, kennels or pens.

Section 7.03.9(d) In no case shall there be the disposal of rubbish, litter, or other by-products of the clinic in such a manner as to be obnoxious, offensive or in conflict with the general public health, safety and welfare.

Section 7.03.9(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.

Section 7.03.9(f) The building housing such use and the ventilation system used in connection therewith shall be so constructed as to insure that all noise and odors emanating from the building used for the treatment and temporary keeping of such sick and diseased animals is kept from reaching the building exterior.

Section 7.03.9(g) No building shall be located within one hundred (100) feet

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of any property line.

Section 7.03.10 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 of this Ordinance, further subject to the provisions of ARTICLE 37.00 DEFINITIONS and shall be subject to the following:

Section 7.03.10(a) A perimeter yard setback of not less than fifty (50) feet shall be provided, except for cellular towers.

Section 7.03.10(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.

Section 7.03.10(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 7.03.10(d) In the case of cellular towers the requirements as found in Section 4.02 inclusively shall apply.

Section 7.03.11 KENNELS SUBJECT TO THE FOLLOWING:

Section 7.03.11(a) All kennels shall be operated in conformance with all applicable County and State regulations.

Section 7.03.11(b) For dog kennels, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each three (3) additional dogs.

Section 7.03.11(b)(1) Buildings wherein dogs or animals are kept, dog or animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent dwelling or any adjacent building used by

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front, rear or side yard setback area.

Section 7.03.11(b)(2) Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

Section 7.03.12 PRIVATE NON-COMMERCIAL RECREATION

Section 7.03.13 AIRPORTS, LANDING FIELDS, HELIPADS, PLATFORMS, HANGARS, MASTS AND OTHER FACILITIES FOR THE OPERATION OF AIRCRAFT SUBJECT TO THE FOLLOWING:

Section 7.03.13(a) Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township for review or approval.

Section 7.03.13(b) The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

Section 7.03.13(c) The Planning Commission shall give Particular attention to the potential impact of the facility on adjacent residential lands and the overall impact of the facility on the future land uses of the area as described in the Master Plan.

Section 7.03.14 PUBLIC AND PRIVATE STABLES AND RIDING ACADEMIES SUBJECT TO THE FOLLOWING:

Section 7.03.14(a) Animals shall be provided with a covered and enclosed shelter and outdoor fenced area of adequate size to accommodate all animals kept on the premises. The design of each of the above shall be completed in a manner which precludes the animal from approaching nearer than sixty (60) feet to any adjacent property line. All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall be removed from the premises at least once per week.

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Section 7.03.14(b) For breeding, rearing and housing of horses, mules or similar domestic animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of five (5) acres or more.

Section 7.03.14(c) An accessory building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.

Section 7.03.15 GOLF COURSE, COUNTRY CLUBS AND GOLF DRIVING RANGES SUBJECT TO THE FOLLOWING:

Section 7.03.15(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 7.03.15(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 7.03.15(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 7.03.15(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.

Section 7.03.15(e) Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided exterior display or advertising of said facilities shall be restricted to the sign advertising the golf course and shall clearly by way of area , size of lettering etc. be identified as the accessory activity on the site.

Section 7.03.16 TRAVEL TRAILER PARK SUBJECT TO THE FOLLOWING:

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- Section 7.03.16(a) Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire area, of the camp ground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
- Section 7.03.16(b) Each camping site proposed on a lot shall accommodate one travel trailer or tent only. Each proposed camping site shall be provided with individual electrical outlets and individual barbecue facilities. The purpose of the camp ground or travel trailer park shall be to provide temporary recreational sites and opportunities and not intermediate or long term housing. Occupancy within the park shall not exceed twenty one (21) days within a sixty (60) day period or forty two (42) days within a twelve month period.
- Section 7.03.16(c) Public stations, housed in all-weather structures, containing adequate water outlets, flush toilets, waste container, electricity, and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (25) sites designated for use by a tent and or travel trailer without self contained sanitary and shower facilities. Minimum size of any such structure shall be five hundred (500) square feet.
- Section 7.03.16(d) Each lot containing more than sixty (60) sites shall provide a building containing machine laundry (wash and dry) facilities.
- Section 7.03.16(e) No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites. Said building shall provide parking space as provided in ARTICLE 24.00 OFF-STREET PARKING REQUIREMENTS, LAYOUT, STANDARDS, AND OFF-STREET LOADING AND UNLOADING.
- Section 7.03.16(f) Hard-surfaced, dust-free vehicle parking areas shall be provided for site occupants and guest as follows:
- Section 7.03.16(f)(1) Guest parking shall be provided at the ratio of not less than one (1) parking space per each two (2) camping sites. Guest parking shall be located within four-hundred (400) feet of the site it is intended to serve .

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- Section 7.03.16(f)(2) Occupant parking shall be provided at the ratio of not less than two (2) parking spaces for each camping site. Occupant parking shall be located on the specific camping site it is intended to serve except in the case of sites limited to tents only. Parking intended to maximum of four-hundred(400) feet from said sites.
- Section 7.03.16(g) No camping site shall have a minimum area less than fifteen hundred (1,500) square feet. The minimum area for camping sites designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
- Section 7.03.16(h) A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet per each camping site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the complex.
- Section 7.03.16(i) Each camping site and all parking areas shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Access streets shall be concrete or asphalt roadways with a minimum surface thickness of three (3) inches, MDOT mixture 1100T bituminous, laid in two courses, weigh 330 pounds per square yard on an eight (8) inch minimum thick base course placed in two compacted four (4) inch layers of MDOT specification 21A, crushed limestone or slag or equivalent as approved by the Township Engineering consultant. Sites specifically designated and used only for tent camping, need not have direct vehicular access to any street or road. These camping sites shall be provided pedestrian access by way of an adequately cleared and marked pathway which shall originate at the designated parking area provided for the given camp sites.
- Section 7.03.16(j) Any open drainage ways must have banks with slopes not to exceed 3:1 and shall be designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commission of Monroe County. All banks shall be stabilized by lawn area or other method approved by the Commission.

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Section 7.03.16(k) All sanitary facilities shall be designed and constructed in strict conformance to all applicable Monroe County health regulations.

Section 7.03.16(l) The development of the entire lot is subject to all applicable requirements of the Department of Natural Resources.

Section 7.03.16(m) A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

Section 7.03.16(n) Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and buildings shall be subject to approval by the Planning Commission.

Section 7.03.17 RADIO AND TELEVISION STATION TRANSMITTER

Radio and television station transmitter (other than domestic radio and television receiving antennae, cellular towers[see Section 4.02] or small home short wave transmitting antennae.)

Section 7.03.17(a) Minimum lot sizes shall be three (3) acres.

Section 7.03.17(b) The site shall be so located that at least one property line abuts a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way and the ingress and egress shall be directly upon said thoroughfare.

Section 7.03.17(c) The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of each tower above the ground.

Section 7.03.17(d) Unless specifically waived by the Planning Commission, a chain link fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.

Section 7.03.18 DOG TRAINING AND SIMILAR USES SUBJECT TO THE FOLLOWING STANDARDS:

Section 7.03.18(a) All activity areas shall be so designed and so located as to prevent a negative impact on adjoining properties for reason of noise, traffic or other factors.

Section 7.03.18(b) Off-street parking shall be provided for the use of occupants, employees and patrons in an amount as determined by the Planning Commission after review of the intensity and range of activities which are proposed as part

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of the dog training facility. The Commission shall use the following as a general guideline in determining required parking spaces:

Section 7.03.18(b)(1) One (1) parking space for every three (3) seats based on maximum seating capacity if viewing or assembly areas are provided, if seating is not provided, one (1) parking space for every three (3) individuals located in the viewing or assembly area.

plus

One (1) space for every two (2) employees, trainers and/or judges

plus

One (1) parking space for each individual participating in the training exercise and/or activity.

Section 7.03.18(c) Hours of operation shall not result in a negative impact on adjoining properties.

Section 7.03.19 PONDS SHALL ONLY BE PERMITTED WHEN LOCATED ON A PARCEL CONTAINING A SINGLE FAMILY RESIDENTIAL USE.

Section 7.03.19(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 7.03.19(b) Ponds shall be set back at least one hundred (100) feet from all property lines and any dwellings.

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Section 7.03.19(c) Ponds shall be subject to all applicable Department of Natural Resources and County Soil Conservation District requirements.

Section 7.03.19(d) Subject to all of the specific requirements as found ARTICLE 4.00 GENERAL PROVISIONS.

Section 7.03.19(e) All man made ponds shall be secured by totally enclosing the pond or the subject property with a four (4) feet fence, 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 7.03.19(f) In all cases the pond, surrounding lands and the enclosure fence shall be maintained.

Section 7.03.20 MINERAL MINING

Mineral mining subject to the following:

Section 7.03.20(a) This Section is intended to regulate and establish the conditions for the use of land for all types of strip and tunnel or shaft mining, including the mining of metals, the mining of bituminous coal and lignite and the mining and quarrying of other minerals. The extraction of oil and gas is not regulated by this Section. This Section provides procedures for the evaluation of applications for the issuance of special use permits to establish such mining and quarrying uses. Special use regulations and special use application evaluation procedures are needed because mining and quarrying may pose significant land use problems, including environmentally damaging changes in topography, impairment of the load bearing capacity of adjacent land, safety hazards due to heavy truck traffic on roads not designed for such traffic, levels of noise from mining and related operations, threats to air quality from dust and other emissions, threats to water quality from erosion and chemical emissions, threats to water levels, aesthetic problems, zoning and license enforcement problems, land use compatibility problems, loss of natural resources, threat to desirable land use patterns and potentials, residential blight, and/or attractive nuisance hazards.

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Section 7.03.20(b) No mining or quarrying shall be permitted unless the Township shall first have issued a use subject to special conditions permit in accordance with the provisions of this Section. Use subject to special conditions permits shall be issued only in accordance with the procedures and standards set forth herein. It is the intent of these procedures and standards to ensure that mining and quarrying shall occur in places and ways which will be consistent with public health, safety and welfare and to ensure that land subject to mining operations shall continuously be reclaimed and rendered fully suitable for a use approved pursuant to issuance of the applicable use subject to special conditions permit and further subject to the conditions established in this Section.

Section 7.03.20(c) Uses regulated by this Section:

This Section regulates all types of strip and tunnel mining including the mining of metals, the mining of bituminous coal and lignite, and the mining and quarrying of other minerals, including but not limited to the following:

dimension stone mining
crushed and broken stone
sand and gravel
clay, ceramic and refractory minerals
chemical and fertilizer minerals, including:

barite
fluorspar
potash, soda and borate
phosphate rock
rock salt
sulfur

gypsum
talc, soapstone and pyrophyllite
miscellaneous nonmetallic minerals, including:

agate
amethyst
asphalt
bituminous limestone
bituminous sandstone
burrstone
calcite
catlinite
corundum

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cryolite
diamond
diatomaceous earth
diatomite
emery
fill dirt
garnet
gemstone
gilsonite
grahamite
graphite
greensand
grinding peat
grindstone quarrying
jade
meerschaum
mica
millstone
muscovite
natural abrasive
oilstone oxokerite
peat humus
perlite
phlogopite
pipestone
pozzolana
precious stones
pulpstone
pumice
pumicite
quartz
reed peat
rubbing stone
ruby
sapphire
scoria
screening peat
scythestone
sedge peat
semiprecious stones
sharpening stone
shredding peat
topsoil
tripoli
turquoise
vermiculite

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volcanic ash
whetstone
wurtzilite

other nonmetallic minerals with marketable value.

Section 7.03.20(d) Mining and quarrying defined and provision for the separate regulation of those types of earth resource removal which do not constitute mining and quarrying:

For the purpose of this Ordinance "mining" and "quarrying" are defined as the removal from a parcel of land of any earth resource identified in Subsection 7.03.20(c), as being regulated by this Section. "Mining" and quarrying" is intended to be construed broadly and includes all aspects of the mining and quarrying operation, including, but not limited to processing, storage, loading, stockpiling and transportation of the above named minerals. However, "mining" and "quarrying" shall not include the removal from a single parcel of land during any calendar year of: 1) less than 1,000 cubic yards of materials when such removal is NOT attendant to development in accordance with a subdivision preliminary approval, or 2) less than 10,000 cubic yards of material when such removal is attendant to development in accordance with a subdivision preliminary approval. Any removal of gravel, sand and clay stone aggregate, soil, etc. which occurs pursuant to a site plan or plat, shall be explicitly shown on said site plan or plat before being eligible for exception from this Ordinance. All removal which is not regulated as mining and quarrying shall be subject to the site plan review provisions of this Ordinance, in the case of removal attendant to development subject to site plan review, and to the soil erosion and sedimentation control regulations of Frenchtown Charter Township and/or regulations promulgated pursuant to Act 346, 1972, in the case of all removal. Such removal of earth resources may also be subject to any land improvement ordinance or other pertinent regulations which Frenchtown Charter Township may enact subsequent to the enactment of this Ordinance.

Section 7.03.20(e) Mining and Quarrying special land use application:

An application for a special land use permit for mining and quarrying shall be submitted jointly on behalf of, and signed by, each person or entity having any interest in the

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land on which the use is to be located, including, but not limited to, all Applicants and all Lien holders (as those terms are defined in the following Subsections). The application shall contain the sworn certificate of each such person or entity certifying as to the accuracy and completeness of each statement pertaining to it contained therein. The application shall not be eligible for consideration until it is in satisfactory form, has been duly executed, and has satisfactory form, has been duly executed, and has been submitted to the Building Official, accompanied by all necessary fees as provided in this Ordinance.

The application shall be made on forms provided by the Building Official and shall be accompanied by such documentation as is required to determine compliance with this Ordinance, but not less than the following:

Section 7.03.20(e)(1) The name and address of each person or entity having any interest in the land (whether as owner, tenant, optionee, vendor, vendee, or otherwise, vested or contingent, present or future, direct or indirect, but excluding any Lien holder as defined in Subsection 7.03.20(e)(7) on which the use is to be located (all such persons and entities are hereinafter collectively referred to as the "Principals"), together with a description of each Principal's interest in the land.

Section 7.03.20(e)(2) The name and address of each person or entity having any interest which confers, or will confer, any right of access, development, operation, or other right in the land on which the use is to be located, whether vested or contingent, and should include, but shall not be limited to, a person or entity that is a party to a lease, development agreement, operating agreement, or any other agreement which pertains to a mining or quarrying operation on the land on which the use is to be located, the removal of resources from the site, or contracting with other for any such activity (all such persons and entities are hereinafter collectively referred to as the "Operators"),

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together with a description of each Operator's interest.

Section 7.03.20(e)(3) The name and address of each other person or entity having any interest in the land or in the development thereof or any operation thereon, together with a description of each of their respective interests in the land on which the use is to be located.

Section 7.03.20(e)(4) All Principals, all Operators, and every other person or entity having any interest in the land or in the development or operation thereof, but not including any Lienholder as defined in Subsection 7.03.20(e)(7), shall be collectively referred to herein as the "Applicants".

Section 7.03.20(e)(5) Specification of the location, size and legal description of the land for which special land use approval is sought, together with any and all adjoining land in which any of the Applicants and/or any person or entity affiliated with any of the Applicants has any interest (whether as owner, tenant, optionee, vendor, vendee, Lienholder or otherwise; vested or contingent, present or future, direct or indirect).

Section 7.03.20(e)(6) A record of title to the land described in subparagraph 7.03.20(e)(5) prepared by a reputable title company satisfactory to Frenchtown Charter Township certified as of a date not more than thirty (30) days prior to the date of application and disclosing all interests in the land on which the use is to be located, including but not limited to, the interests of each Applicant and each lien or security interest with respect to any portion of such land.

Section 7.03.20(e)(7) A statement in writing from each holder of a lien or other security interest in any part of the land on which the use is to be located (all such persons and entities being hereinafter collectively referred to as "Lien

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holders"), acknowledging each Lien holder's willingness to subordinate its interest in the land to the interest of Frenchtown Charter Township in the exercise of its rights under the Ordinance and any special use permit with respect to the restoration of the land in accordance with any Operations and Restoration Plan that may be entered into with respect to said land.

- Section 7.03.20(e)(8) The name, address and telephone number of one person, firm or corporation designated by each Applicant and each Lienholder as agent for all, for the purpose of receiving all notice, correspondence and communications in connection with this Ordinance.
- Section 7.03.20(e)(9) Name and address of the banking or saving and loan entity which is to issue the irrevocable letter of credit or other surety to be posted if applicable.
- Section 7.03.20(e)(10) Sworn statement that none of the Applicants has defaulted on any bond posted to ensure performance in connection with any mining and/or construction activity, or if any of the Applicants has defaulted on any such bond, a brief description of the circumstances surrounding the default, including the name of the surety, date of default and any remedial action which was taken.
- Section 7.03.20(e)(11) The name of each Applicant's carrier for public liability and property damage insurance and policy limits thereof, together with current certificates of insurance for coverage's required under this Ordinance.
- Section 7.03.20(e)(12) Vertical aerial photographs, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photographs at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet. The area covered by the vertical aerial photographs shall include: All land subject to the application; all contiguous land which is

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proposed to be used or has been used by any of the Applicants for any extraction, treatment or storage; all roads which can provide access to any land involved in the proposed operation; all roads other than state trunk lines which may be used to haul mined material; site topography and natural features including location of water courses within the planned mining area; boundary of entire mining area and area of operation by courses and distance and all lands within one mile of each of the aforementioned areas. Each such area or feature shall be delineated on the aerial photograph. All aerial photographs shall be taken not more than sixty (60) days prior to the date of the application of which they are a part.

- Section 7.03.20(e)(13) Twenty (20) copies of an identification and topographic survey, prepared by an engineer or surveyor licensed by the State of Michigan to prepare such a survey, drawn to a scale of one (1) inch equals two hundred (200) feet with topographic contours drawn at two foot intervals on U.S.G.S. datum. This survey shall include the boundary of the entire tract by courses and distances, all boundaries of the area subject to the application, and the means of vehicular access to the proposed operation.
- Section 7.03.20(e)(14) Twenty (20) copies of an isopach survey or other comparable geologic data indicating the location of deposits to be mined and the basic data and collection methods upon which such survey is based. Elevations shall be based on U.S.G.S. datum.
- Section 7.03.20(e)(15) An estimate of the quantity of excavation on the site, the quality of resources to be excavated and the extent of resources on undeveloped land within one mile of the site.
- Section 7.03.20(e)(16) Report by a qualified independent soil scientist, soil engineer, hydrologist,

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hydrogeologist or geologist regarding the surface water, the level of the water table and the size and location of existing and new water bodies on the site and within one mile of the site. The report shall include an opinion as to each and every effect on the water table and private wells of property within the reasonably anticipated area of impact during and subsequent to the operation. The report shall also include an opinion as to whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impairment to the general public. The report shall include a ground and surface water quality analysis based on samples taken not more than one year prior to the date of the application of which the report is a part. The analysis shall be completed in accordance with engineering standards duly adopted by the Frenchtown Charter Township Board. The report shall provide base line water quality data to be used in determining compliance with the requirements of the ordinance.

Section 7.03.20(e)(17) A detailed Operations and Restoration Plan for the extraction of the natural resource deposits and restoration of the site. The plan shall :

Section 7.03.20(e)(17-a) Set forth in detail the arrangement and nature of all operations, including the quantity of each type of material to be removed and the machinery, equipment and methods to be used in the operation. The operations plan submitted pursuant to this subsection shall, in addition to other written detail required, be presented on a transparent overlay at the same scale as the vertical aerial

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photograph and be applied to the aerial photograph and delineating the following:

- Section 7.03.20(e)(17-a1) Area of active excavation
- Section 7.03.20(e)(17-a2) Area requested for excavation;
- Section 7.03.20(e)(17-a3) Area of active settling ponds and washing plant facilities;
- Section 7.03.20(e)(17-a4) Area requested for settling ponds and washing facilities;
- Section 7.03.20(e)(17-a5) Area of existing treatment facilities and sand and gravel storage;
- Section 7.03.20(e)(17-a6) Area requested for treatment facilities and sand gravel storage;
- Section 7.03.20(e)(17-a7) Area of production facilities for resource-related industry;
- Section 7.03.20(e)(17-a8) Area requested for production facilities for resource-related industry;
- Section 7.03.20(e)(17-b) Set forth a detailed explanation as to routing of commercial vehicles and their size, weight and frequency of trips. If different routes will be used at different stages of the operation, a timetable for routing shall be included. The Applicant shall submit these proposed routings to Frenchtown Charter Township, affected adjoining townships, the Monroe County Road Commission, and the Michigan Department of Transportation for review of the physical and design capabilities of these routes to accommodate the potential traffic, including turning movements to and from the site at all points of egress and ingress. A letter from each jurisdiction indicating their comments shall be included as

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part of this application.

Section 7.03.20(e)(17-c) Set forth in detail the types and amounts of explosives proposed to be used, and the areas to be blasted.

Section 7.03.20(e)(17-d) Set fourth in detail the amount and source of water to be utilized in processing, and the anticipated means and location of dispersal's of such water following use.

Section 7.03.20(e)(17-e) Set forth in detail those features of the arrangement and nature of operations which will ensure that the operations have minimum negative impact on adjacent areas and on areas affected by the routing of trucks and other commercial vehicles.

Section 7.03.20(e)(17-f) Set forth in detail the procedures to be employed to protect ground water, water courses, water bodies and wetlands, water courses, water bodies and wetlands from contamination and erosion directly or indirectly caused by extraction and restoration activities. Procedures should include the use of monitoring wells and the periodic sampling of water courses and water bodies and the termination of mining activities if any of the periodic samplings indicate damage from contamination or erosion. Monitoring wells may be omitted if the Township Board finds, based on specific facts, that they are not needed to ensure protection of water quality.

Section 7.03.20(e)(17-g) Set forth in detail the procedures to protect ground water levels and the direction and flow rates of subsurface aquifers. Methods for the disposition by controlled flow or

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controlled drainage of any excess water into existing drains or water courses shall be specified. Methods shall be such that the facilities of such drain and/or water course shall not be unduly burdened by the introduction of the additional drainage. Procedures should include the use of monitoring wells at the perimeter of the property and the termination of mining activities if monitoring wells indicate that impacts on ground water could result in significant draw down of existing wells or the region's water table. Monitoring wells may be omitted if the Township Board finds, based on specific facts, that they are not needed to ensure protection of water quantity and flow.

- Section 7.03.20(e)17-h) Set forth in detail a timetable for each stage of the operation and a plan for restoration in one or more phases. The restoration plan shall specify:
- Section 7.03.20(e)(17-h1) The use or uses to which each restored area will be put.
- Section 7.03.20(e)(17-h2) The dates by which areas will be restored, as interim restored areas and final restored areas.
- Section 7.03.20(e)(17-h3) The restoration topography drawn as contours at an interval of two (2) feet on U.S.G.S. datum.
- Section 7.03.20(e)(17-h4) The location of water bodies and other major physical features.
- Section 7.03.20(e)(17-h5) The location of areas to be portioned or subdivided, and the proposed layout of such areas.
- Section 7.03.20(e)(17-h6) The methods and materials proposed

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for reclamation including top soiling and the amount and type of planting.

- Section 7.03.20(e)(17-h7) Roads and other improvements to be made on the site.
- Section 7.03.20(e)(17-h8) A plan for disposal or treatment of any harmful or toxic material found in any foundations penetrated by the mining operation or produced during the processing of minerals on the affected land and of chemicals or materials used during the mining or processing operations.
- Section 7.03.20(e)(17-h9) The estimated cost of reclamation for the total project.
- Section 7.03.20(e)(17-h10) A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan, subject to approval of the Monroe County agricultural agent.
- Section 7.03.20(e)(17-i) Provide for operations and restoration in conformance with the provisions of Section 7.03.20(n) and 7.03.20(o).
- Section 7.03.20(e)(18) The application for approval of mining special land use may be accompanied by an application for a change in the zoning designation of the subject property, provided all applicable requirements for a zone change are met.
- Section 7.03.20(e)(19) The applicants shall be responsible for payment of all application fees, including but not limited to all costs incurred by the Township in reviewing and evaluating the application, as herein provided. The application shall be accompanied by a deposit against the application fee, which fee shall be in an amount sufficient to cover

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all costs of the Township associated with review of the application. Such costs may include, but shall not be limited to, costs of providing required public notice and through independent, professional technical reviews of all issues pertinent to consideration of the application. Technical reviews shall address such issues as land use impacts, land value impacts, traffic flow and traffic safety impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs and other technical issues. Independent technical reviews shall be prepared by appropriately qualified independent professionals to a level of detail appropriate to the proposed mining operation. The Township Board shall from time to time establish by resolution the amount of the application fee deposit for each application, on a case-by-case basis.

Section 7.03.20(f) Mining and quarrying special land use application procedures:

Section 7.03.20(f)(1) The application for approval for a mining and quarrying special land use, and the related zone change application, if any, shall be referred to the Planning Commission.

Section 7.03.20(f)(2) The Planning Commission shall review and communicate its recommendation on the zone change application, if any in accordance with procedures prescribed by applicable statute. The Planning Commission shall hold one or more public hearings to hear any person wishing to present facts, information and/or opinions pertaining to the application. Notice of such public hearing shall be given. The Building Official shall publish a notice of each such hearing in a newspaper of general circulation in the Township and shall send a notice of each such hearing by mail or personal delivery to:

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- Section 7.03.20(f)(2-a) All owners of property for which approval is being considered
- Section 7.03.20(f)(2-b) All persons to whom are record owners of assessed real property within 300 feet of the boundary of the subject property;
- Section 7.03.20(f)(2-c) Occupants of all structures within 300 feet of the subject property
- Section 7.03.20(f)(2-d) All persons to whom are record owners of assessed real property within 300 feet of any road segment, other than a state truckline highway which comprises a portion of the route identified in the application as that which will be utilized by haul and other commercial vehicles;
- Section 7.03.20(f)(2-e) Occupants of all structures within 1,400 feet of any road segment, other than a state truckline highway, which comprises a portion of the route identified in the application as that which will be utilized by haul and other commercial vehicles.
- Section 7.03.20(f)(3) The notice shall be given not less than five (5) and not more than fifteen (15) days before the public hearing to which it shall apply.
- Section 7.03.20(f)(4) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification shall be given to the occupant of each dwelling unit or spatial area which is owned or leased by different individuals, partnerships, businesses or organizations from other dwelling units or spatial areas.
- Section 7.03.20(f)(5) The notice shall:

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- Section 7.03.20(f)(5-a) Describe the nature of the special land-use request.
- Section 7.03.20(f)(5-b) Indicate the property which is the subject of the special land-use request and all road segments within the Township which will be used by haul vehicles.
- Section 7.03.20(f)(5-c) State when and where the public hearing on the special land-use request will be held.
- Section 7.03.20(f)(5-d) Indicate when and where written comments will be received concerning the request.
- Section 7.03.20(f)(6) The number of public hearings scheduled shall be sufficient to permit the Planning Commission to hear public comments pertinent to the application. At least one such public hearing shall be held after the Planning Commission has had an opportunity to review and consider both the application and the pertinent technical reviews prepared pursuant to Subsection 7.03.20(f)(7).
- Section 7.03.20(f)(7) At the expense of the Applicants, the Planning Commission shall obtain technical reviews pertinent to the application. Technical reviews shall address such issues as land use impacts, land value impacts, traffic flow and traffic safety impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs and other technical issues. Technical reviews shall be prepared by appropriately qualified professionals to a level of detail appropriate to the potential scope of the proposed mining operation. The level of detail appropriate to the potential scope of the proposed mining operation shall be determined by the Planning Commission which shall specify the technical reviews to

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be prepared, the professional to be responsible for preparation, and the extent, if any, to which initially prepared technical reviews should be supplemental by expanding their reviews to cover topics not previously covered. As a minimum, the Planning Commission shall obtain a planner's written technical review which addresses in detail the standards set forth in Section 7.03.20(h) and facts pertinent there to. Such a technical review shall evaluate compliance with the applicable standards and shall indicate if additional technical reviews may be necessary to determine compliance. All technical reviews, including the minimum planner's review, shall be obtained at the Applicants' expense. The professionals responsible for preparation of technical reviews shall not be employees of any of the Applicants or have on-going professional or business association with any of the Applicants.

Section 7.03.20(f)(8)

The Planning Commission shall make a recommendation regarding the special land use application. It shall recommend to the Township Board either approval, approval with conditions, or disapproval. The Planning Commission's recommendation shall be based on all available factual materials and public hearing comments pertinent to the requirements of Section 7.03.20 in general and pertinent to the requirements and standards of subsection 7.03.20(e), 7.03.20(h), 7.03.20(n) and 7.03.20(o) in particular. As part of its recommendation, the Planning Commission shall set forth in detail the reasons and facts upon which the recommendation is based. The views of any members of the Planning Commission who wish to record their comments as part of the recommendation shall also be included.

Section 7.03.20(f)(9)

The application(s) and the zone change application, if any, together with the

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Planning Commission's recommendations thereon, reports and other submissions prepared in connection with technical reviews and all other factual material reviewed by the Planning Commission in the course of its deliberation, a summary of the comments from the Planning Commission public hearings, and the minutes of pertinent Planning Commission discussions and deliberations (including expressions of divergent options), shall be forwarded to the Township Board for review and consideration. Following receipt of the application and the Planning Commission's recommendations and related material, the Township Board shall hold one or more public hearing to hear any person wishing to present facts, information and/or opinions pertaining to the application. Notice of such public hearings shall be given as provided in Subsection 7.03.20 (f)(2). The number of public hearings scheduled shall be sufficient to permit the Township Board to hear public comment pertinent to the application. At least one such public hearing shall be held after the Township Board has had an opportunity to review and consider both the application and the material submitted by the Planning Commission pursuant to this Subsection.

Section 7.03.20(f)(10)

The Township Board shall review and consider all technical reviews and all other factual material reviewed by the Planning Commission, all public hearing comments, and such additional information as it deems pertinent, including additional technical reviews of the type set forth in subsection 7.03.20(f)(7). The application shall be presented to the Township Board by the Applicant and/or its representatives. Pertinent technical reviews shall be presented by their authors. Pursuant to its deliberations, the Township Board may question those presenting pertinent information. In the course of its

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deliberations, the Township Board may remand the entire application or specific questions pertinent to the application to the Township Planning Commission for further consideration and recommendation. The Board shall either approve, approve with conditions, or disapprove the application. Such decision shall be based solely on the criteria set forth in this Ordinance.

Section 7.03.20(f)(11)

If the application is approved or approved with conditions, a special land use permit will be issued to conduct operations. The permit shall incorporate by reference, and operations shall be conducted in conformance with: (i) the Operations and Restoration Plan for the permit as approved by the Frenchtown Charter Township Board, (ii) any conditions attached thereto by the Township Board, and (iii) the terms and conditions of any other applicable laws, the ordinances of the Township of Frenchtown, and any other applicable regulations. The permit shall not be valid until it has been signed by the Supervisor, the Township Clerk and the Township Treasurer. The Supervisor, Clerk and Treasurer shall not sign the permit until they have determined that: i) all application review costs have been paid, ii) all required sureties have been deposited, iii) all permit signatures require pursuant to Subsections 7.03.20(1)(7) and 7.03.20(1)(8) have been obtained, and iv) all other conditions which are required to be fulfilled prior to commencement of operations have been fulfilled. The Operations and Restoration Plan and any conditions shall become an integral part of this Ordinance and all mining activities and subsequent use of the land shall conform thereto. No change in the terms of the Operations and Restorations Plan or the conditions attached by the Township Board thereto or to the persons named as Applicants shall be made except by the issuance of an amended special land

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use permit pursuant to the same procedures and standards set forth herein for issuance of the initial special land use permit.

Section 7.03.20(f)(12) No application for a special land use permit which has been denied by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, sufficient to justify reconsideration by the Township Board.

Section 7.03.20(g) Time limit and renewal of mining and quarrying special land use permit:

Section 7.03.20(g)(1) Mining and quarrying special land use permits shall be issued for a period which is not less than twelve (12) months and which is not longer than 120 months.

Section 7.03.20(g)(2) Mining and quarrying special land use permits may be renewable upon submission and approval of an application for renewal. In order for an application for renewal to be approved, it shall: 1) meet all the requirements set forth for initial applications, and 2) contain satisfactory evidence of compliance with the requirements of this Ordinance and any conditions of approval applicable to the permit for which renewal is sought. Evidence of compliance shall be obtained pursuant to the provisions of Subsection 7.03.20(i) with all costs for determining compliance being paid by those persons, firms and/or corporations designed to bear such costs pursuant to Subsection 7.03.20(i).

Section 7.03.20(g)(3) Applications for renewal of mining and quarrying special land use permits shall be submitted not more than six (6) months prior to expiration of the permit for which renewal is sought.

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Section 7.03.20(g)(4) A mining and quarrying special land use permit may be revoked by the Township Board if the applicants fail to commence operations on the site within twelve (12) months of the date of issuance of the permit. The Township Board shall hold a hearing to consider whether to revoke the mining and quarrying special land use permit. Notice of the hearing shall be mailed to the applicant at the address provided pursuant to Section 7.03.20(e)(8), at least twenty (20) days prior to the hearing.

Section 7.03.20(h) Township Board Review and approval of Mining Special Land uses:

Section 7.03.20(h)(1) General standards for approval: The Township Board shall approve the establishment or enlargement of a mining activity as a special land use only after it has determined, based on the facts submitted by the Applicants or otherwise available, that no areas directly or indirectly affected by the proposed mining and related activities will suffer any very serious consequences as a result of the proposed land use. The seriousness of consequences shall also be weighed in relationship to the scarcity of and the public need for the material to be mined. In making such a determination, the Township Board shall make specific, separate findings as to each of the following aspects of the proposed mining operation:

Section 7.03.20(h)(1-a) Off-site impacts: There will be no very serious impairment to the safety of motorists as a result or increased vehicular congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower trucks with faster automobile traffic, or any other cause. In making such a finding, consideration shall be given to existing and future traffic volumes, thoroughfare geometrics, topographic and other pertinent

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conditions.

Section 7.03.20(h)(1-b) Existing roadways are adequately improved to carry traffic which will result, or there are funds available from sources other than the Township to make necessary improvements.

Section 7.03.20(h)(1-c) There will be no very serious impairment to the safety of school children riding school buses or walking to school as a result of increased vehicular congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower trucks with faster automobile traffic, or any other cause. In making such a finding, consideration shall be given to existing and future populations of school children.

Section 7.03.20(h)(1-d) There will be no very serious impairment to the quiet enjoyment of properties due to noise from truck traffic generated by the mining site. In making such a finding, consideration shall be given to the nature of existing and future development.

Section 7.03.20(h)(1-e) There will be no very serious impairment to the quiet enjoyment of properties due to dust and exhaust from truck traffic generated by the mining site. In making such a finding, consideration shall be given to the nature of existing and future development.

Section 7.03.20(h)(1-f) There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from off-site hauling of mined materials. In making such a finding, consideration shall be given

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to the equipment and methods used to minimize such impacts.

- Section 7.03.20(h)(1-g) There will be no very serious impairment to the quiet enjoyment of properties due to noise from mined or processing of materials on the site. In making such a finding, consideration shall be given to the nature of existing and future development.
- Section 7.03.20(h)(1-h) There will be no very serious impairment to the quiet enjoyment of properties due to noise from the mining or processing of materials on the site. In making such a finding, consideration shall be given to the nature of existing and future development.
- Section 7.03.20(h)(1-i) There will be no contamination of ground water from the mining operations.
- Section 7.03.20(h)(1-j) There will be no very serious draw down of ground water levels or alteration of the direction or flow rate of aquifers.
- Section 7.03.20(h)(1-k) There will be no very serious negative aesthetic impact from open pits, processing structures, stockpiles of mined material, refuse piles or other similar facilities.
- Section 7.03.20(h)(1-l) Potential attractive nuisance or other dangers associated with mining operations will be minimized by appropriate safety precautions.
- Section 7.03.20(h)(1-m) There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from on site extraction's and/or moving or processing of

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mined materials. In making such a finding, consideration shall be given to the performance standards set forth in ARTICLE 28 of this Ordinance.

Section 7.03.20(h)(1-n) Mid-and long-range planning considerations:
The use of land after reclamation will be compatible with the existing and planned development of surrounding areas.

Section 7.03.20(h)(1-o) There will be no very serious loss of agricultural land and/or alternate development opportunities.

Section 7.03.20(h)(1-p) Other lands within the Township will not be blighted by the mining operations or associated activities.

Section 7.03.20(h)(1-q) Assurances of compliance:
The Applicants have provided adequate financial assurances that reclamation will occur as approved and on schedule.

Section 7.03.20(h)(1-r) The Applicants have provided adequate financial resources to pay all costs of Township monitoring of compliance.

Section 7.03.20(h)(1-s) The Applicants have provided adequate financial and contractual assurances that hauling will comply with approved time schedules and routes.

Section 7.03.20(h)(1-t) The Applicants have provided all other assurances necessary for the Township to determine that there will be compliance with all requirements of this Ordinance.

Section 7.03.20(h)(1-u) Scarcity and need for material to be mined: Available supplies of the

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material to be mined from existing sources other than the proposed mining site and from unidentified, but reasonably anticipated other sites, to not substantially exceed reasonably foreseeable public needs, consideration shall be given to all supplies and all needs, whether generated inside or outside of the Township, which are likely to affect the market area which might be served by the site for which special use approval is sought.

Section 7.03.20(h)(2)

Size, duration and location relationship:

In determining whether or not the general standards set forth in this Ordinance are met, the Township Board shall consider the following factors in relation to each other: 1) ;the size of the proposed operation, 2) the location of the proposed operation (including haul routes) in relation to residential land and state trunk line highways, and 3) the anticipated duration of the proposed operation. In general, the Township Board shall not approve 100 acre or larger operations of anticipated ten (10) year or longer duration when proposed for locations with haul routes from the operation to a state trunk line highway in excess of one (1) mile through or adjacent to areas planned or developed for residential use. The Township Board may approve such operations, provided it finds that there are specific factual circumstances which mitigate the impacts of the operation and/or which indicate that the material to be extracted is scarce in proportion to the need for said material. For the purpose of this subsection, 100 acre or larger operations shall be operations which have a 100 acre or larger area in which mining and related operations could take place in accordance with the provisions of Subsection 7.03.20(n) (2b).

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Section 7.03.20(h)(3) Scarcity of and need for material to be mined:

In determining whether or not the general standards set forth in section 7.03.20(h)(1) are met, the Township Board shall consider the scarcity of and public need for the material to be mined in Frenchtown Charter Township and the larger regional and national community of which the Township is a part. Scarcity and public need consideration shall be weighed in relation to size, location and duration considerations.

Section 7.03.20(h)(4) Cumulative impact of existing and proposed operations:

In determining whether or not the general standards set forth in 7.03.20(h)(1) are met, the Township Board shall consider the cumulative impact of existing and proposed operations. Special land use approval shall not be granted if the Board finds that very serious consequences will result from the cumulative impact of a proposed operation and one or more existing operations.

Section 7.03.20(h)(5) Complete application and compliance with operation and restoration requirements:

The Township Board shall approve the establishment or enlargement of a mining activity as a special land use only after it has examined the application for a special land use permit and found that it conforms with all of the requirements of this Ordinance.

Section 7.03.20(i) Special land use permit compliance reports by Building Official; Compliance Inspection and Improvement Reserve:

Section 7.03.20(i)(1) To ensure compliance with the provisions of this Ordinance including any conditions established pursuant to special land use approval, the Building Official shall conduct

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not less than one (1) inspection of each mining and quarrying operation every six (6) months. Employees and agents of the Township of Frenchtown shall be permitted to come upon the lands subject to a mining and quarrying special use permit for the purpose of inspecting, monitoring and/or administering this Ordinance and other ordinances and lawful regulations of the Township of Frenchtown.

Section 7.03.20(i)(2) At least one (1) such inspection shall be completed and reported to the Township Board thirty (30) days prior to the date on which the subject special land use permit expires.

Section 7.03.20(i)(3) The Building Official shall retain the assistance of planners, engineers and any other professionals necessary to evaluate compliance with this Ordinance.

Section 7.03.20(i)(4) The cost of all compliance inspections shall be paid by the applicants and such other persons, firms or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Each such person, firm or corporation shall be jointly and severally responsible for the full cost of compliance inspections.

A Compliance Inspection and Improvement Reserve Fund which is controlled by the Township shall be established for each special land use which is approved pursuant to this Section. The purpose of this fund is to ensure that sufficient funds are available to cover the costs of inspection and to make the necessary public improvements to the site upon cessation of operations so as to allow for ultimate uses of the site as set forth in the approved restoration plan. Public improvements contemplated by this Section are distinct from restoration and include, but are not limited to street lighting, sanitary sewers, public water, drainage and other

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types of infrastructure. The Township engineer shall determine from time to time, but at least every five (5) years, the approximate cost of providing the necessary public improvements. The fund shall be maintained by monthly deposits made by the persons, firms and corporations responsible for paying the costs of compliance inspections. The deposits shall be equal to \$500.00 per month or ten (\$.10) cents for each cubic yard of mineral removed from the subject property during the month, whichever is greater. At the end of each calendar year, and as of the date of termination in the final year of operations, an independent certified public accountant satisfactory to the Township and the Township Engineer shall certify to the Township, the amount of materials revolved from the subject land during the previous year, or during such portion of the year, until the date of termination, as applicable.

Should the Compliance Inspection and Improvement Reserve Fund be at any time insufficient to cover the full cost of inspections and anticipated necessary public improvements, the persons, firms and corporations responsible for paying the costs of compliance inspections and impacts shall be billed directly for the difference. Failure to pay such charges within thirty (30) days of billing shall be a violation of this Ordinance.

In individual circumstances, the Township Board may specify lower or higher monthly deposits and/or a lower or higher minimum Compliance Inspection and Improvement Reserve Fund balance upon a finding that such lower or higher deposits and/or balances will be adequate or necessary to cover the costs of the compliance inspections in the particular circumstances.

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Section 7.03.20(j) Notice of violations, correction of violations, revocation of special land use permit, and lien against property:

Section 7.03.20(j)(1) Should the Building Official determine that a probable violation of the provisions of this Section exists, a written notice of the probable violation and the pertinent facts relating thereto shall be mailed, first class mail, to all applicants, all lien holders and any other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Said persons, firms and/or corporations and each operator shall have twenty (20) days from the date of mailing to file a response to the notice and to provide the Building Official with facts and information demonstrating compliance. Should such facts and information not be provided within thirty (30) days, or should the Building Official determine that the facts and information filed fail to demonstrate compliance, the Building Official shall mail, first class mail, a second notice. The persons, firms and/or corporations to whom notice is mailed shall have twenty (20) days to file a response to the second notice and to provide the Building Official with additional facts and information demonstrating compliance. Should a satisfactory response not be provided to the second notice, the Building Official shall file a notice of probable violation with the Township Board.

Section 7.03.20(j)(2) Following the Board's receipt of the notice of probable violation, the Board shall schedule a public hearing for the purpose of hearing comments pertaining to the probable violation. The hearing shall be noticed as required by Michigan law for special land use review, provided that notice shall be provided to all Applicants, to all Lien holders and to any persons, firms and/or corporation who have signed the use subject to special conditions permit, and on any other persons, firms and/or corporations who

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have been made subject to liability pursuant to licensing and/or other Township regulations.

Section 7.03.20(j)(3) Following the public hearing, the Township Board shall determine if the subject use has been operated in violation of the terms of this Ordinance, including any conditions established pursuant to special land use approval.

Section 7.03.20(j)(4) Should the Board determine that the subject use has been operated in violation of the terms of this Ordinance, including any conditions established pursuant to special land use approval, the Board shall implement such remedies as are appropriate to the circumstances. The remedies which the Board may implement shall include, but shall not be limited to any one or more of the following:

Section 7.03.20(j)(4-a) Order that the operation and the property be brought into compliance.

Section 7.03.20(j)(4-b) Order the restoration of all areas disturbed by mining and quarrying operations in accordance with the approved restoration plan.

Section 7.03.20(j)(4-c) Revoke the special land use permit for mining and quarrying operations.

Section 7.03.20(j)(4-d) Revoke all Frenchtown Charter Township mining and quarrying licenses held by all operators who are licensed to conduct operations on the subject site.

Section 7.03.20(j)(4-e) Order such remedial actions as the Board may determine necessary to correct environmental or other on-site and/or off-site damage which may have resulted from operation of the subject use in violation of the

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requirements of this Ordinance, including the conditions of the applicable special land use permit.

Section 7.03.20(j)(4-f) Take such other actions as the Board may determine are appropriate to the circumstances, but not including the actions provided for in Sub-Paragraph 7.03.20(j)(7). Such actions shall be undertaken only after a second public hearing pursuant to Sub-Paragraph 7.03.20(j)(6) below.

Section 7.03.20(j)(5) Pursuant to the implementation of appropriate remedies, the Board may establish such specifications for compliance as are appropriate. The Board may direct the Building Official to monitor compliance with actions ordered by the Board and report to the Board on such actions.

Section 7.03.20(j)(6) Should the Building Official report that actions to correct violations are not proceeding the Board shall schedule a public hearing with notice as provided by Michigan law for special land use approval. Subsequent to the public hearing, the Board shall determine whether actions to correct the violations have been carried out in accordance with the Board's specifications.

Section 7.03.20(j)(7) Should the Board determine that any of the specified corrective actions have not been taken, the Board shall have the right to enter on the property for the purpose of restoring the property in accordance with the approved Restoration Plan, and/or to take such remedial action which it deems appropriate to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of this Ordinance, including the conditions of the applicable special land use permit, and/or to take such other actions as the Board may determine are appropriate. The cost of any such

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actions shall be charged against the surety deposited pursuant to Subsection 7.03.20(k) and any other applicable surety deposited pursuant to licensing or other Township regulations. In the event that the surety deposits and other resources of the Applicants available to the Township are, in the opinion of the representatives of the Township, insufficient to cover such costs, the Township shall be entitled to recover said deficiency out of the land, and, to effectuate said right, the Township shall be entitled under such circumstances to exercise all of the rights of a first Lienholder whose lien is in default, and shall be entitled to exercise all remedies available to such a first Lienholder under the laws of the State of Michigan, including, but not limited to, the right to foreclose said lien and the right to obtain appointment of a receiver for any purpose.

Section 7.03.20(j)(8)

In the event that the value of the property is insufficient to cover the balance of the costs, liability shall fall jointly and severally upon the applicants, non-applicant operators on the subject site and on all other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations. Applicants on whom liability shall fall shall include principals, operators and others as defined in Subsections 7.03.20(e)(1) through Subsection 7.03.20(e)(4) and as identified on the Special Land Use Permit. Said liability shall fall on said applicants based on their being named in the applicable Special Land Use Permit and those so named shall not escape liability even if they no longer meet the definition of Principals, (operators or others with an interest in the land pursuant to Subsections 7.03.20(e)(1) through Subsection 7.03.20(e)(4). If a Special Land Use Permit has been amended pursuant to the provisions of Subsection 7.03.20(e) so that one or more entities

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originally named as Applicants are no longer named as Applicants, then those that once were named as Applicants shall not be liable to cover the balance of the costs in the event that the value of the property is insufficient to cover the balance of the costs. Non-applicant operators on whom liability shall fall shall include all operators licensed by Frenchtown Charter Township to conduct operations at the subject site.

Section 7.03.20(k) Surety requirements:

Section 7.03.20(k)(1)

So as to assure faithful restoration, the applicants shall deposit with the Township a surety bond which is in form and substance satisfactory to the Township Board. No less than twenty-five percent (25%) of the total 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 Board making the Township the beneficiary thereof. With the approval of the Township Board, up to seventy-five percent (75%) of the bond may be in the form of a corporation surety bond. The surety company shall be (i) licensed to conduct business in the State of Michigan, and (ii) named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (amended) by the Audit Staff Bureau of Accounts, U.S. Treasury Department.

Section 7.03.20(k)(2)

The cash or irrevocable letter of credit plus all other components of the surety bond shall remain in force, and in the possession of the Township until the parcel or parcels have been reclaimed, and all equipment, machinery, materials, buildings and other improvements removed as required by the terms of the ordinance.

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Section 7.03.20(k)(3)

In the establishment of the amount of the surety bond, the Township Board shall take into account the size and scope of the proposed operation, the current and projected costs of reclamation in the event of default by those responsible for restoration at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. In establishing the amount of the deposit, the board shall consider, but not be bound by, the applicants' estimate of the amount that will be required, provided such estimate is certified as accurate by an officer of each applicant. In determining the amount of the bond the Township Board may consider, but shall not be bound by an independent appraisal of the actual cost of restoration. Such an appraisal shall be prepared by appropriately qualified independent professionals selected by the Township Board. Costs for obtaining such an independent appraisal shall be charged to the applicants. Final determination of the amount of the bond shall be made by the Township Board, but unless good cause be shown therefore, the deposit shall be in an amount not less than one hundred thousand dollars (\$100,000.00) for the first twenty (20) acres or portion thereof, and a minimum of two thousand dollars (\$2,000.00) for each acre over twenty (20) acres. The Township Board, in considering any application to amend, modify or renew the special land use permit, may, in its discretion, increase or decrease the amount of the surety bond, based upon increased or decreased costs, new information or partial reclamation.

Section 7.03.20(k)(4)

All cash deposited as surety shall be deposited in an interest bearing account in the control of the Township at a bank or saving and loan institution satisfactory to the

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Township, provided that all sums on deposit shall be readily accessible to the Township in the event of need or default. Interest earned on any such deposit shall accrue in the account and shall be available for restoration and other purposes which may be charged against those liable for inspection, restoration and remediation costs pursuant to this Ordinance, with the balance, if any, returned to the Applicants upon compliance with all other provisions of this Ordinance.

Section 7.03.20(k)(5) The surety deposit shall be submitted by the Applicants prior to the issuance of the special land use permit.

Section 7.03.20(k)(6) Monies may be released to the Applicants in proportion to the work completed on the different restoration activities after an inspection report is filed by the Township Engineer and approved by the Board. Not more than eighty percent (80%) of the Moines deposited shall be released until all work has been completed and subsequently inspected by the Township Engineer and approved by the Board. Upon completion of restoration and/or remediation in accordance with this Ordinance to the satisfaction of the Township, any balance of such deposit together with any remaining interest thereon, shall be returned to the various Applicants in the proportions designated by the Applications on the approved special land use permit.

Section 7.03.20(k)(7) The amount of the surety deposit shall be subject to an annual re-evaluation of its adequacy to pay for all required restoration and remediation activities. The re-evaluation of the surety deposit shall consider changes in the Consumer Price Index for the Detroit Metropolitan Area as published monthly by the U.S. Bureau of Labor Statistics for Hourly and Clerical Wage Earners plus other pertinent factors. Pursuant to re-evaluation, the Township

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Board may increase or decrease the required surety deposit. If the Township Board increases the surety requirement, all Applicants, all Lien holders and all other persons, firms and/or corporations who have been made subject to liability pursuant to licensing and/or other Township regulations shall be notified. Within ninety (90) days of said notification, the additional surety shall be deposited with the Township in a form acceptable to the Township. Failure to deposit the additional surety within (90) days shall be deemed a violation of this Ordinance. Action against said violation shall be taken pursuant to Subsection 7.03.20(j).

Section 7.03.20(k)(8)

The Township Board may, in its discretion, approve surety deposits for areas less than the total acreage for which a special land use permit is sought. However, at no time shall any excavation be undertaken unless and until sufficient surety deposit has been deposited to ensure that the restoration of the area to be disturbed conforms with all other requirements of this Ordinance.

Section 7.03.20(k)(9)

The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall assume all responsibility for any and all damage to public and/or private property caused by their fault or negligence or the fault or negligence of their agents in the construction, operation or maintenance of any mining operation.

Section 7.03.20(k)(10)

The owner of the land involved, the operator and the holder of any permit issued under this Ordinance shall indemnify, protect, defend and save harmless the Township and its agents, employees and professional consultants from and against any and all claims and demands for damages to public and/or private property and injury or death to persons and against any and all claims

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and demands of any nature which may arise out of or be caused by any of the activities permitted by this Ordinance. The owner of the land involved, the operator and the holder of any permit issued under this Ordinance shall carry insurance to protect Frenchtown Charter Township and its agents, employees and professional consultants from and against any and all claims, demands, actions, judgments, costs, expenses, and liabilities of every name and nature which may arise or result, directly or indirectly, from or by reason of any mining operation activities. All insurance required shall cover the owner, operator, and permit holder and the Township and its agents as their respective interests may appear, and shall remain in force the entire life of any mining operation including any period of time used for restoration and reclamation.

Such insurance policies shall include an endorsement that the insurer will not cancel or change the policy of insurance issued except after thirty (30) days written notice given to the Township by registered mail.

Section 7.03.20(k)(11)

Until changed by the Township Board as specified below, the owner, operator, and permit holder shall carry public liability and bodily injury insurance of at least \$1,000,000.00 for one person, \$2,000,000.00 for each occurrence, and \$1,000,000.00 property damage insurance with a \$10,000,000.00 umbrella. This insurance shall cover injury or damage occurring on the site of the operation, as well as injuries occurring upon adjoining property as a result of conditions or activities conducted upon the Applicant's property.

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Section 7.03.20(k)(12)

The owner, operator and permit holder shall submit to the Township Board certificates of insurance showing the coverage required herein and certifying that the insurance policy(s) contain an endorsement that the insurer will not change or cancel such policy(s) of insurance except after thirty (30) days written notice given to the Township by registered mail. No permit granted under this Ordinance shall be valid until such certificates of insurance are submitted to the Township Board. Following the receipt of such certificates, the Township Board shall review the certificates, and may by motion require that the amount of insurance coverage provided for in subsection (4) above be increased or decreased in an amount determined by the Township Board. Notice of such motion to increase or decrease the amount of insurance shall be given to the owner, operator and permit holder, by registered or certified mail and said insurance shall be increased or decreased accordingly within thirty (30) days of the mailing of said notice. Failure to increase or decrease the amount of said insurance within the thirty (30) day period, and/or failure to submit certificates of insurance showing the coverage required and certifying that the insurance policy(s) contain an endorsement as indicated above shall result in any permit issued under this Ordinance being void. Failure to maintain insurance shall be grounds for revocation of permit.

Section 7.03.20(l) Permit content:

Each special land use permit issued to an applicant pursuant to this Section shall contain the following:

Section 7.03.20(l)(1)

The name and address of each of the Applicants for the special land use permit and each Lienholder with respect to the land

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subject to the lien.

- Section 7.03.20(1)(2) The name, address and phone number of the person designated by each of the Applicants and each of the lien holders as agent for all notice, correspondence and communications.
- Section 7.03.20(1)(3) The legal description of the property to which the permit shall apply.
- Section 7.03.20(1)(4) The period for which the permit shall be valid, including its commencement date and expiration date.
- Section 7.03.20(1)(5) A statement essentially corresponding to the following: "This permit is subject in general to Section 7.03.20 Special Land Use procedures and Standards for Mining and Quarrying and other applicable provisions of the Frenchtown Charter Township Zoning Ordinance under which this special land use permit was approved, that ordinance being the one in effect on _____, and in particular to the Operations and Restoration Plan approved pursuant to this permit and dated _____."
- Section 7.03.20(1)(6) A statement essentially corresponding to the following: "This permit may be suspended or revoked in accordance with the procedures and notice requirements set forth in Section 7.03.20 Special Land Use procedures and Standards for Mining and Quarrying of the Frenchtown Charter Township Zoning Ordinance, based upon a failure to comply with one or more of the applicable requirements, and/or the terms and conditions of this permit, or upon the grounds that the use constitutes a nuisance or danger to the public health, safety and/or welfare."
- Section 7.03.20(1)(7) A statement to be endorsed by all applicants and all lien holders substantially in accordance with the following: "Each of the

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undersigned has read this permit and understands and agrees that all of the statements and contents of the Operation and Restoration Plan for the permit as approved by the Frenchtown Charter Township Board, together with any conditions attached thereto by the Frenchtown Township Board, are incorporated herein by reference as a part of the terms and conditions of the permit and of any other applicable law, the ordinances of the Township of Frenchtown, and any other applicable regulations. Each of the undersigned further acknowledges that employees and agents of the Township of Frenchtown are permitted to come upon the lands at any reasonable time for the purpose of inspecting, monitoring and/or administering the ordinances and other lawful regulations of the Township of Frenchtown, including those regulating mining and quarrying operations upon the land which is the subject of this permit. Each of the undersigned further acknowledges that this permit shall be recorded with the Monroe County Register of Deeds and shall constitute evidence of a first lien, prior in right to all other liens with respect to the lands subject to this permit, in favor of Frenchtown Township for the purpose of securing the performance of the restoration obligations set forth in the Operation and Restoration Plan, it being understood that, in the event that the surety deposits and other resources of the Applicants or the representatives or the Township, insufficient to assure restoration of the land in accordance with the Operation and Restoration Plan, the Township shall be entitled to recover said deficiency out of the land, and, to effectuate said right, the Township shall be entitled under such circumstances to exercise all of the rights of a first lien holder whose lien is in default, and shall be entitled to exercise all remedies available to such a first lien holder under the laws of the State of Michigan, including, but

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not limited to, the right to foreclose said lien and the right to obtain appointment of a receiver for any purpose, and the Township shall be authorized to engage persons on behalf of the Applicants to enter onto said land and to perform such restoration and other actions as are appropriate to effectuate the provisions of the Operations and Restoration Plan. Each of the undersigned also acknowledges that the first lien evidenced by this permit shall also be for the purpose of securing the performance of such remedial action which the Township Board may deem appropriate pursuant to Subsection 7.03.20(j) of the Frenchtown Charter Township Zoning Ordinance to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of this permit."

Section 7.03.20(l)(8)

A statement to be countersigned by all Applicants corresponding substantially to the following: "The undersigned have read this permit and understand and agree to be fully liable both jointly and severally for the entire cost of restoring the land pursuant to the Restoration Plan for this permit as approved by the Frenchtown Charter Township Board, and also for the cost of such other actions which the Frenchtown Charter Township Board may deem appropriate pursuant to the Subsection 7.03.20(j)(4) through Section 7.03.20(j)(7) of the Frenchtown Charter Township Zoning Ordinance to correct environmental or other damage which may have resulted from operation of the subject use in violation of the requirements of this Section 7.03.20 of the Frenchtown Charter Township Zoning Ordinance. However, the undersigned understand that the liability hereby accepted shall only be for restoration and other costs which exceed the sum of (i) the recoverable value of the surety deposits and other funds provided pursuant to Subsection 7.03.20(k) of the Frenchtown Charter Township Zoning

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Ordinance, plus (ii) the amount realized by the Township as a result of the sale of the land at foreclosure."

Section 7.03.20(l)(9)

A statement to be countersigned by all Applicants naming one person, firm or corporation as agent for the purpose of receiving notices required pursuant to this Ordinance.

Section 7.03.20(m) Maintenance of permit records:

The Township Clerk shall maintain a copy of each special land use permit issued pursuant to the provisions of this Ordinance. Along with each permit approved there shall also be maintained: 1) a complete copy of the approved Operations and Restoration Plan and any conditions imposed by the Township Board pursuant to approval of the permit; and 2) a complete copy of the entire Frenchtown Charter Township Zoning Ordinance under which the permit was approved. The Clerk shall certify the Operations and Restoration Plan along with any conditions attached thereto, and the copy of the Zoning Ordinance as the documents applicable to the particular special land use permit with which they are maintained. The Clerk shall record the permit signed by the Township Supervisor and Clerk and by all Applicants as required by this Ordinance. The recorded permit shall constitute evidence of a first lien, prior in right to all other liens with respect to the land subject to this permit, in favor of Frenchtown Township for the purpose of securing the performance of the restoration and other obligations pursuant to this Ordinance.

Section 7.03.20(n) Operation requirements for mining and quarrying special land uses:

Removal operations must be conducted in a way which is compatible with existing and proposed development and in a way which protects the natural environment and minimizes negatives impacts on surrounding land and development. Operation requirements as set forth in this Section shall apply:

Section 7.03.20(n)(1)

Conformance to approved operations and restoration plan:

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Operations shall be in accordance with an approved detailed plan as submitted pursuant to subsection 7.03.20

Section 7.03.20(n)(2)

Arrangement of operations:

Section 7.03.20(n)(2-a)

During any given phase of the operation, the entire site subject to the special land use permit shall be divided into the following seven types of areas: 1) buffer areas, 2) preservation areas, 3) future excavation and operations areas, 4) excavation-and-operations-in-progress areas, (5) interim restoration-in progress areas 6) interim restored areas, and 7) final restored areas. Said areas shall be defined and regulated as follows:

Section 7.03.20(n)(2-a1)

Buffer areas:

Buffer areas shall be located on the subject property. Buffer areas are required by this Ordinance to be incorporated in the approved Operations and Restoration Plan. During the period for which the special land use permit is valid, buffer areas shall not be disturbed by mining of materials or on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling), except that on-site roadways providing necessary access to various other areas shall be permitted to pass through buffer areas. Buffer areas may incorporate sight barriers required pursuant to the site design regulations set forth in subsection 7.03.20(n)(2-e) of this Ordinance.

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Section 7.03.20(n)(2-a2) Preservation areas:

Preservation areas shall be located on the subject property. Preservation areas are not required per se by this Ordinance, but may be established by the approved Operations and Restoration Plan for the convenience of the Applicants or as a method of conforming to one or more requirements which are specified in this Ordinance. During the period for which the special land use permit is valid, Preservation areas shall not be disturbed by mining of materials or on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling), except that on-site roadways may be permitted. Preservation areas may incorporate sight barriers required pursuant to the site Subsection regulations set forth in Subsection 7.03.20(n)(2-e) of this Ordinance.

Section 7.03.20(n)(2-a3) Future excavation and operations areas:

Future excavation and operations areas shall be located within the operating limits as designated in the approved Operations and Restoration plan. No mining of materials or on-site operations appurtenant to mining such as (washing, grading, sorting, crushing, grinding, cutting and stockpiling), shall take place within the future excavation and operations areas, except that on-site roadways may be permitted.

Section 7.03.20(n)(2-a4) Excavation-and-operations-in-progress-areas:

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Excavation-and-operations-in-progress areas shall be located in the operating limits as designated in the approved Operations and Restoration plan. At any one point in time, the size of all excavation-and-operations-in-progress areas shall not exceed the lesser of 150 acres or forty percent (40%) of the property which is the subject of the special land use permit. At any one point in time, all mining of materials and on-site operations appurtenant to mining (such as washing, grading, sorting, crushing, grinding, cutting and stockpiling), shall take place within the excavation-and-operations-in-progress area applicable for that point in time, except that on-site roadways providing necessary access to various other areas may be permitted outside excavation-and-operations-in-progress areas.

Section 7.03.20(n)(2-a5)

Interim restoration-in-progress areas:

Interim restoration-in-progress areas shall be located within the operating limits as designated in the approved Operation and Restoration plan. The total acreage of all interim restoration-in-progress areas plus all excavation-and-operations-in-progress areas shall not exceed the lesser of 225 acres or sixth percent (60%) of the property which is the subject of the special use permit. Interim restoration-in-progress areas shall be areas which have previously been mined and in which restorative grading and vegetation planting is underway. No mining or related operations shall take place in any area while it is classified as interim restoration-in-progress area. An area

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which has been classified as an interim restoration- in-progress area may be reclassified as an excavation-and-operations-in-progress area pursuant to the limitation of subparagraph (7.03.20(n)(2-a4)above.

Section 7.03.20(n)(2-a6) Interim restored areas:

Interim restored areas are areas which have had their topography, soils and vegetation restored in accordance with the interim provisions of the approved Operations and Restoration Plan. Interim restored areas need not be improved with buildings, permanent roadways, other permanent structures or with related landscaping which may be required for final restoration by the Operations and Restoration Plan. No mining or related operations shall take place in any area while it is classified as an interim restored area. An area which has been classified as an interim restored area may be reclassified as an excavation-and-operation-in-progress area pursuant to the limitations of Sub-Paragraph 7.03.20(n)(2-a4) above.

Section 7.03.20(n)(2-a7) Final restored areas: Final restored areas are areas which have been completely restored pursuant to all provisions of the approved Operations and Restoration Plan.

Section 7.03.20(n)(2-b) Minimum Setbacks for Future Excavation and Operations Areas, Excavation-and-Operations-in-Progress Areas, interim Restoration-in-Progress areas and Interim Restored Areas:

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Section 7.03.20(n)(2-b1) No excavation shall be permitted within three hundred feet (300') from any public or off-site private roadway; and any property line.

Section 7.03.20(n)(2-b2) Excavation, washing and stockpiling of extracted material shall not be conducted closer than three hundred feet (300') to the margin of any stream or waterway without written permission from the Michigan Water Resources Commission and Monroe County Drain Commissioner approval.

Section 7.03.20(n)(2-b3) Where appropriate, the Township Board may require the outward one hundred fifty (150') feet of the area of excavation to be limited so as to be excavated at a slope not to exceed a steepness of seven (7') foot horizontal for one (1') foot vertical with the beginning of the grade being the existing grade. The purpose of this subsection is to provide a safe swim area in the event the excavation area is proposed to be restored as a lake.

Grading and excavation activities may take place up to the property line beginning six (6) months before the completion of excavation in an area when necessary to implement an approved restoration plan.

Section 7.03.20(n)(2-c) Frontage and access: All parcels being mined under the provisions of this Ordinance shall have a minimum of three (300') hundred feet frontage on a major thoroughfare which has an existing or proposed future one hundred twenty (120') feet width right-of-way and which roadway shall be improved to the specifications of the Monroe County

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Road Commission. An evaluation of the traffic impacts shall be completed and approved prior to the issuance of a permit under this Section.

Section 7.03.20(n)(2-d)

Elevation of processing facilities: All processing facilities and stockpiling inventories shall be located within the excavation area at an elevation as much lower than the general level of the surrounding terrain as is reasonably practicable in order to reduce the visual, noise and dust impacts of the plant.

Section 7.03.20(n)(2-e)

Screening: All active excavating and mining operations shall be visually screened from view from all adjacent public or private highways, roads and streets and residentially used parcels. Any of the following methods shall be used, as determined by the Planning Commission to reduce the potential negative impact of the proposed use on adjacent properties or public highways, roads and streets:

Section 7.03.20(n)(2-e1)

Construction of a raised earth berm area on the applicant's premises along the boundary lines thereof where such lines abut public or private highways, roads and streets, abut privately owned property which is residentially zoned or occupied for residential purposes, and at such places as the construction thereof is necessary to screen processing equipment from the view of a person standing at ground level on any parcel of land improved and occupied for residential purposes which is located adjacent to the applicant's property or fronts on any of the roads forming the boundaries

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of the mining site. When constructed along public or private highways, roads and streets, the berm shall be of a sufficient height to screen processing equipment from the view of the general public using the public or private highways, roads and streets. Where the berm is constructed adjacent to residentially zoned or used property or to screen non adjacent residentially zoned or used property, it shall be sufficient in length and height to screen that portion of the property actually improved and occupied for residential purposes. During the next planting season following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent property. Where the topography of the area acts as a screen, the Planning Commission and/or Township Board may waive the berm requirement. The outer slopes of the berm shall have slopes no steeper than one (1) foot vertical to four (4) feet horizontal; the inner slopes of the berm shall have slopes no steeper than one (1') foot vertical to three (3') feet horizontal or less steep if necessary to provide a sufficiently stabilized berm. The outer toe of the berm shall be located at least one hundred sixty (160') feet from the centerline of the road or nearest property line. The vegetation of the berm shall be kept mowed so that the height of the vegetation does

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not exceed six (6") inches.

Section 7.03.20(n)(2-e2) Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening, as determined by the Planning Commission.

Section 7.03.20(n)(3) Operation procedures:

Section 7.03.20(n)(3-a) General operating standards:
All activities, equipment, roadways and material storage areas shall be treated, covered, muffled or otherwise controlled to ensure compliance with the following performance standards:

7.03.20(n)(3-a1) Operations will be conducted in a way to minimize negative impacts on adjacent areas.

7.03.20(n)(3-a2) Operations will be conducted in a way to minimize negative impact on ground water, water courses, water bodies and wetlands.

Section 7.03.20(n)(3-a3) Operations will be conducted in a way to minimize airborne dust and dirt.

Section 7.03.20(n)(3-a4) Equipment used shall be constructed, maintained and operated in such a manner as to eliminate, insofar as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

Section 7.03.20(n)(3-b) Hours of operation:
Excavation, loading, washing and stockpiling of extracted material and all truck movements associated with the hauling of extracted material shall be restricted to weekdays (Monday - Friday) between the hours

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of 7:00 AM and 5:00 PM except in cases of public emergency declared by the Township Board.

Excavation, washing and stockpiling of extracted material and all truck movements associated with the hauling of extracted material shall be prohibited on weekday holidays. A "holiday" is any day on which the U.S. Postal Service does not deliver regular mail.

Section 7.03.20(n)(3-c)

Truck routes:

Section 7.03.20(l)(3-c1)

Truck traffic associated with the use shall be prohibited on all streets except those for which it is specifically approved by the Township Board pursuant to special land use approval. Streets shall be approved for truck traffic so as to minimize the impact of such traffic on residential and related uses and activities.

Section 7.03.20(n)(3-c2)

When the operation of a mined area shall cause the mined material, overburden or similar material to be deposited upon the public roadway, it shall be the responsibility of the applicant, owner and operator, jointly and severally, to remove the material within twelve (12) hours of notice from the Township. If such notification is received from any other county or state agency, the agency may establish a more restrictive time limitation.

Section 7.03.20(n)(3-d)

Enclosure and spraying of trucks: Any and all trucks hauling any extracted materials to or from the site in Frenchtown Township shall, be enclosed or covered to prevent materials from blowing or falling

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from trucks, and shall be sprayed to prevent gravel from falling or being thrown from the wheels and under carriage of trucks.

Section 7.03.20(n)(3-e)

Treatment of private roads to minimize dust: All on-site and off-site private access roads utilized shall be paved so as to create a dust-free surface for a distance of three hundred feet (300') from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.

Section 7.03.20(n)(3-f)

Processing of material extracted off-site prohibited: No natural resource extracted outside the limits of the approved special land use area shall be brought in for washing, grading, or further processing, except in the event of a public emergency requiring the use of said natural resource, as declared by the Township Board.

Section 7.03.20(n)(3-g)

Fencing: All mining and quarrying sites shall be fenced prior to the commencement of operations and prior to the placement on the site of machinery or buildings. The fencing shall be located on the inside of the screening berm required by Section 7.03.20(n)(2-e) and surround the area of operation as set forth in the site plan, provided, however, for good cause shown in relation to the protection of public safety and in view of the operations conducted, the Township Board may, in its discretion, modify the location of fencing. The minimum specifications for the fencing shall be as follows: a six feet (6') high farm-type fence of Number 9 gauge top

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wire, Number 12 gauge bottom wire, Number 14 gauge stays and intermediate wires and spacing of six inches (6") vertically and twelve inches (12") horizontally; all stays shall be fourteen (14) gauge wire; support posts shall be spaced on sixteen foot (16') centers or less. In addition, where an excavation results in a temporary edge being formed which is steeper than a five (5) to one (1) slope, there shall be immediately erected a fence protecting that portion of the site where the edge extends and the additional fence shall be not less than five (5) feet in height and shall be a cyclone type chain link metal fence with spacing of support posts no greater than ten (10) feet apart. This additional and supplemental fencing when so required shall be within the perimeter of the general fencing required hereunder.

Section 7.03.20(n)(3-h)

Stockpiling of topsoil: Sufficient top soil shall be stockpiled on the site so that all areas which require vegetative restoration may be recovered with a minimum of six inches (6") of top soil when excavating operations are completed. The top soil replacement shall be made immediately following the termination of excavating operations. All replaced top soil shall immediately be planted with grass or other plant material acceptable to the Board so as to prevent the erosion of slopes. Those lands under water or in approved beach areas are excluded from top soil replacement and planting requirements.

Section 7.03.20(n)(3-i)

Explosives: Explosives shall be used in accordance with the "Regulations

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for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.

Section 7.03.20(n)(3-j) Slopes at the end of each working day. At the end of each working day, slopes of areas being excavated shall not exceed a ratio of one foot (1') of rise for each two feet (2') of run.

Section 7.03.20(n)(3-k) Applicability of general performance

Mining and quarrying activities shall be conducted in conformance with the provisions of Frenchtown Charter Township Zoning Ordinance, ARTICLE 28 (Performance Standards) except where provisions of this Section 7.03.20 require higher standards.

Section 7.03.20(n)(3-l) Applicability of Operations and Restoration Plan to Applicant and Independent Haulers:

Any and all haulers of mine or quarry materials, including those who are not mine or quarry operators, shall be subject to the requirements of the Special Use Permit, including but not limited to the Operations and Restoration Plan.

Section 7.03.20(n)(4) Sound vibration, dust:

Section 7.03.20(n)(4-a) All equipment and facilities used in the production, processing or transportation of minerals, overburden or other by-products or material needed for the mining operation shall be constructed, maintained and operated in such a manner as to eliminate insofar as practicable, sounds, vibrations or

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dust which interfere with the reasonable use and enjoyment of surrounding property. Where feasible, the processing plant and accessory equipment shall be situated below the average grade of the surrounding parcels so as to effectuate screening from sight, sound, dust and vibration.

Section 7.03.20(n)(4-b)

Sound levels shall not exceed fifty-five feet (55') decibels at any time. Upon complaint being filed regarding sound levels emanating from the mining operation, the Building Official shall obtain a person-firm or agency which shall have suitable equipment and expertise to determine the decibel levels emanating from the mining operation. All measurements shall be made at the property line. The applicant, owner and operator, jointly and severally, shall be responsible for all costs associated with obtaining said professional assistance and equipment.

Section 7.03.20(n)(4-c)

All machinery and other operations conducted on and at the mining site which cause vibrations, shall be so conducted as to prevent transmission of ground vibration exceeding displacement of .003 of 1 inch measured at any lot line adjoining the site. Upon a complaint being filed regarding ground vibrations emanating from the mining operation the Building Official shall obtain a person, firm or agency which shall have suitable equipment and expertise to determine ground vibration and displacement emanating from the mining operation. The applicant, owner and operator, jointly and severally, shall

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be responsible for all costs associated with obtaining such professional assistance and equipment.

Section 7.03.20(n)(4-d) Where blasting is a method of mining, the blasting and the setting off of an explosive shall be restricted to between the hours of 8:00 AM and 2:00 PM on weekdays except in cases of extreme emergency. No blasting shall be permitted on Saturday, Sunday or legal holidays. Any person, applicant, owner and operator, jointly and severally, shall be responsible for giving prior notice to the Township of the fact that blasting or setting off of an explosive blast is to occur within the Township. Said prior notice being given at such time as to allow said blasting or setting off of an explosive blast to ensure its compliance with the provisions of this Ordinance.

Section 7.03.20(o) Building and well surveys:

If an application is approved under this Section 7.03.20, the applicant shall at their expense and prior to commencement of operations on the site:

Section 7.03.20(o)(1) Perform an audio-video survey of the interior and exterior of all buildings within one (1) mile from the proposed exterior perimeter of the area of excavation. The audio-video survey shall be performed by a person or a firm experienced in this type of survey and recorded on one-half (1/2") inch tape. The applicant shall be obligated to perform similar surveys on buildings erected after commencement of operations and within one (1) mile from the proposed exterior perimeter of the area of excavation. Frenchtown Charter Township shall be responsible for notifying the applicant of newly erected buildings. The tapes shall be

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retained by Frenchtown Charter Township. the Township shall have the responsibility of scheduling the inspections and obtaining the necessary consents.

Section 7.03.20(o)(2)

Perform a building survey of all buildings located within the distance of one (1) mile from the proposed exterior perimeter of the area of excavation. The survey team shall consist of one designated representative for the applicant and one designated representative for Frenchtown Charter Township. The survey team shall make a written report and take photographs, if necessary. The originals of the written reports and negative proofs of any photographs shall be retained by Frenchtown Charter Township. The applicant shall be obligated to perform similar surveys on buildings erected after commencement of operation within one (1) mile from the proposed exterior perimeter of the area of excavation. Frenchtown Charter Township shall be responsible for notifying the applicant of newly erected buildings. The Township shall have the responsibility of scheduling the inspections and obtaining the necessary consents.

Section 7.03.20(o)(3)

Perform a written certified pump test of all wells within a distance of one (1) mile from the proposed exterior perimeter of the area of excavation. Said tests shall determine the draw down and the capacity of the well in gallons per minute and other pertinent information determined by the expert. The tests shall be performed by a qualified independent person or firm. The results of the tests shall be retained by Frenchtown Charter Township. The applicant shall be obligated to perform similar pump tests on wells established within one (1) mile of the proposed exterior perimeter of the area of excavation after commencement of operations. Frenchtown Charter Township shall be responsible for notifying the

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applicant of new wells. The Township shall have the responsibility of scheduling the well tests and obtaining the necessary consents.

Section 7.03.20(p) Restoration requirements:

Restoration shall be completed so as to leave the area compatible with existing and proposed development and so as to protect the natural environment and minimize negative impacts on surrounding land and development. Restoration requirements as set forth in this Section shall apply:

Section 7.03.20(p)(1) Conformance to approved operations and restoration plan: Restoration shall be in accordance with an approved detailed operations and restoration plan as submitted pursuant to subsection 7.03.20(e)(17).

Section 7.03.20(p)(2) Restoration schedule:

Section 7.03.20(p)(2-a) All excavation-and-operations-in-progress areas shall be restored to interim restoration areas within twelve (12) months after the cessation of mining and quarrying operations therein. For the purpose of this subsection, operations shall be deemed to have ceased for twelve (12) months if no more than 1,000 cubic yard of material has been removed for a twelve (12) month period.

Section 7.03.20(p)(2-b) All interim restoration areas shall be fully restored in accordance with the final restoration provisions of the approved Operations and Restoration Plan within thirty six (36) months of the cessation of operations in the entire parcel approved as a mining and quarrying special land use.

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Section 7.03.20(p)(2-c) Deviation from the timetable of the restoration plan and the uses to which the proposed areas will be put shall be permitted only upon approval of an amended special land use permit.

Section 7.03.20(p)(3) Restoration Standards:

Section 7.03.20(p)(3-a) All excavating shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant water. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten feet (10') below the average summer level of water in the excavation.

Section 7.03.20(p)(3-b) In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and more over, such fill material shall not contain any machinery or equipment or parts thereof, or any other material which will, or is likely to, impair or harm the air, water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.

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Section 7.03.20(p)(3-c) Top soil of quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, roads or other structures. The depth of top soil over the entire site shall not be less than six inches (6").

Section 7.03.20(p)(3-d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

Section 7.03.20(p)(3-e) Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment not required for approved restoration activities shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

Section 7.03.20(q) Districts where mining and quarrying may be approved as special land uses pursuant to section 7.03.20:

Subject to the provisions of Section 7.03.20, mining and quarrying may be approved as a Special Land Use only in areas zoned (A) Agricultural.

Section 7.03.21 GROUP DAY-CARE HOMES SUBJECT TO THE FOLLOWING:

Section 7.03.21(a) The proposed facility is not closer than 1,500 ft. to:

Section 7.03.21(a)(1) Another licensed group day-care home.

Section 7.03.21(a)(2) Another adult foster care small group home or large group home licensed

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under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.

Section 7.03.21(a)(3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

Section 7.03.21(a)(4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

Section 7.03.21(b) The proposed facility has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.

Section 7.03.21(c) The proposed facility maintains the property consistent with the visible characteristics of the neighborhood.

Section 7.03.21(d) The proposed facility does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

Section 7.03.21(e) The proposed facility meets regulations, if any, governing signs used by a group day-care home to identify itself.

Section 7.03.21(f) The proposed facility meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

Section 7.03.22 BED AND BREAKFAST OPERATIONS SUBJECT TO THE FOLLOWING:

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Section 7.03.22(a) Not more than 50% of the floor area of the dwelling shall be used for the bed and breakfast operation to include sleeping rooms.

Section 7.03.22(b) The bed and breakfast operation shall be permitted only in the principal place of residence of the owner.

Section 7.03.22(c) There shall be no separate kitchen facilities for the bed and breakfast operation.

Section 7.03.22(d) The intent is not to permit a boarding house operation, therefore the maximum period of occupancy for any guest shall be two weeks.

Section 7.03.22(e) There must be a minimum of two (2) exits to the outdoors.

Section 7.03.22(f) All rooms dedicated to the bed and breakfast operation shall have a fully functional smoke detector approved by the Frenchtown Charter Township Fire Chief.

Section 7.03.22(g) The application for special use shall be accompanied with a floor plan of the residence proposed for use as a bed and breakfast operation. The plans shall clearly illustrate:

Section 7.03.22(g)(1) The portion of the residence proposed for access to the bed and breakfast users and that portion which is restricted to owner private use.
the

Section 7.03.22(g)(2) The dimensions and floor area of all rooms intended to be used by the bed and breakfast users.

Section 7.03.22(h) The Commission shall review the submitted floor plans to insure that all rooms proposed for use in the bed and breakfast operation are of sufficient size to accommodate the number of users proposed.

Section 7.03.22(i) Sufficient off-street parking shall be provided to accommodate vehicles for both the home owner and maximum number of guests. Said parking shall be so located and designed so that it will not be a negative impact to adjacent properties, the general residential character of the area and the general circulation of the area.

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Section 7.03.23 RESTAURANT / COMMERCIAL OUTLET CENTER RELATED TO THE AGRICULTURAL USE OF THE PROPERTY

The Master Plan for Frenchtown Charter Township calls for the retention of agricultural uses in the “Ultimate Development” of the Community. The Master Plan further calls for the Township to work with property owners to allow uses which would be innovative and economically feasible while being compatible with the ultimate goal of retention of agricultural farm lands in the community.

A Restaurant / Commercial Outlet Center related to the agricultural use of the property may therefore be permitted in an Agricultural Zoning District only if **all** of following conditions are met:

- Section 7.03.23 (a) The subject property is zoned A, Agricultural District.
- Section 7.03.23 (b) The minimum lot area of the subject property is 9 acres.
- Section 7.03.23 (c) The subject property has at least one (1) property line abutting Telegraph Road, North Monroe Street or North Dixie Highway.
- Section 7.03.23 (d) Minimum lot or parcel depth as measured from the center line of Telegraph Road, North Monroe Street or North Dixie Highway to the rear property line shall be 360 feet.
- Section 7.03.23 (e) Minimum lot or parcel frontage on Telegraph Road, North Monroe Street and North Dixie Highway shall be 400 feet.

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Section 7.03.23 (f) The building materials and architecture for the restaurant or commercial outlet shall be consistent with the building materials and architecture found in the document titled *“Examples of Typical Specialty Farm Buildings for Wineries, Restaurants, Etc.”* The creative use of decorative block, brick, stone or a combination of such materials is encouraged.

Section 7.03.23 (g) The colors of the building materials for the restaurant or commercial outlet shall be consistent with the colors typically found in an agricultural use in the Township and as found in the document titled *“Examples of Typical Specialty Farm Buildings for Wineries, Restaurants, Etc.”* The creative use of decorative block, brick or stone or a combination of such materials is encouraged. Colors and materials typically used in a commercial district, which call attention to the structures (yellows, blue, plastic etc.) shall not be permitted.

Section 7.03.23 (h) The farm crops proposed for the subject property shall be permitted to be grown beginning at the street setback line of any abutting

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road without additional setback, unless the crop could result in a public hazard or would unreasonably obstruct or interfere with traffic flow and visibility on the main road, road intersections or driveway intersections.

Section 7.03.23 (i) All buildings shall be set back a minimum of fifty (50) feet from all property lines.

Section 7.03.23 (j) All parking areas and other commercial functions shall be screened from abutting properties and rights of way.

Section 7.03.23 (k) The maximum height of all proposed buildings shall not exceed 2 1/2 stories or 35 feet.

Section 7.03.23 (l) In the case of a commercial outlet center, the operation and or commodities shall be related to the farming operation being conducted on the subject property.

Section 7.03.23 (m) The combination of the farming operation and restaurant or commercial outlet shall be approved by the Monroe County Health Department.

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Section 7.03.23 (n) The total area dedicated to the restaurant, commercial outlet center or winery and ancillary uses such as parking etc shall not exceed:

3.0 Acres if the site is between 9 -15 acres

3.5 Acres if the site is between 16 –21 acres

4.0 Acres if the site is between 22 - 35 acres

5.0 Acres if the site is 36 acres or greater

Section 7.03.23 (o) The Township Engineer determines that the infrastructure of the area can support said use.

Amended May 11, 2010, by Zoning Ordinance No. 200-103

Section 7.03.24 WINERY

A vineyard is a plantation of grape bearing vines, grown mainly for the off site production of wine, raisins, table grapes or non-alcoholic grape juice. This use is a principal permitted use in an Agricultural District.

A winery is a building or property that produces wine for sale or distribution. A winery may be permitted in an Agricultural Zoning District only if **all** of following conditions are met:

Section 7.03.24 (a) The subject property is zoned A, Agricultural District.

Section 7.03.24 (b) A minimum lot area of 20 acres is required for the farm on which the winery shall be placed.

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Section 7.03.24 (c) A winery and accessory uses to a winery shall be permitted only as an accessory use to a farm operation. A winery may include an indoor tasting room, a retail component and a defined outdoor tasting area.

Section 7.03.24 (d) Any retail component shall be for food items usually consumed with wine and /or non-food items associated with wine consumption such as cork screws, glasses, etc.

Section 7.03.24 (e) Minimum lot or parcel depth of the farm land on which the winery is located, shall be 400 feet, as measured from the center line of the Public Road to the rear property line of the farmland.

Section 7.03.24 (f) Minimum lot or parcel width of the farm land on which the winery is located shall be 400 feet.

Section 7.03.24 (g) The building materials and architecture for the winery shall be consistent with the building materials and architecture found in the document titled *“Examples of Typical Specialty Farm Buildings for Wineries, Restaurants, Etc.”* The creative use of decorative block, brick, stone or a combination of such materials is encouraged.

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Section 7.03.24 (h) The colors of the building materials for the winery shall be consistent with the colors typically found in an agricultural use in the Township and as found in the document titled *“Examples of Typical Specialty Farm Buildings for Wineries, Restaurants, Etc.”* The creative use of decorative block, brick or stone or a combination of such materials is encouraged. Colors and materials typically used in a commercial district, which call attention to the structures (yellows, blue, plastic etc.) shall not be permitted.

Section 7.03.24 (i) The farm crops proposed for the subject property shall be permitted to be grown beginning at the street setback line of any abutting road without additional setback, unless the crop could result in a public hazard or would unreasonably obstruct or interfere with traffic flow and visibility on the main road, road intersections or driveway intersections.

Section 7.03.24 (j) All buildings that are part of the winery operation shall be set back a minimum of fifty (50) feet from all property lines.

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Section 7.03.24 (k) All parking areas and other retail functions shall be screened from abutting properties and rights of way in a manner which will be consistent with the overall agricultural environment of the development area. The Planning Commission may consider an alternate to full pavement of parking areas provided the Township Engineer finds that the parking surface proposed will adequately function for the intensity of the use proposed and will not create a nuisance to abutting properties.

Section 7.03.24 (l) The maximum height of all proposed buildings shall not exceed 2 1/2 stories or 35 feet.

Section 7.03.24 (m) The combination of the uses proposed on the farmstead shall be reviewed by the county health department.

Section 7.03.24 (n) All state, county or local permits or licenses must be obtained and presented to the Building Official.

Section 7.03.24 (o) The total area dedicated to the winery including tasting room, retail component and ancillary uses such as parking etc., shall not exceed:

3.0 Acres if the site is between 9 -15 acres

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3.5 Acres if the site is between 16 - 21 acres

4.0 Acres if the site is between 22 - 35 acres

5.0 Acres if the site is 36 acres or greater

Section 7.03.24 (p) The Township Engineer determines that the infrastructure of the area can support said use.

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Section 7.04 DEVELOPMENT REQUIREMENTS

The following requirements shall be complied with in an A Agricultural District:

- Section 7.04.1 SITE PLAN AND DEVELOPMENT APPROVAL FOR ALL USES AS SPECIFIED IN ARTICLE 27.00 OF THIS ORDINANCE
- Section 7.04.2 OFF-STREET PARKING FOR ALL USES AS SPECIFIED IN ARTICLE 24.00 OF THIS ORDINANCE
- Section 7.04.3 SCREENING AND LAND USE BUFFER FOR ALL USES AS SPECIFIED IN ARTICLE 26.00 OF THIS ORDINANCE
- Section 7.04.4 SIGNS FOR ALL USES AS SPECIFIED IN ARTICLE 25.00 OF THIS ORDINANCE
- Section 7.04.5 HEIGHT, AREA, LOT COVERAGE AND YARD REGULATIONS AS SPECIFIED IN ARTICLE 21.00 OF THIS ORDINANCE FOR THE A AGRICULTURAL ZONING DISTRICT

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Section 7.04.6 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 7.04.7 YARD GRADING AND DRAINAGE

All yards in an A Agricultural 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 7.04.8 FENCES

Fences in an A Agricultural Districts, may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in good condition, do not result in a hazard to persons who might come near them and are approved by the Building Official as to type, height, and location. In general said fences shall not exceed four (4) feet in height. No permit shall be required for such fence.

However, on residentially used parcels with 300 feet or less of frontage and less than five acres , a permit shall be required. Said fences shall comply with the requirements for fences as found in ARTICLE 8.00 R-1-E, R-1-D, R-1-A, R-1-B, R-1-C, R-1-R SINGLE FAMILY RESIDENTIAL DISRICTS of this Ordinance.

Section 7.04.9 POOL FENCE

See the current Building Code requirements, adopted by Frenchtown Charter Township, for regulations pertaining to pool fencing.

Section 7.04.10 GARAGES

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Section 7.04.10(a) A garage which is structurally attached to or within eight (8) feet of the principal building shall be considered a part of said building and therefore shall be subject to the same yard setback requirements and building code requirements as the principal building.

Section 7.04.10(b) When a garage is not structurally attached to or within eight (8) feet of the principal building on the lot, it shall be located in the rear yard except for the following:

Section 7.04.10(b)(1) In the case of double frontage lots, such garages shall be restricted to the central one-third (1/3) of the lot.

Section 7.04.10(b)(2) On a corner lot, a garage shall not penetrate into the side yard building setback.

Section 7.04.10(c) Unless specifically provided for otherwise, elsewhere in the Ordinance, any proposed garage shall not:

Section 7.04.10(c)(1) Exceed one (1) story or 15 feet in mean height.

Section 7.04.10(c)(2) Together with all other buildings and structures on the parcel, occupy more than thirty-five (35) percent of the total yard area.

Section 7.04.10(c)(3) Be located closer than five (5) feet to any property line or three (3) feet to any property line if a certified survey showing the property line is provided to the Township.

Section 7.04.10(c)(4) Have a door exceeding ten (10) feet in height.

Section 7.04.10(c)(5) Exceed in total number two (2) garages or one (1) garage and one (1) pole barn per lot if permitted by this Ordinance.

Section 7.04.10(c)(6) Exceed the ground floor area of the principal building on that lot, or one thousand (1000) square feet in area whichever is less. This requirement notwithstanding, if a lot or parcel meets or exceeds all of the following specified requirements, namely,

- a. Lot Size 3 acres, and
- b. Lot Frontage 150 feet, and

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- c. Rear Setback 50 feet, and
- d. Side yard Setback 25 feet and
- e. Setback from any dwelling 50 feet;

then one garage may exceed one thousand (1000) square feet to a maximum of two thousand (2000) square feet or the square footage of the footprint of the first floor living area (plus 10% in the event that there is a habitable second story) whichever is less. Said first floor square footage shall be calculated exclusive of porches, attached garages, etc.

Section 7.04.10(d). Garages shall be constructed of exterior materials, which are compatible with and complimentary to the principal dwelling on the lot or parcel.

Amended May 9, 2006, by Zoning Ordinance No. 200-75

Section 7.04.11 **COMMERCIAL VEHICLES AND EQUIPMENT IN AGRICULTURAL DISTRICTS**

A vehicle exceeding one (1) ton load capacity and/or having a commercial license, construction and farm equipment, may not be parked or stored outdoors in an Agricultural District, except for loading and unloading or where the farming equipment is being used for agricultural purposes in conjunction with the farming of the parcel upon which the vehicle or equipment is parked.

Section 7.04.12 **ACCESSORY BUILDINGS**

Section 7.04.12(a) An accessory building which is structurally attached to or within eight (8) feet of the principal building shall be considered a part of said building and therefore shall be subject to the same yard setback requirements and building code requirements as the principal building.

Section 7.04.12(b) When an accessory building is not structurally attached to or within eight (8) feet of the principal

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building on the lot, it shall be located in the rear yard except for the following:

- Section 7.04.12(b)(1) In the case of double frontage lots, such accessory buildings shall be restricted to the central one-third (1/3) of the lot.
- Section 7.04.12(b)(2) On a corner lot, an accessory building shall not penetrate into the side yard building setback.
- Section 7.04.12(c) Unless specifically provided for otherwise, elsewhere in the Ordinance, an accessory building shall not:
 - Section 7.04.12(c)(1) Exceed one (1) story or thirteen (13) feet in mean height.
 - Section 7.04.12(c)(2) Together with all other buildings and structures on the parcel, occupy more than thirty-five (35) percent of the total yard area.
 - Section 7.04.12(c)(3). Be located closer than five (5) feet to any property line or three (3) feet to any property line if a certified survey showing the property line is provided to the Township.
 - Section 7.04.12(c)(4) Have a door exceeding eight (8) feet in height.
 - Section 7.04.12(c)(5) Exceed in total number two (2) accessory buildings per lot or parcel.

- Section 7.04.12(d) An accessory building shall not exceed two hundred (200) square feet and shall not require a building permit provided that said building or structure meets all zoning requirements for accessory buildings. A Township zoning compliance permit shall be required prior to the construction of any accessory structures.

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Section 7.04.12(e) No accessory building in a residentially used area shall be constructed of steel clad, agricultural or industrial type construction.

Amended May 9, 2006, by Zoning Ordinance No. 200-75

Section 7.04.13 POLE BARNS

Section 7.04.13(a). A pole barn shall be permitted on a parcel that meets the following requirements:

- a. Parcel Size 5 acres, and
- b. Lot Frontage 150 feet, and
- c. Rear Setback 50 feet, and
- d. Side yard Setback 25 feet, and
- e. Setback from any dwelling 100 feet.

Section 7.04.13(b). A pole barn shall be located in the rear yard except for the following:

Section 7.04.13(b)(1). In the case of double frontage lots, a pole barn shall be restricted to the central one-third (1/3) of the lot.

Section 7.04.13(b)(3). On a corner lot, a pole barn shall not penetrate into the side yard building setback.

Section 7.04.13(c). Unless specifically provided for otherwise, elsewhere in the Ordinance, a pole barn shall not:

Section 7.04.13(c)(1) Exceed twenty (20) feet in mean height.

Section 7.04.13(c)(2) Have a door exceeding twelve (12) feet in height.

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Section 7.04.13(c)(3) Together with all other buildings and structures on the parcel, occupy more than thirty-five (35) percent of the total yard area.

Section 7.04.13(c)(4) Exceed in total floor area two thousand four hundred (2400) square feet in area.

Section 7.04.13(c)(5) Exceed in total number one (1) pole barn per parcel.

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Amended May 9, 2006, by Zoning Ordinance No. 200-75

Section 7.04.14

FARM BUILDINGS

- Section 7.04.14(a) Farm buildings shall be permitted on a parcel of five acres or more.
- Section 7.04.14(b) A farm building shall be located in the rear yard except for the following:
 - Section 7.04.14(b)(1) In the case of double frontage lots, such farm buildings shall be restricted to the central one-third (1/3) of the lot.
 - Section 7.04.14(b)(2) On a corner lot, a farm building shall not penetrate into the side yard building setback.
- Section 7.04.14(c) A farm building shall not be located closer than sixty (60) feet to any property line and one hundred (100) feet from any existing dwelling.
- Section 7.04.14(d) A farm building shall not require a building permit provided that said building or structure meets all zoning requirements for farm buildings. A Township zoning compliance permit shall be required prior to the construction of a farm building in which the owner shall covenant to use said structure in compliance with the building permit exception stated in Michigan Compiled Laws Section 125.1510(8), Public Act 245 of 1999, as amended.

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