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TOWNSHIP OF FREMONT

TITLE

An ordinance to regulate and restrict the use of Land and buildings by dividing the Township of Fremont into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction, or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a Board of Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance.

PREAMBLE

The fundamental purposes of this Ordinance are to: promote health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to reduce hazards to life and property, to promote the use of lands and resources in the Township in accordance with their character and adaptability; to secure the most appropriate agricultural and economical provision of public improvements, all in accordance with a comprehensive plan.

The Township Board of Fremont finds it necessary and advisable to promote and regulate the growth of said Township, according to the provisions of this Ordinance.

Divisions in the unincorporated areas referred to as Districts are graphically presented on the map to be found in the Township office, which, from time-to-time may be supplemented by legal descriptions in the Appendix.

ARTICLE I. SHORT TITLE.

SECTION 1.01. CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this Ordinance:

1. The word *shall* is always mandatory and not discretionary.
2. The word *may* is permissive and discretionary.
3. A building or structure includes any part thereof.
4. The word *person* includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.

ARTICLE II. DEFINITIONS.

SECTION 2.01. DEFINITIONS.

For the purpose of this Ordinance, certain terms are herewith defined.

ACCESSORY BUILDING: A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use. Examples of accessory buildings are garages, boat houses, tool sheds, snowmobile sheds, greenhouses and barns.

ACCESSORY USE: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

AGRICULTURE: The use of land for tilling of the soil, the raising of field or tree crops, dairying, pasturage, horticulture, floriculture and/or animal husbandry as a source of income.

ALLEY: A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change, addition or modification in construction or type of occupancy; any change in structural members of a building such as walls, any partitions, columns, beams, girders or any change which may be referred to herein as “altered” or “reconstructed”.

AUTOMOBILE REPAIR: General repair, engine rebuilding, rebuilding or recondition of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and vehicle rust-proofing.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT: A Basement is that portion of a building wholly or partly below grade but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area.

BOARD OF ZONING APPEALS: The term “Board of Zoning Appeals” shall mean the Board of Zoning Appeals for the Township of Fremont, Isabella County, State of Michigan.

BUILDING: A structure, either temporary or permanent having a roof supported by columns, or walls, for the shelter, support, or enclosure of persons, or chattels, is a building. This shall include tents, garages, stables, greenhouses, awnings, or vehicles

situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING, FARM: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for pursuit of their agricultural activities.

BUILDING, HEIGHT: The building height is the vertical distance measured from the established grade to the highest point of the roof structure if flat roof; to the deck of mansard roofs; and to the mean height level between eaves and the ridge of gable, hip and gambrel roofs.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING, LINE: A Building line is established, in general, parallel to the front street line between which line and the front street line no part of the building shall project, except as otherwise provided by the Ordinance.

BUILDING PERMIT: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, or alteration of use of a building in conformity with the provisions of this Ordinance.

CELLAR: (See Basement.)

CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than 1 professional, such as a dentist, physician or like.

COMMUNICATION TOWER¹: Any structure that is designed and constructed to support one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio, television transmission tower, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any support thereto, excluding those used exclusively for amateur radio operations, dispatch communications associated with the individual business establishment or a governmental agency, or domestic radio television reception, provided all restrictions set forth here are met.

CONVALESCENT OR NURSING HOME: A building where infirm or aged persons are furnished shelter, care, food, lodging, and nursing care for compensation. Said homes shall be licensed under Act 368 of the Public Acts of 1978, as amended.

¹This section was created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. immediately. In addition, Sections 7.04, 11.03 and 12.03 were modified to include communication towers and antennas.

DAY-CARE FACILITY: A facility for the care of children under eighteen (18) years of age. As licensed and regulated by the State under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. Day Care Centers² as defined in Public Act No. 116 of the Public Acts of 1973, as amended. A licensed facility other than a private home where one or more minor children are received for care and supervision for less than 24 hours a day.
2. Family Day Care Homes as defined and regulated by Public Act No. 116 of the Public Acts of 1973, as amended. A private home in which one (1), but less than seven (7) minor children are received for care and supervision for less than 24 hours a day. A Family Day Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
3. Group Day Care Homes as defined by Public Act No. 116 of the Public Acts of 1973, as amended. A private home in which more than six (6) but less than twelve (12) minor children are received for care and supervision for less than 24 hours a day. A Group Day Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DISTRICT: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

DWELLING UNIT: A dwelling unit is any house or building or portion thereof having cooking facilities, which is designed and intended to be occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, travel trailer, automobile chassis, tent, or portable, building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space shall not be deemed a part of the dwelling for area requirements.

DWELLING, MULTIPLE OR MULTIPLE-FAMILY: A building or portion thereof, used or designed as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes

²This section and the two following sections as well as section 7.02, 8.03, 9.02 and 10.02 were created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. immediately.

three-family houses, four-family houses, and apartment houses, but does not include mobile home parks.

DWELLING, SINGLE FAMILY: A detached dwelling, designed for or occupied exclusively by 1 family.

DWELLING, TWO FAMILY: A detached building designed for or occupied exclusively by two (2) families living independently of each other such as a duplex dwelling.

EARTH BERM: A mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and to reduce noise and dust from adjacent uses and passersby.

EFFICIENCY UNIT: An efficiency unit is a dwelling consisting of 1 room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

ERECTED: The word “erected” includes build, constructed, reconstructed, moved upon or any physical operation on the premises required for the building. Excavations, fill drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES³: The erection, construction, alteration or maintenance of overhead or surface or underground gas, electrical, steam or water distribution or transmission or collection systems; communication systems, supply or disposal systems, including mains, drains, sewer, pipes, conduits, tunnels, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulators stations, and other similar equipment and accessories in connection therewith, reasonably necessary for furnishing adequate service for the public health, safety, or welfare of public utilities or municipal departments or commissions. An essential service shall not include communication towers or antennas.

EXCAVATIONS: The removal or movement of soil, sand, stone, gravel, or fill dirt.

FAMILY: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than 5 acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries,

³ This section was created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. Immediately.

orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping furbearing animals, or operating riding or boarding stable, commercial dog kennels, game fish hatcheries, piggeries, stock yards, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than 40 acres.

FENCE: Any permanent partition, structure or gate erected as dividing marker, barrier, or enclosure.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. “Floor area” shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in “floor area”.

FLOOR AREA, USABLE (FOR THE PURPOSE OF DETERMINING MINIMUM BUILDING SIZE): All horizontal floor area within the enclosed living space of a dwelling unit, measured from the interior walls, provided, that usable floor area shall not include basements, cellars, unfinished attics, garages, breezeways, enclosed and unenclosed porches, space used for off-street parking, elevators, accessory structures, and utility rooms.

FLOOR AREA, USABLE (FOR THE PURPOSES OF COMPUTING PARKING): Is that area for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. One-half (1/2) of such floor area which is used principally for the storage or processing of merchandise, such as hallways, basements, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of “usable floor area”. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

GARAGE, PRIVATE: An accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than four (4) automobiles. Carports shall not be considered as garages.

GARAGE, STORAGE: Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

GASOLINE STATIONS, SELF-SERVE: A facility whereby fuel is dispensed by the consumer and no vehicles are repaired on the site.

GASOLINE STATIONS, FULL SERVICE: A facility whereby fuel is dispensed by the consumer or attendant employed by the facility and vehicles are repaired on site.

GRADE: The established “grade” of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the work “grade” is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been officially established.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be independently regulated for the cultivation of plants for subsequent sale or personal enjoyment. This definition shall not include noncommercial structures which are accessory to a permitted principal use and do not have a gross floor area that exceeds two hundred (200) square feet.

HOME OCCUPATION: Is an accessory use of a dwelling that constitutes either entirely or partly the livelihood of a person living in the dwelling, said use that is conducted entirely within the dwelling and carried on by the inhabitants thereof. Examples of home occupations are tailoring, sculpturing, writing, telephone answering, lapidary work, and computer programming. Examples of those occupations that are permitted are repair shops, dancing studios, kennels, or private clubs.

HOTEL: A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

JUNK: For the purpose of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above named or enumerated items, such as fenders, motors, electric motors, and like materials.

JUNKYARD: An area either open or enclosed where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for temporary parking for a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including 1 main building with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. Provided that

the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a “zoning lot”.

LOT AREA: The term “lot area” means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private roads lot area shall be interpreted to mean that area within lot lines separating the lot from the private road and not the centerline of said private road.

LOT, CORNER: A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135°. Where a lot is on a curve, if tangents through the extreme point of the street line of such a lot make an interior angle of not more than 135°, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: The mean horizontal distance from the front street line to the rear lot line.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) or more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

LOT, INTERIOR: A lot other than a corner lot with only 1 lot line fronting on a street.

LOT, LAKE: A lot having frontage directly upon a lake, natural or man-made, river pond or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

LOT LINE: A line dividing one lot from another or from any other piece or parcel of property of whatever nature, or from a shelter or from any other use of any kind whatsoever.

- a. **Front Lot Line:** In the case of an interior lot abutting upon one public or private street, the front line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front line shall be that line separating said lot from that street which is designated as the front street in the plat and in the request for a building permit. (See Double Frontage Lot.)

- b. **Rear Lot Line:** Ordinarily that lot line is opposite and most distant from the front lot line of the lot. In the case of an irregular triangular or gore-shaped lot, a line ten (10) feet in length entirely with the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Board of Appeals shall designate the rear lot line. (See Double Frontage Lot.).
- c. **Side Lot Line:** Any lot lines not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. **Street or Alley Lot Line:** A lot line separating the lot from the right-of-way of a street or an alley.

LOT OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat on the records of the Township Assessor or recorded plat on the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

LOT WIDTH: The term “lot width” refers to the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

MANUFACTURED BUILDING: Includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in the manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term “manufactured building” includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on a site to form a building. The term “manufactured building” applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.

MANUFACTURED DWELLING: Includes manufactured buildings, modules, or units, or areas within such buildings, modules, or units which have been designed for and are

intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

MOBILE HOME: A manufactured dwelling constructed on a chassis. Notwithstanding the fact that wheels, axles, trailer hitch, or other appurtenances facilitating highway mobility may have been removed and regardless of the type of foundation upon which the mobile home is to be placed, a mobile home shall for purposes of this Ordinance, remain a mobile home and shall, therefore, be subject to all regulations applicable to mobile homes. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

MOBILE HOME SITE: Means a plot of ground within a mobile home park designed for the accommodation of 1 mobile home.

MOTEL: A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

NONCONFORMING STRUCTURE: Is a structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

NONCONFORMING USE: A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto; and that does not conform to the use regulations of the zoning district in which it is located.

NUISANCE: Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

OCCUPIED: The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial, or industrial building.

OFF-STREET PARKING LOT: A facility providing spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of motor vehicles.

PARKING SPACE: An area of not less than 9 feet wide by 20 feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles,

entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PERSON: Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties and responsibilities.

PLANNING COMMISSION: Planning Commission shall mean the Fremont Township Planning Commission.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under Federal, State, or municipal regulations, to the public, electricity, gas, steam, communications, television, telegraph, transportation, water services or sewage disposal.

RESORT HOUSING: Homes and cottages for seasonal residency meeting all requirements for permanent housing as established by the Isabella County Health Department and the provisions of the Fremont Township Zoning Ordinance.

ROAD: The public thorough-fare which affords traffic circulation and principal means of access to abutting property, including street, avenue, place, way, drive, land, boulevard, highway, road or other thorough-fare, except an alley.

ROAD, MAJOR: Is a paved road which also is classified as a Primary Road by Isabella County Road Commission.

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

SETBACK: The minimum horizontal distance between a structure excluding steps and unenclosed porches and the front street right-of-way line, or lot line.

SIGN: Is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, or business and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. The following definitions shall apply to specific types and surface areas of signs:

1. Billboards: Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign.
2. Decorative Display: A temporary display designated for the entertainment or cultural enrichment of a public and having no direct or indirect sales or advertising content.
3. Ground Sign: A sign supported by uprights or braces in or upon the ground surface, having one, and not more than two, faces or surfaces upon which announcements, declarations, displays, etc., may be placed. In the case of a two face or surface sign, the faces or surfaces shall be constructed back-to-back.
4. Marquee Sign: A sign attached to or hung from a marquee, canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
5. Projecting Sign: A sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
6. Roof Sign: A sign which is erected, constructed and maintained above any portion of the roof or exterior wall of a building or structure.
7. Temporary Sign: A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
8. Wall Sign: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
9. Structural Trim: The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.
10. Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, except common household gardening and general farm care.

SPECIAL LAND USE: Any use of land listed as Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands in particular, and the overall Township in general, requires approval by the Fremont Township board of Trustees according to the standards as provided in this ordinance.

STATE EQUALIZED VALUATION: The value shown on the Township Assessment Roll equalized through the process of State and County equalization.

STATE-LICENSED RESIDENTIAL FACILITIES:

- A. A State-licensed residential facility as defined and properly licensed by Act 218 of the Public Acts of 1979 and Act 116 of the Public Acts of 1973 as amended, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision shall be permitted in all Agricultural and Residential Districts.
- B. A State-licensed residential facility for seven (7) or more persons requires a special use permit in AG Districts and shall be in accordance with Acts listed in A., above.

STORY: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling next above it.

- 1. A “mezzanine” shall be deemed a full story when it covers more than thirty-three and one third (33 1/3%) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- 2. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50%) percent of its height is above the grade level from which the height of the building is measured, or, if it is used for the business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

STORY, HALF: The part of a building between a pitched roof and the uppermost full story, said party having a floor area which does not exceed 1/2 the floor area of said full story.

STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

SWIMMING POOL: The term “swimming pool” shall mean any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

TEMPORARY BUILDING AND USE: A temporary building and use is a structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven in to the ground and shall not include those types of tents used solely for children's recreational purposes.

TOWNSHIP BOARD: Whenever in this Ordinance appear the words “Township Board”, it shall mean the Township Board of the Township of Fremont, Isabella County, Michigan.

TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term also includes folding campers and truck mounted camper, but not mobile homes.

USE: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let or leased.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstance unique to the individual property for which the variance is requested. A variance shall not include allowance for uses other than those permitted in a zoning district but rather a variance shall only encompass a modification of the dimensional aspects of the Zoning Ordinance.

YARD: A yard is an open space of uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves unless an eight (8) foot height clearance is provided above the adjacent ground level.

YARD, FRONT: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD, SIDE: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot to the nearest point of the main building.

ZONING ADMINISTRATION: The administrative official appointed by the Township Board who is responsible for the enforcement of this Ordinance.

ZONING DISTRICT: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established by this Ordinance.

ARTICLE III. MAPPED DISTRICTS.

SECTION 3.01. DISTRICTS.

The Township is hereby divided into zones or districts as shown on the official Zoning Map and shall include the following:

1. R-1 Rural Residential
2. R-2 Multiple Family Residential
3. R-3 Mobile Home Park
4. R-4 High-Density Residential
5. AG Agricultural
6. C Commercial
7. I Industrial

SECTION 3.02. MAP.

The boundaries of these districts are shown upon the map designated as the Official Zoning Map of Fremont Township. The Zoning Map shall be maintained and kept on file with the Township Clerk and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and references and other information shown thereon were fully set forth or described herein.

SECTION 3.03. INTERPRETATION OF DISTRICT BOUNDARIES.

Except where reference on the Official Zoning Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets, alleys, railroads, or such lines extended and the corporate limits of the Township as they existed at the time of the adoption of this Ordinance.

Where a district boundary line, as established at this Section or as shown on said Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, or any amendment thereto, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals. The Board of Appeals may request recommendations from the Planning Commission.

ARTICLE IV. GENERAL PROVISIONS.

EXCEPT AS HEREINAFTER SPECIFICALLY PROVIDED, THE FOLLOWING GENERAL REGULATIONS SHALL APPLY:

SECTION 4.01. CONFLICTING REGULATIONS.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this ordinance, then the provisions of such other ordinance shall govern provided such other law is applicable in Fremont Township.

SECTION 4.02. SCOPE.

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the ordinance.

SECTION 4.03. ESSENTIAL PUBLIC SERVICE FACILITIES.

Essential public service facilities are those reasonably necessary for the furnishing of adequate service by public utilities or departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential public service equipment. Such essential public service facilities shall be permitted as authorized and regulated by law and other ordinances of the Township of Fremont in any use district, it being the intention thereof to exempt such erection, construction, alteration and maintenance from the application of this ordinance. The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board of zoning Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, except those which are considered a danger to the public health, safety and welfare of the Township residents.

SECTION 4.04. STREET, ALLEYS AND RAILROAD RIGHTS-OF-WAY.

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

SECTION 4.05. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.

All fences of any nature, type, or designation located in the Township of Fremont shall conform to the following regulations:

- a. The erection, construction, or alteration of any fence, wall, or other type of protective barrier shall be approved by the Zoning Administrator as to their conforming to the requirements of the zoning district wherein they are located and to the requirements of this section.
- b. Fences in other than Ag. Districts which are not specifically required under the regulation for the individual zoning districts, shall conform to the following requirements:
 1. No fence shall hereafter be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land.
 2. No fence, shall hereafter be located in the front yard or on the side of a front yard of the lots or parcels in question, more than (4) feet in height.
 3. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp pointed instrument of any kind, is prohibited on top of or on the sides of any fence, provided, however, that notwithstanding anything to the contrary herein contained, barbed wire cradles may be placed on top of fences enclosing public utility buildings in any use district and enclosing industrial buildings within industrial districts.

SECTION 4.06. ONE LOT, ONE BUILDING.

In all districts, only one (1) principal building shall be placed on a single lot of record. With the exception that in agricultural and rural residential districts, one trailer may be permitted on a temporary basis to house parents of the occupant of the principal single-family dwelling.

SECTION 4.07. PERMITTED AREA AND PLACEMENT.

No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and placement regulations of the district in which the building is located.

SECTION 4.08. LOTS, YARDS AND OPEN SPACES.

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard or other open space, including lot area required per dwelling unit, required by this Ordinance, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 4.09. TELEVISION AND MICROWAVE TOWERS.

Radio, television, microwave, and other power communication transmission towers and their attendant facilities where permitted shall be subject further to the following regulations:

1. Said use shall be located generally on a continuous parcel having dimensions at least equal to the height of the tower measured from the base of said tower to all points on each property line.
2. The proposed site plan shall also receive approval from the Township Building Official as to the adequacy of drainage, lighting, general safety, and other technical aspects.

SECTION 4.10. SITE PLAN REVIEW.

Site plan review and approval is required for all new principal uses other than detached single-family dwelling units within recorded plats or an individual lot of record. An application for site plan approval shall be filed with the Zoning Administrator at least fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. A fee shall be established by the Township Board to cover the cost of processing such site plans.

Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of 1" = 50' for property less than three (3) acres, or 1" = 100' for property three (3) or more acres. Included on the site plan will be the following:

- A. All site plans:
 1. Proprietor's name, address, and telephone number.
 2. Name of the Township, City, or Village where residing.

3. Date (month, day, year, including revisions).
4. Title Block.
5. Scale.
6. Northpoint.
7. Location may be drawn at a scale of 1" = 2,000' with northpoint indicated.
8. On parcels of more than one (1) acre, existing and proposed, topography on site and fifty (50) feet beyond site at 2-foot intervals.
9. Existing lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.
10. Proposed lot lines, property lines, and all structures, parking areas, etc., within the site and within one hundred (100) feet of the site.
11. Centerline and existing and proposed right-of-way lines.
12. Acceleration, deceleration, and passing lane, where required.
13. Proposed locations of access drive, street intersections, and driveway locations.
14. Zoning classifications of applicant's parcel and all abutting parcels.
15. Location of existing drainage course, floodplains, and lake or stream, and all elevations.
16. Proximity to major thoroughfares and/or section corner.
17. General location of sanitary sewers or septic field, existing and proposed.
18. A general indication of the following:
 - a. Location of well sites in proposed development, existing and proposed
 - b. Water mains, hydrants, and building services and sizes.
 - c. Storm sewers, site grading, drainage, retention basin and/or other pertinent facilities.
 - d. Stormwater runoff calculations and arrows indicating direction of flows.

19. All buildings with floor plan, elevation drawings, and setback and yard dimensions.
20. Location of all outside storage receptacles and method of screening.
21. Location and specifications for all exterior lighting including design and heights of fixtures.
22. Landscape plan.
23. Gross and net acreage of site and density calculations, if multiple-family.
24. Trash receptacle location and method of screening.

B. Application for Site Plan Approval-Condominium Developments.

1. The following regulations shall apply to all condominium developments within the Township of Fremont.
2. Initial Information. Concurrently with notice required to be given the Township of Fremont pursuant to Section 71 of Public Acts 59 of 1978, as amended, (MCL 559.171) a person, firm, or corporation intending to develop a condominium development shall provide the following information with respect to the development:
 - a. The names, address, and telephone number of:
 1. All persons, firms, or corporations with an ownership interest in the land with which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionees, or land contract vendee).
 2. All engineers, attorneys, architects, or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium development.
 - b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium development will be developed.

- d. The purpose of the development (for example, residential, commercial, industrial, etc.).
 - e. Approximate number of condominium units to be contemplated.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community septic system is contemplated.
3. Information to Be Kept Current: The information shall be furnished to the Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued.
 4. Site Plans-New Projects-Master Deed, and Engineering and Inspections: Prior to recording of the Master Deed required by Section 72 of Public Acts 59 of 1978, as amended, (MCL 559.108) the condominium development shall undergo site plan review and approval pursuant to Section 5.09 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
 5. Site Plans-Expandable or Convertible Projects: Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo its plan review and approval pursuant to Section 5.09 of this Ordinance.
 6. Master Deed, Restrictive Covenants and “As Built” Survey to be Furnished: The condominium development developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an “as built survey.” The “as built survey” shall be reviewed by the Township Engineering for compliance with the Township Ordinance. Fees for this review shall be established by resolution of the Township Board.
 7. Monuments Required-Site Condominium Developments: All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 - a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of the street to mark angles in the boundary of the condominium development if the angle points can be

readily re-established by reference to monuments along the sidelines of the streets.

- b. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- c. Monument shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvatures, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- d. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- e. If a point to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- f. All required monuments shall be placed flush with the ground where applicable.
- g. All unit corners shall be monuments in the field by iron and steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- h. The Township Board of the Township of Fremont may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running on the Township of Fremont,

whichever the proprietor selects, in an amount not less than twenty-five (\$25.00) dollars per monument and not less than one hundred (\$100.00) dollars in total. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

8. Monuments Required-All Condominium Developments: All condominium developments shall be marked at their boundaries with monuments meeting the requirements of Section. 7b above.
9. Compliance with Federal, State and Local Law: All condominium developments shall comply with federal and state statutes and local ordinances.
10. State and County Approval: The developer or proprietor of the condominium development shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.
11. Temporary Occupancy: The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.
12. Single-Family Detached Condominiums: Single-family detached condominiums shall be subject to all requirements and standards of the applicable AG, R-1, and R-2 districts.
13. All streets shall be installed in accordance with Isabella County Road Commission Standards for paved subdivisions.
14. After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches.

SECTION 4.11. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP.

Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of one hundred fifty (150) feet.

2. All front, side, and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.
3. Must have frontage on a secondary thoroughfare, or greater, as designated on the Township Master Plan.

SECTION 4.12. SPECIAL LAND USES, PROCEDURES FOR APPROVAL.

Special land uses vary from permitted land uses, in that uses provided for in this section are not permitted as a matter of right in a zoning classification. Permitted land uses are allowed as a matter of right when site controls governing each use are met.

1. The uses identified as special land uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
2. The Township Board, as provided herein, shall have the authority to grant special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special condition use included in the various provisions of this Zoning Ordinance.
3. Application for any special land use permit, as provided under the provisions of this Ordinance, shall be made to the Township Zoning Administrator by filing an official special land use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.
4. An application for a special condition use permit shall contain the following:
 - a. Applicant's name, address, and telephone number.
 - b. Address and tax description number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. A certified survey drawing of the subject parcel.
 - e. A complete site plan containing all of the applicable data outlined in Section 4.11, Site Plan Review.

- f. Supporting statements, evidence, data, information, and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 4.12, 6, below.

- 5. Upon receipt of an application for a use requiring special land use approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than five (5) nor more than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township and sent by first-class mail to the owners of the property for which special land use approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet. The notice shall:
 - a Describe the nature of the special land use request.
 - b Adequately describe the property in question.
 - c State the date, and place of the public hearing.
 - d Indicate when and where written comments concerning the request will be received.

- 6. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements, and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a Will be consistent with, and in accordance with, the general objectives, intent, and purposes of this Zoning Ordinance.
 - b Will be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses, and appropriate in appearance with the existing or intended character of the general vicinity.
 - c Will be served adequately by essential public facilities and services including, but not limited to, highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or parties or agencies responsible for the establishment of the proposed use shall be able to economically provide any such required service.

- d Will be consistent in assuring that the general public health, safety, and welfare will not be infringed upon.
 - e Will be in complete compliance with all general and specific standards and conditions imposed pursuant to this Zoning Ordinance, other applicable local ordinances, and other applicable state and federal requirements.
7. If the facts regarding the special condition use being reviewed do not establish, by a preponderance of the evidence, that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special land use approval to the Township Board.

In recommending approval of a special land use permit to the Township Board, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance, and to assure that the general health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval, or approval with conditions, a request for special land use approval. The recommendation on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions recommended.

8. Upon holding a public hearing and review of the special land use request, the Planning Commission shall, within thirty (30) days, forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special land use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A special land use permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner /applicant, Clerk, and Building Official. The Building

Official shall not issue a building permit until he has received a copy of the special land use permit approved by the Township Board.

9. Any special land use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said special land use permit, except that the Township Board may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special land use permit.

10. The special land use review and site plan review may occur concurrently with the mutual consent of the landowner and the Planning Commission.

SECTION 4.13. OUTDOOR STORAGE.

There shall be no outside storage of more than two unlicensed vehicles in any district except those vehicles which are located so as not to be readily visible from any public place or from any surrounding property. There shall be no open air storage of auto parts, new or used, upon any residential lot. This shall not be applicable to new or used car lots located in a Commercial District or junk yards located in an Industrial District.

This requirement shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner when keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place of depository maintained in a lawful place and manner by the county or any other public agency or entity.

SECTION 4.14. REQUIRED STREET FRONTAGE.

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street right-of-way or private road which meets one of the following conditions:

- a A public street or road which has been accepted for maintenance by Isabella County, or
- b A permanent and unobstructed private easement of record having a width of at least 30 feet, except where an access easement of record of less width existed prior to the adoption of the ordinance, with a roadway meeting standards of the

Isabella County Road Commission for vehicular traffic, leading to a public street as defined under item (a) above.

SECTION 4.15. DWELLING UNITS.

All dwelling units located outside of a mobile home park shall comply with the following conditions:

- a All dwelling units shall meet the requirements of the District in which it is located.
- b All wheels, towing mechanisms, and tongues of mobile homes shall be removed and none of the undercarriage shall be visible from the outside of the mobile home.
- c Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- d All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or County, or if a mobile home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction and Safety Standards.”
- e All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Central Michigan District Health Department.
- f All dwellings shall provide adequate steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
- g All additions to dwellings shall meet all of the requirements of this Ordinance.
- h All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled “Mobile Homes Construction and Safety Standards” effective June. 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.
- i All dwelling units shall have a minimum square footage of 840 feet⁴.

⁴This section was created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. Immediately.

SECTION 4.16. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.

In residential districts, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a With the accessory building as structurally attached to the main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected to any other building.
- b Any accessory building not exceeding one story or 14 feet in height, may occupy not more than 25 percent of a required rear yard; provided that no instance shall the accessory building exceed the ground floor area of the main building, except that barns or storage sheds may be permitted, of any size, if located not closer than 100 feet from any dwelling.
- c An accessory building or structure shall require a zoning certificate of compliance provided that said building or structure meets all yard requirements for accessory buildings.
- d An accessory building is located on a corner lot, the side lot line of which is a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot line in the rear of such corner lot.
- e Any detached accessory building neither shall be located closer than 10 feet to any principal building nor shall it be located closer than 20 feet or 10 percent of the frontage, whichever is less, to any side or rear lot line.

SECTION 4.17. RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or declared unsafe by the Zoning Administrator, or required to comply with his lawful order.

SECTION 4.18. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE.

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the, Zoning Administrator, or required to comply with his lawful order.

SECTION 4.19. APPROVAL OF PLATS.

No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township Board unless the lots within such plat equal or exceed minimum size and width requirements set forth in the various districts of this Ordinance and unless such a plat

fully conforms with the State Sub-division Control Act, Act 288, P.A. 1967, as amended, and Subdivisions Regulations of the Township as may be adopted.

SECTION 4.20. PRIVATE SWIMMING POOLS.

- a For permanent above and below ground swimming pools, and for portable pools with a diameter exceeding 12 feet or an area exceeding 100 sq. feet, a building permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for the below ground shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and layouts. Any other information affecting construction and safety features deemed necessary by the Township or the Isabella County Health Dept. shall also be submitted.
- b No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- c Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall not be less than 10 feet between the pool outside wall and the side or rear property line, or less than the established easement width at the rear property line, or less than 4 feet between pool wall and any building on the lot.
- d For the protection of the general public, all swimming pools shall be completely enclosed by a chain-link fence or a fence of comparable safety not less than 4 feet nor more than 6 feet in height and set at a distance of not less than 4 feet from the outside perimeter of the pool wall. Except that if a building is located on a lot not having any means of public access, a fence shall not be required on any such side, except for swimming pools above grade (e.g., portable which have a side wall with a smooth surface not less than 4 feet in height and with all means of access being secured, raised and/or located the prevent unauthorized use. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use. Provided, however, that if the entire premise is enclosed by fence or wall, then said fence requirements may be waived by the Zoning Administrator, after inspection and approval.
- e All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of any electrical code which may be passed

by the Township. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

SECTION 4.21. KEEPING OF ANIMALS.

A minimum of one (1) acre of land must be provided for the keeping of 1 animal and 1 additional animal may be kept for each 1/2 acre by which the property exceeds 1 acre. Animals include cattle, horses and other equines and similar livestock.

SECTION 4.22. HOME OCCUPATIONS.

Home occupations shall not be visible or audible from outside the dwelling, shall not generate traffic, parking, or utility usage in excess of what is normal for the residential neighborhood, and shall not result in the outside storage or display of any product.

If an accessory structure, as defined in this Ordinance is intended to be used to house a home occupation, Special Land Use approval must first be granted in accordance with Section 4.12 of this Ordinance.

SECTION 4.23. PROHIBITED PARKING IN SINGLE-FAMILY, MULTIPLE FAMILY, OR MOBILE HOME PARK DISTRICT.

1. No more than two automotive vehicles or trailers of any kind without current license plates, may be parked or stored on the above zoned property other than in 'a completely closed building.
2. Commercial highway trailers and trucks with a gross vehicle weight (GVW) of 10,000 pounds or greater shall not be parked or stored on the above zoned property except when making a delivery.

SECTION 4.24. POLITICAL SIGNS.

Political signs not to exceed sixteen (16) square feet in sign area. Such signs shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

SECTION 4.25. REGULATION OF BILLBOARDS.

Billboards may be established in the industrial and commercial zoning district classifications provided that they meet the conditions of sub-section 4.25, regarding billboards as follows:

1. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the

- subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Fremont, where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one fact being directly above the other) shall be considered as one billboard.
2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
 3. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
 4. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
 5. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
 6. The height of a billboard shall not exceed 30 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
 7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
 10. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said

Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

11. No person, firm, or corporation shall erect a billboard within Fremont Township without first obtaining a permit therefore from Fremont Township Planning Commission, which permit shall be granted upon showing of compliance with the provisions of this ordinance and payment of a fee therefore. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Fremont Township Zoning Official confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Fremont Township Board and bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

SECTION 4.26. DAY CARE CENTERS/GROUP DAY CARE HOMES⁵.

1. Day Care Centers.

- a) The outdoor play area shall comply with Section 8400.5117 of the Licensing Rule.
- b) Fencing at least 48 inches, and no more than seven (7) feet in height, shall be provided around all outdoor areas accessible to children.

2. Group Day Care Homes.

- a) The location of the use shall comply with Act No. 116 of the Public Acts of 1973.
- b) A drop-off/pick-up area shall be provided for motorists off the public street or road.
- c) Fencing at least 48 inches, and no more than seven (7) feet in height, shall be provided around all outdoor areas accessible to children.
- d) The property shall be consistent with the characteristics of the neighborhood.
- e) One non-illuminated sign measuring no more than two (2) square feet may be permitted if attached to the principal structure.

⁵ This section was created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. Immediately.

SECTION 4.27. COMMUNICATION TOWERS AND ANTENNAS⁶.

- a) Communication Towers and Antennas are permitted by special use in Ag., R-1 and C districts.
- b) The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower within the service area of the proposed tower.
- c) The applicant shall provide an inventory of existing towers, antennas, or sites approved for towers or antennas that are either within Isabella County or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The planning commission may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within Fremont Township, provided, however, that the planning commission is not by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d) All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
- e) No new communication tower or antenna shall be located within a three (3) mile radius of an existing communication tower or antenna. This requirement may be waived by the planning commission if one of the following conditions are met:
 - 1) The proposed communication facility is located on an existing communication tower.
 - 2) The communication tower is to serve solely a governmental or educational institution.
- f) No communication tower or antenna shall be located closer than five (500) hundred feet from the boundary of an existing residentially owned or zoned property. This requirement may be waived by the planning commission if one of the following conditions are met:
 - 1) The proposed communication facility is located on an existing communication tower.
 - 2) The communication tower is to serve solely a governmental or educational institution.

⁶This section was created by Ordinance Number 2003-1 adopted on Oct. 21, 2003, eff. Immediately.

- g) No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
- h) The tower base shall be setback, a distance equal to one and half (1.5) times the height of the tower. All other building or structures shall meet the minimum setback requirements of the zoning district.
- i) The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with the applicable codes.
- j) The applicant shall provide the legal description of the parent parcel and any leased parcels.
- k) A security fence at least six (6) feet in height, but not more than ten (10) feet shall be constructed around the tower and any other related apparatuses (i.e. ground antennas, satellite dishes, accessory structures).
- l) The planning commission may require a ten (10) foot wide buffer or planted material that effectively screens the view of the tower compound.
- m) All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- n) No signs, except for warning, or other cautionary signs not to exceed two (2) square feet in area shall be permitted on site.
- o) All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
- p) The collocation of any antenna shall not require an additional special use permit and may be approved by staff review,
- q) The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.
- r) All communication tower permits issued by the Fremont Township Planning Commission shall be contingent upon any necessary approval of the Federal

Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics/Tall Structure Act and any other applicable state or federal acts.

- s) A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of Isabella County.
- t) Communication towers and antennas shall be regulated and permitted pursuant to Section 4.27 of the Fremont Township Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- u) Any communication tower which becomes abandoned or disconnected for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds have fallen in disrepair removal of all antennas or support structures; any other action deemed necessary by the Planning Commission.
- v) The application shall include a description of security to be posed at the time of receiving a building permit for the communication tower to ensure removal of the communication tower when it has been abandoned or is no longer needed. In this regard, a \$15,000.00 security deposit shall, at the election of the application, be in the form of cash or surety bond, establishing a promise of the applicant and owner of the property to timely remove the communication tower as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal.

**ARTICLE V. NON-CONFORMING LOTS, NON-CONFORMING USES OF
LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF
STRUCTURES AND PREMISES, AND NON-CONFORMING
CHARACTERISTICS OF USE**

SECTION 5.01. NON-CONFORMANCE.

Within the districts established by this Ordinance there exist:

- a Lots
- b Structures
- c Uses of land and structures, and
- d Characteristics of use

which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

SECTION 5.02. NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. Alterations. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- b. Reconstruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it may be reconstructed to a character similar to the original structure without increasing any non-conformity.
- c. Relocations. Should such structures be moved for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 5.03. NON-CONFORMING USES OF LAND.

Where at the time of passage of this Ordinance or amendments thereto lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance or such amendment, and where such use involves no individual structure with a State Equalized Valuation exceeding \$500, the use may be continued so long as it remains otherwise lawful provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land ceases for any reason for a period of more than one (1) year, thereafter such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
5. The Township shall provide for classes of non-conforming uses.

SECTION 5.04. NON-CONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with a State Equalized Valuation of \$500.00 or more or if structure and premises in combination exists at the effective date of adoption of this Ordinance that would only be allowed in the district under the terms of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any non-conforming use of a structure, or structures and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
- d. Any non-conforming single family residential structure may be expanded or increased in floor area 50% of the size of the structure at the time of the effective date of this Ordinance.
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 1 year, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

- f Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure, shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than 100% of the State Equalized Valuation at time of destruction.

SECTION 5.05. NON-CONFORMING USE-BUILDING DAMAGE BY FIRE, ETC.

Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God or by public enemy may be reconstructed to a character similar to the original structure without increasing any non-conformity or change of original use unless to a conforming use. Said restoration shall be commenced within 6 months of the date of such partial destruction and shall be diligently carried on to completion.

SECTION 5.06. CHANGE OF TENANCY OF OWNERSHIP.

There may be change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

SECTION 5.07. NON-CONFORMING LOTS OF RECORD.

This Section applies to those districts in which single-family residential is the principal permitted use and is intended to provide relief for the owners of non-conforming lots of record where said lot or lots in combination do not meet the minimum standards of this Ordinance. It is not intended that this Section be used to permit construction of a dwelling on all non-conforming lots of record; it is recognized that some such lots are simply too small to permit the construction of an adequate dwelling, the storage of family automobiles, (in recognition of the fact that on-street parking is not desirable) the maintenance of sufficient open space to permit fire protection and reasonable light and air, as well as room and view to permit and encourage property maintenance.

1. No permit shall issue hereunder except as provided in subparagraph 3 below, except with approval of the Board of Appeals after public hearing in accordance with Section 18.04 of this Ordinance. The application to the Board of Appeals shall simply state, "Nonconforming Lot of Record," and the Board of Appeals shall permit the use of such nonconforming lot or lots if it finds that the following standards have been met:
 - a Permits shall not issue hereunder unless the construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place.

- b The proposed use will not have an adverse effect on adjoining and nearby property owners.
 - c Subject to the above, where the owner of a nonconforming lot of record cannot reasonably acquire sufficient land to enable him to conform to the requirements of this Ordinance relating to lot area, lot width, or both, such non-conforming lot of record may be used by such owner as a building site, provided that such owner meet such conditions, as required by the Board of Appeals.
 - d The non-conforming lot of record shall meet all other requirements of this Ordinance, which requirements for the purpose of this Section shall be deemed to include reasonable provisions for automobile parking.
2. For the purpose of maintaining building sites in compliance or near compliance with this Ordinance in those instances where the same owner has adjoining non-conforming lots of record, the following regulations shall apply:
- a Where two (2) abutting lots of record or portions thereof are held under one (1) ownership and where one or both of these lots or portions thereof are non-conforming, they together shall be considered as a single lot of record and are subject to the provisions of Section 5.05 3 of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
 - b Where three (3) or more abutting lots of record are held under one (1) ownership, and where one or more of these lots are non-conforming, the lots shall be held and maintained in such a manner as to comply with the area and width provisions of this Ordinance, and the provisions of this Chapter relating to lot area and lot width shall not be avoided by the sale or conveyance of any of or any portion of such lots of record.
3. Notwithstanding the above provisions, the Building Department may issue a building permit in those instances where a non-conforming lot or combination of lots of record meets eighty (80) percent of the minimum frontage, setback, or area requirements of this Ordinance upon a determination that said eighty (80) percent is in conformance with the general standard of the neighborhood.
4. In no event shall the side yards be less than five (5) feet to permit fire equipment reasonable access and further to prevent the spreading of fire; the Board of Appeals shall not have the right to vary this provision.

SECTION 5.08. REPAIRS AND MAINTENANCE.

On a non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Zoning Administrator to be unsafe or unlawful by reason of physical condition, it may be enlarged or structurally altered to make it comply with the health and safety laws or ordinances; provided further that the cost of such work does not exceed fifty (50) percent of the State Equalized Valuation of such building or structure at the time such work is done.

SECTION 5.09. NON-CONFORMING VALIDATION CERTIFICATE.

1. At any time after the adoption of this Ordinance should the Township Zoning Administrator become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Zoning Administrator of the provisions of this Section that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Validation Certificate for the non-conforming use. The application of such certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the Zoning Administrator shall find, upon reviewing the application for a Validation Certificate, that the existing use is illegal or in violation of any other ordinance or law or if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Validation Certificate but shall declare such use in violation of this Ordinance.
3. After the adoption of this Ordinance, or any amendments thereto, the Zoning Administrator shall prepare a record of all known non-conforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such adoption or amendment. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Clerk. However, any failure to prepare such record, or any failure on the part of any official to list any land, building, structure or use on any such record, shall in no way mitigate against the application of the rules and regulations controlling

and eliminating said non-conforming buildings, structures, lands or uses as contained in this Ordinance, said record being intended for use by the Township officials only, and not being intended as notice to any owner or person that has any such building, structure, property, or use within the Township.

ARTICLE VI. OFF-STREET PARKING REQUIREMENTS.

SECTION 6.01. PARKING REQUIREMENTS.

In all zoning districts for each main building hereafter erected or altered and located on a public highway or road in the Township, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off road or right-of-way that is in general adequate for the parking or loading of vehicles in proportions shown in Section 5.02. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided with safe exit to safe entrance from the public thoroughfare. Said exit and entrance may be combined or provided separately. Approval for the location of such exits and entrances on County roads shall be obtained from the Isabella County Road Commission which shall also approve the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- a. **AREA FOR PARKING SPACE.** For the purpose of this Section, 300 sq. feet of lot area shall be deemed a parking space of 1 vehicle has a direct means of ingress and egress from an alley or road may also be deemed a parking space.
- b. **FRACTIONAL REQUIREMENTS.** When units or measurements determining number of required spaces result in requirement of a fractional space, any fraction up to and including 1/2 may be disregarded and fractions over 1/2 shall require 1 parking space.
- c. **SEATING CAPACITY OF SEATS.** As used in this Article for parking requirements, seats shall mean that each 24 inches of seating facilities shall be counted as 1 seat, except that where specifications and plans filed with the Zoning Administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- d. **PROTECTIVE SCREENING.** Whenever non-residential off-street parking facilities abut an R or RR district, an obscuring wall of not less than 4 feet in height and not more than 6 feet in height shall be provided.
- e. **EXISTING OFF-STREET PARKING AT EFFECTIVE DATE OF ORDINANCE.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than required under the terms of this Ordinance.

- f. COLLECTIVE PROVISIONS. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for 2 or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 5.02.
- g. RESTRICTION ON PARKING ON PRIVATE PROPERTY. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property or use said private property for vehicle storage or use any portion of any private property as parking space without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
- h. LOCATION. Where parking space is located other than on the same lot with the building to be served, such space shall be located on the same side of the public road with maximum distance from the main entrance of the building not greater than 1,000 feet for all buildings of public assembly, and not greater than 500 feet for all other buildings specified in the Section.

SECTION 6.02. TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings, as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall irrevocably be reserved for such use and/or shall comply with the initial part of this Section.

USE	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
1. Auditoriums, Assembly Halls and Theaters	1	Two (2) seats based upon maximum seating capacity in the main place of assembly therein, plus one (1) space for every two (2) employees. Two Hundred (200) sq. feet of usable floor area
2. Banks (other than Drive-in type), Business or Professional Offices of Lawyers, Architects, Engineers or Allied Professions	1	
3. Barber Shops	3	Each Barber

4. Beauty Parlors	4	Each Beauty Operator
5. Bowling Alleys	6	Each Bowling Lane plus parking spaces required for any attached restaurant and/or bar.
6. Churches	1	Two (2) seats, based on maximum seating capacity in the main place of assembly therein.
7. Halls of the following type: Dance, Pool and Billiard, Lodge, Assembly (without fixed seats). Skating Rinks.	1	Forty (40) sq. feet of usable floor area.
8. Drive-in Banks	4	Each Teller Window
9. Drive-in Establishments, Drive-in Restaurants	1	Twenty-Five (25) sq. feet of usable floor space, with a minimum of forty (4) parking spaces
10. Elementary Schools, Junior and Senior High Schools	1	Two (2) teachers, employees of administrators in addition to the requirements of the auditorium or assembly therein.
11. Establishments other than Drive-in Establishments or drive-in restaurants, in which is conducted the sale and consumption of the premises of beverage, food or refreshments.	1	One hundred (100) sq. feet of usable floor area, plus one (1) space for each employee.
12. Furniture, appliances and household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing or shoe repair, laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales.	1	Eight hundred (800) sq. feet of usable floor area, exclusive of the usable floor area occupied in processing or manufacturing for which requirements, see industrial establishments, item 16, below, plus one (1) space for the owner or management, plus one (1) space for each two (2) employees.
13. Golf courses	1	Each two (2) employees

		and/or management personnel, plus one (1) space for every five hundred (500) sq. feet of usable floor area in the club house, plus a minimum of five (5) parking spaces per hole in the golf course.
14. Hospitals	1	Two (2) beds.
15. Hotels, Tourist Homes, Motels.	1	Guest bedroom.
16. Industrial Establishments.	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night or five hundred (500) sq. feet of floor space whichever is greater.
17. Warehouse and storage buildings.	1	One (1) employee computed on the basis of the greatest number of persons employed at any one time during the day or night or five hundred (500) feet of floor space whichever is greater.
18. Laundromat and/or Dry Cleaning Center.	1	Every two (2) washing machines.
19. Libraries and Museums.	1	Two hundred (200) sq. feet of floor space.
20. Mortuary establishments, Funeral Homes.	1	Fifty (50) sq. feet floor space in the slumber rooms, parlors, or individual funeral service rooms.
21. Motor Vehicle Car Wash -self-service -other than self-service	4 8	-Each motor vehicle wash establishment. -Each car wash establishment plus (1) for each employee.
22. Private Clubs, Fraternities	1	Two (2) beds, plus two (2) additional spaces for owner, management,

		and/or service employees.
23. Professional Offices of Doctors and Dentists	1	One Hundred (100) sq. feet of usable floor area.
24. Residential-single of two family dwelling.	2	Each dwelling unit.
25. Residential-multiple dwelling	2.5	Every one (1) dwelling unit.
26. Retail store, except as otherwise specified herein.	1	One hundred fifty (150) sq. feet of usable floor space.
27. Roadside produce stands	6	Establishment.
28. Sanitariums, Homes for Aged, Convalescent Homes, Children's Homes.	1	Two (2) beds.
29. Service garages, auto salesrooms, auto repair, collision or bumping shops.	1	Eight hundred (800) sq. feet of usable floor space for each two (2) employees computed on the basis of the maximum number of employees on duty at any time, plus one (1) space for each of the owners and/or management on duty at any time, plus one (1) space for each stall or service area or water rack in a servicing or repair shop.
30. Stadiums and sports areas.	1	Four (4) seats or eight foot benches.
31. Mobile Homes	2	Each Mobile Home.

SECTION 6.03. OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display or other uses, similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading, services adjacent to the opening used for loading and unloading, designed to avoid interference with public use of the road or alleys. Such loading and unloading space shall be an area in minimum 12 feet in width by 50 feet in length with a 15 foot height clearance, and shall be provided according to the following table.

Gross Floor Area in Square Feet

Loading and Unloading Spaces Required
in Terms of Sq. Feet or Gross Floor Area

0 - 2,000	None
2,001 - 20,000	One Space
20,001 - 100,000	One space plus one space for each 20,000 sq. feet in excess of 20,000 sq. feet
100,001 - 500,000	Five spaces plus one space for each 40,000 sq. feet in excess of 100,000 sq. feet
Over 500,000	Fifteen spaces plus one space for each 80,000 sq. feet in excess of 500,000 sq. feet.

No loading space shall be located closer than 50 feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence or a type approved by the Zoning Administrator not less than 6 feet or greater than 12 feet in height.

ARTICLE VII. RURAL RESIDENTIAL R-1.

SECTION. 7.01. STATEMENT OF PURPOSE.

The Rural Residential District is established as a district in which the principal use of land is for single family dwellings. For the Rural Residential District, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for single family dwellings.
2. To prohibit business commercial or industrial use of the land and to prohibit any other use which would substantially interfere with development or continuations of single family dwellings in the District.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the District were developed solely for single family dwellings.

6. To encourage single family development in those areas which have suitable soils or municipal utility systems.

SECTION 7.02. PERMITTED PRINCIPAL USES.

1. Single-family dwellings, if the lot is one (1) (non-farm lot) acre or more in area.
2. Farms, and general farming if the individual parcel is ten (10) acres or more in area, including horticulture, dairying, livestock and poultry raising, tree and shrub nurseries, farm forestry, roadside stands where operated by and for the exclusive use of occupants of the land on which the stand is maintained for sale of produce from the land only, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal, or rendering plants.
3. Churches, provided the requirements of Section 4.11 are met.
4. Schools.
5. Community and public buildings.
6. State-licensed residential facility of 6 or less persons.
7. Family Day Care Home.
8. Home occupations.

SECTION 7.03. PERMITTED ACCESSORY USES TO PRINCIPAL USE.

For farm lots:

1. Any use customarily incidental to any and all of the foregoing uses may be erected and used for said purpose so long as they do not violate any laws and do not constitute a fire hazard.
2. All accessory buildings must be built as least 100 feet from the highway and seventy-five (75) feet from the side boundary lines of the farm.

SECTION 7.04. PERMITTED USES AFTER SPECIAL LAND USE APPROVAL IN ACCORDANCE WITH SECTION 4.12.

1. Same as Ag. District.
2. Dog kennels and establishments raising animals.

3. Cemeteries, provided that the use and related structures are developed in a unified plan such that no structures are located nearer than two hundred fifty (250) feet from any adjacent residentially zoned lot.
4. Group day-care home.
5. Communication Towers and Antennas.

SECTION 7.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH ARTICLE XIV, SCHEDULE OF REGULATIONS.

ARTICLE VIII. MULTIPLE-FAMILY RESIDENTIAL.

SECTION 8.01. MULTIPLE-FAMILY RESIDENTIAL.

The intent of this district is to permit a more intensive residential use of land with various types of multiple-family dwellings, two-family dwellings, boarding houses, and convalescent or nursing homes. These districts are intended to be located adjacent to major thoroughfares for good accessibility, and to allow various types and sizes of residential uses in order to meet the needs of the different age and family groups in the Township.

SECTION 8.02. PERMITTED PRINCIPAL USES.

1. Multiple-Family dwellings, such as garden-type apartments and townhouses.
2. Two-family dwellings.
3. Accessory buildings and uses customarily incidental to the above permitted principal uses.
4. Family Day Care Home.
5. Group Day Care Home.
6. State licensed residential facility for 6 or less.

SECTION 8.03. SPECIAL LAND USES PERMITTED IN ACCORDANCE WITH SECTION 4.12.

1. Convalescent or nursing homes.
2. Churches.
3. Boarding and lodging homes.

SECTION 8.04. SITE PLAN REVIEW.

For all uses permitted in an R-2 District, all structures and uses must have site plan review as required in Section 4.10.

SECTION 8.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH ARTICLE XIV, SCHEDULE OF REGULATIONS

ARTICLE IX. RESIDENTIAL MOBILE HOME PARK DISTRICT R-3.

SECTION 9.01. STATEMENT OF PURPOSE.

The purpose of the residential Mobile Home Park (MHP) District is to encourage a suitable environment for persons and families, that by preference, chose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this article establishes low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreational facilities, churches, schools, and necessary public utility buildings.

SECTION 9.02. PERMITTED PRINCIPAL USES.

1. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 419, of 1976, as may be amended.
2. Mobile home subdivisions, subject to the Subdivision Control Act, Act 288, P.A. 1967, as amended, and all other applicable acts, rules, and regulations.
3. Accessory uses.
4. Family Day Care Home.

SECTION 9.03. PERMITTED LAND USES AFTER SPECIAL LAND USE APPROVAL IN ACCORDANCE WITH SECTION 4.12.

All special land uses in the Multi-Family Residential district.

SECTION 9.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH ARTICLE XIV, SCHEDULE OF REGULATIONS.

ARTICLE X. HIGH-DENSITY RESIDENTIAL.

SECTION 10.01. SINGLE-FAMILY RESIDENTIAL.

The intent of this district is to encourage a suitable environment for families. To this end, uses permitted in this zone are limited to single-family dwellings, together with certain other uses such as schools, parks, and playgrounds which are compatible with a neighborhood environment.

SECTION 10.02. PERMITTED PRINCIPAL USES.

1. Single-family residence.
2. Any use customarily incidental to the permitted principal use.
3. Public schools, parks, and playgrounds.
4. Home occupations.
5. Family Day Care Home.

SECTION 10.03. SPECIAL LAND USES PERMITTED IN ACCORDANCE WITH SECTION 4.12.

1. Churches, parish houses, and convents.
2. Private schools.
3. Municipal, state, or federal uses, public utility buildings, telephone exchange buildings, transformer stations, and gas regulator stations.
4. Hospitals.
5. Golf courses.
6. Group day care homes.
7. State licensed residential facility for 7 or more persons.

SECTION 10.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH SCHEDULE OF REGULATIONS.

ARTICLE XI. AGRICULTURAL.

SECTION 11.1. STATEMENT OF PURPOSE.

The following reasons are given to support the purposes for which this zoning district is intended to accomplish.

1. Land containing farm value should be preserved because it is a vital resource.

2. Land with farm values justifies a zoning technique which attempts to support an urban-country spatial relationship creating a balance of urban-rural values.
3. Agricultural zoning for farm uses permits the timing of land allotments to urban purposes in keeping with a theory of maximizing support public utilities and to achieve the greatest amount of services for each dollar of capital expenditure.
4. Indiscriminate urbanizing of farmlands adversely affects the remaining owners of land pursuing such endeavors by creating urban land values.

SECTION 11.02. PERMITTED PRINCIPAL USES.

1. Farm dwellings.
2. Single-family dwellings.
3. Bona fide farming or agricultural enterprises, excluding rendering plants, commercial fertilizer production, or garbage feeding or-disposal activities.
4. Greenhouse or nurseries.
5. Roadside stands for the sale of products grown or produced on the premises.
6. Home occupations.
7. State-licensed residential facilities for 6 or less persons.
8. Any use customarily incidental to the permitted principal use.
9. Family day-care home.

SECTION 11.03. SPECIAL LAND USES PERMITTED IN ACCORDANCE WITH SECTION 4.12.

1. Churches, provided that all requirements of Section 4.11 are met.
2. Community buildings.
3. Cemeteries.
4. Golf courses which shall be allowed to construct a club house and such accessory buildings as are necessary for their operation. All these buildings shall be contained in the site plan provided to the Planning Commission at the time of the special use hearing. In addition, the golf course shall meet the following requirements.

- a. Minimum site size shall be 65 acres for a 9 hole course and 160 acres for an 18 hole course.
 - b. A shelter building with toilet facilities shall be provided which meets wall requirements of the county health department and the county building code.
5. Private landing fields.
 6. Nursing or convalescent homes.
 7. Hospitals.
 8. Home occupations if not conducted within the principal dwelling.
 9. Gravel mining.
 10. Tenant dwellings.
 11. Recreational uses.
 12. Group day care home.
 13. State-licensed residential facility for 7 or more persons.

ARTICLE XII. COMMERCIAL DISTRICT.

SECTION 12.01. C - COMMERCIAL DISTRICT.

The intent of the C, Commercial District, is to provide a district convenience, and other shopping can be centralized to most economically and efficiently serve the general Township area.

SECTION 12.02. PERMITTED PRINCIPAL USES.

In a Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Office-type business related to executive, administrative, or professional occupations including but not limited to offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
2. Clinics, except veterinary clinics or veterinary hospitals having boarding facilities or outdoor runs.

3. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
4. Banks, credit unions, savings and loan associations, and similar uses.
5. Private clubs, fraternal organizations, or lodge halls.
6. Churches.
7. Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments.
8. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: foods, drugs, dry goods, clothing and notions or hardware.
9. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry-cleaners.
10. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
11. Municipal buildings.
12. Accessory structures and uses customarily incident to the above permitted uses.
13. Automotive services, repairs and sales.
14. Automobile body and paint shops.

SECTION 12.03. PERMITTED USES AFTER SPECIAL LAND USE APPROVAL IN ACCORDANCE WITH SECTION 4.12.

1. Gasoline service station for the sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line, subject to the following:
2. Restaurants.

3. Hotels and motels.
4. Veterinary clinics.
5. Communication Towers and Antennas.

SECTION 12.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH ARTICLE XIV, SCHEDULE OF REGULATIONS.

SECTION 12.05. SPECIAL REGULATED USES.

A. Purpose

The need for special regulation of certain business uses which, by their very nature are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective of zoning. Special regulation is needed to ensure these uses are not concentrated in any one area, thus preventing adverse effects upon the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and thus ensuring disbursement of these uses throughout the community.

B. Uses Subject to Special Regulation

The following uses are subject to these controls as follows:

Group “AS” Special Regulated uses

1. Adult bookstore.
2. Adult motion picture theaters.
3. Adult mini motion picture theaters.
4. Massage establishments.
5. Establishments for the consumption of beer or intoxicating liquor on the premises which also have adult entertainment.
6. Steam baths.
7. Health clubs.
8. Taxi dance halls.

9. Other uses which provide goods or services which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, or which are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

C. Application To Locate or Establish A Special Regulated Use.

An application to locate or establish any specified use as enumerated in this section shall be made to the Township Zoning Official who shall not approve any request unless the standards contained in the following sub-sections for location of the use are fully complied with, and all other required conditions for uses in the district are complied with.

D. Locational Standards-Relationship To Similar Use

1. Group “AS” Special Regulated Uses. An application to establish a group “AS” special regulated use shall not be approved if there is already in existence one or more group “AS” special regulated use within one thousand five hundred (1,500) feet of the boundaries of the site of the proposed regulated use, excepting as provided in sub-section E - Waiver of Location Standards.
2. Group “AS” Special Regulated Uses. An application to establish a group “AS” special regulated use shall not be approved if the proposed location is within four hundred (400) feet from any residentially zoned district, and one thousand five hundred (1,500) feet from any trailer park, park, or church, and shall not be approved if the proposed location is within two thousand six hundred fifty (2,650) feet from any K through 12 school, excepting as provided for in sub-section E below.

E. Waiver of Location Standards.

1. Relationship to similar uses. The Planning Commission may waive the locational standards of sub-section D, limiting the location of group “AS” uses as they relate to similar uses if the following findings are made:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Article will be observed.
 - b. The proposed use will not enlarge or encourage the development of a “skid-row” area.
 - c. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal within the district.

- d. All applicable regulations of this Article will be observed.
2. Relationship to residential areas. The Planning Commission may waive the locational standard of sub-section D, limiting the location of group “AS” uses as they relate to residentially zoned districts, trailer parks, parks, or churches, provided a validated petition requesting such a waiver is presented to the Planning Commission, signed by the owners or purchasers of at least 51 percent of the parcels of land within five hundred (500) feet of the proposed location is presented to the Board. In addition to this requirement, the Planning Commission may waive the requirement that any group “AS” use be located no closer than two thousand six hundred fifty (2,650) feet from schools only if the proponent also demonstrates that school children are not required to pass by the location while walking to and from school. Any petition presented to the Board shall contain, at a minimum, the following:
- a. A statement in the form of an affidavit attested to by the circulator of the petition that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
 - b. A statement on the petition so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
 - c. For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the Township to all property within the said five hundred (500) feet.

F. Application To The Planning Commission

An application requesting a waiver of locational requirements shall file an application with the zoning official, however, the zoning official shall not accept an application for the waiver of locational requirements for group “AS” uses as they relate to residentially zoned districts, trailer parks, K through 12 schools, parks, or churches without a petition as required herein. The zoning official shall then notify the Planning Commission of the receipt of the requests an petition within fifteen (15) days of filing.

G. Conditions on Waivers

Prior to granting a waiver of locational requirements the Planning Commission may place any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated uses as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

H. Definitions For Purposes Of This Ordinance.

Adult Bookstores: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theaters: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.

Adult Mini-Motion Picture Theaters: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical area” (as defined below), for observation by patrons therein.

Adult Entertainment: Any conduct, within an establishment having as a substantial or significant portion of its income from material, services or matters distinguished or characterized by an emphasis on depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, which presents material by books, films, slides or the like or by live presentation which includes, services to the patrons of an establishment, which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

Massage Establishment: Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor barbershop or beauty shop in which massages are administered. This definition shall not be construed to include a YMCA or YWCA operating community recreational facilities for residents of the area.

Residentially Zoned Area: For the purpose of this Article shall mean any area designated as single-family residential, multiple-family residential, mobile home park, and P.U.D.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Specified Anatomical Areas: Less than completely covered (a) human genitals, pubic regions, (b) buttocks, and (c) female breasts below a point immediately above the top of

the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Trailer Park: For the purpose of this Article trailer park shall mean any area zoned as a mobile home park or P.U.D.

ARTICLE XIII. INDUSTRIAL.

SECTION 13.01. STATEMENT OF PURPOSE.

The intent of the Industrial District is to provide suitable sites for such uses, while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development is limited to a low concentration external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district.

SECTION 13.02. PERMITTED PRINCIPAL USES.

1. The manufacture, compounding, processing, packaging, or treatment of products such as baked goods, cosmetics, hardware, and service machinery.
2. The assemble of electrical components, appliances, machinery, and other end products.
3. Enclosed warehouses, wholesale sales operations, vehicle terminals, and building material storage yards.
4. Automobile body and paint shops.

SECTION 13.03. SPECIAL LAND USES PERMITTED IN ACCORDANCE WITH SECTION 4.12.

1. Gasoline and petroleum storage.
2. Concrete and asphalt plants.
3. Animal slaughter houses.

SECTION 13.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS IN ACCORDANCE WITH ARTICLE XIV, SCHEDULE OF REGULATIONS.

ARTICLE XIV. SCHEDULE OF REGULATIONS.

Minimum Lot Size		Minimum Yard setback In Feet (per lot)			Minimum Width		Max Bldg Height	
Zoning Districts	Area	Front Yard	Least	Total	Rear Yard	Width in Feet	Feet	Stories
R-1 Rural Residential	1 acre	50	10	20	20	150	20	
R-2 Multiple Family Residential	5 acres	40	20	40	40	250	35	2 1/2
AG Agricultural	1 acre	50	10	20	10	100	35c	2
C Commercial	None	75ab	15	30	50	100	30	2
I Industrial	None	75ab	15	30	40	100	45	3 1/2
R-3 Mobile Home Park	d,e	d	d	d	d	d	35	2 1/2
R-4 High Density Residential	12,000 sq. feet	35ab	10	20	10	100	35	2 1/2

a - No vehicle shall be parked within 25 feet of the front yard setback line

b -No vehicle shall be stored within 75 feet of the front yard setback line

c - Normal farm accessory buildings are excluded from this requirement

d - Sites for the placement and occupancy of mobile home units within a mobile home park developed under Act 419, P.A. 1976, shall average five thousand five hundred (5,500) square feet. The five thousand five hundred (5,500) square foot requirement may be reduced by up to twenty (20) percent, provided that the individual site shall include a minimum of four thousand four hundred (4,400) square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below five thousand five hundred (5,500) square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; Rule 944, Rule 946 of the Michigan Administration Code.

e - Frontage on section line roads shall be 330 feet

ARTICLE XV. ADMINISTRATION AND ENFORCEMENT.

SECTION 15.01. ENFORCEMENT-ZONING ADMINISTRATOR.

The duty of administering and enforcing the provisions of this Ordinance including issuance and revocation of permits, shall unless otherwise provided for, vested in the Township' Zoning Administrator or the Township Ordinance Enforcement Officer. The Township Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine. He can be removed from the office by the Township Board for willful neglect of duty or malfeasance in office.

SECTION 15.02. ELIGIBILITY OF ADMINISTRATOR.

To be eligible for appointment, the Zoning Administrator shall have no interest, directly or indirectly, in land development or in the sale or manufacture of any material, process, facility or device entering into or used in conjunction with building within the Township of Fremont.

SECTION 15.03. DUTIES OF THE ZONING ADMINISTRATOR/ORDINANCE ENFORCEMENT OFFICER.

The Zoning Administrator and the Township Ordinance Enforcement Officer shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator or Township Ordinance Enforcement Officer to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator or Township Ordinance Enforcement officer shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following, in sufficient detail to enable the Zoning Administrator or Township Ordinance Enforcement Officer to ascertain whether the proposed work or use is in conformance with this Ordinance.

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land, as set forth in the application, are in conformity with the provisions of this Ordinance, and all other applicable ordinances, statutes and regulations, the Zoning Administrator or Township Ordinance Enforcement officer shall issue a permit. The fact or allegation that a proposed use will effect a violation of a private contract, covenant, restriction, or other private agreement, shall not be a basis-for a denial or a permit, where said use complies in all respects with the provisions of this Ordinance. If any application for such permit is not approved, the Zoning Administrator or Township Ordinance Enforcement Officer shall state, in writing, on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.

The Zoning Administrator or Township Ordinance Enforcement Officer is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance, to any person making an application to excavate, construct, remove, alter, or use either buildings, structures, or land within the Township.

The Zoning Administrator or Township Ordinance Enforcement Officer is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator or Township Ordinance Enforcement Officer.

SECTION 15.04. PERMITS.

The following shall apply in the issuance of any permit.

1. Permits for Construction, Alteration, Remodeling, and Repair. It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, structural change, or repair in any existing building or structure, or move an existing building without first obtaining a permit from the Zoning Administrator or Township Ordinance Enforcement Officer. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance and all other applicable ordinances, statutes and regulations, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator or Township Ordinance Enforcement Officer has determined that the plans and designated use indicated that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

2. Permits for New Use of Land. A permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

3. Permits for New Use of Buildings or Structures: A permit shall also be obtained for any change in use of an existing building or structure.

SECTION 15.05. FEES.

The Township Board may, after recommendation from the Planning Commission, amend, supplement, or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the owner in fee also subscribe to his petition, and shall submit a petition for rezoning the Township offices. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee as established by the Township Board with the Township Treasurer at the time that the petition is filed, to cover the publication and other miscellaneous costs for said change.

ARTICLE XVI. BOARD OF ZONING APPEALS.

SECTION 16.01. CREATION OF BOARD OF ZONING APPEALS.

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by Action 184 of Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done. The Board of Zoning Appeals shall consist of five (5) members as follows:

1. One member shall be a member of the Planning Commission.
2. A second member may be a member of the Township Board, appointed by the Township Board, for the period of his term of office.
3. Other members shall be selected and appointed by the Township Board among the electors residing in the unincorporated area of the Township, and shall serve the period of three (3) years. An elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third member or as an employee of the Township Board of Zoning Appeals.
4. The total amount allowed the Board of Zoning Appeals in any one year as per diem or as expenses actually incurred within the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board. Members of the Board of Zoning Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing.

SECTION 16.02. MEETINGS.

All special meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and regular meetings at such times as the Township Board may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

SECTION 16.03. APPEALS.

An appeal may be taken to the Board of Zoning Appeals by any person, firm, or corporation, or by an officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeals shall be taken within such time as shall be prescribed by the Township Board by resolution by filing with the Zoning Administrator and with the Board of Zoning Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after the Notice of Appeal shall have been filed with the Zoning Administrator that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, provided, however, that, notwithstanding said certification by the Zoning Administrator, the Board of Zoning Appeals may grant a stay of proceedings.

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as it is provided by law.

The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 16.04. NOTICE OF HEARING.

The Board of Zoning Appeals shall cause notice of each appeal which it has scheduled for hearing to be given to all persons to whom any real property within 300 feet. The Notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the; last assessment roll. If the tenants name is not known, the term "Occupant" may be used. If the Notice is delivered by mail, an Affidavit or Mailing shall be filed with the Board of Zoning Appeals prior to the hearing. Said Notice shall state the time, place, date, and purpose of the hearing. In addition, a Notice stating the time, place,

date, and purpose of the hearing shall be published in a newspaper of general circulation in the Township at least once not less than ten (10) days prior to such hearing.

SECTION 16.05. POWERS OF BOARD OF ZONING APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES.

The Board of Zoning Appeals shall have the following specific powers and duties:

1. Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
2. Authorization. In hearing and deciding appeals, the Board of Zoning Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety, and welfare are secured, and substantial justice done, including the following:

- a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the grounds varies from the street layout as shown on the map aforesaid.

In case of any question as to location of any boundary line between zoning districts, the Board of Zoning Appeals shall interpret the Zoning Map after recommendation from the Planning Commission.

- b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district of a public utility building or structure if the Board of Zoning Appeals shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.
- c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
- d. Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification,

provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Board of Zoning Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

3. Conditions. The Board of Zoning Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 16.06. STANDARDS.

In consideration of all appeals for variances, the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

1. Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.
3. Will be designed as to the location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibrations, smoke, or lights.
4. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

6. Is necessary for the public convenience at that location.
7. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
8. Will not cause substantial diminution to the value of other property in the neighborhood in which it is to be located.

SECTION 16.07. BOARD OF ZONING APPEALS' APPROVAL.

The Board of Zoning Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Board of Zoning Appeals to investigate thoroughly the matter before it. The Board of Zoning Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purpose of this Ordinance.

SECTION 16.08. APPROVAL PERIODS.

No order of the Board of Zoning Appeals permitting the erection or alteration of a building shall be valid for a period of longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force, and effect if a building permit for said erection or alteration is obtained within such a period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE XVII. INTERPRETATION AND APPLICATION.

SECTION 17.01

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or

requires longer larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

ARTICLE XVIII. VIOLATIONS AND PENALTIES.

SECTION 18.01.

Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals, or the Township Board, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than five hundred (500) dollars and the costs of prosecution or, in default of the payment thereof, by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, razed, or converted in violation of any provisions of this Ordinance, are hereby declared to be a nuisance per se. The court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se.

ARTICLE XIX. CONFLICTING PROVISIONS REPEALED.

SECTION 19.01

All other ordinances and parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance, for the Township of Fremont, Isabella County, Michigan effective , and as amended, is specifically repealed in its entirety; provided, however, that all provisions of said Ordinance pursuant to which ordinance violations have been issued prior to the effective date of this Ordinance, shall remain enforceable exclusively with respect to said ordinance violations, and shall remain so enforceable until final adjudication of the respective ordinance violation cases shall occur.

ARTICLE XX. SEVERABILITY.

SECTION 20.01

This Ordinance and the several articles, sections, paragraphs, provisions, and clauses of this Ordinance are hereby declared to be severable, and in the event that any article, section, paragraph, provisions, clause, phrase, or word of this Ordinance shall be held void, ineffectual, or unconstitutional, by a court of competent jurisdiction, said holding

shall not affect the validity and effectiveness of the remaining articles, sections, paragraphs, provisions, clauses, phrases, or words of this Ordinance.

ARTICLE XXI. ENACTMENT AND EFFECTIVE DATE.

SECTION 21.01. DECLARATION OF ENACTMENT AND DATE OF ADOPTION.

The provision of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Fremont, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board and subsequent publication, as required by law.