

ARTICLE 1 INTRODUCTION

This ordinance will be known and may be cited as the Village of Freeport Zoning Ordinance (Zoning Ordinance).

1.01 PURPOSE

This Ordinance is based upon the Village of Freeport Land Use Plan and is designed to promote public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and services to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration for, the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

1.02 RESOLUTION

Be it ordained by the Village Council of Freeport pursuant to the provisions of Act 207 of the Public Acts of 1921 as amended, that this ordinance is known as the Village of Freeport Zoning Ordinance. The ordinance is for the establishment of zoning districts within which the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited. Said ordinance is also for such purposes as to divide portions of Freeport into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the ordinance. Within each district provisions may limit the location, height, number of stories, size of dwellings, buildings, and structures that may be built or altered. Each district may provide for specific uses for which dwellings, buildings, and structures may be built or altered; and for the regulation of the area of yards, courts and other open spaces and the sanitary, safety, and protective measures that will be required for such dwellings or buildings. The ordinance may provide for the designation of the maximum number of families that may be housed in buildings, dwellings, and structures, built or altered. The ordinance includes provisions for amendments; administration; conflicts with other acts, ordinances or regulations; the collection of fees for the furtherance of the purpose of this ordinance; to provide for petitions and public hearings; to provide for appeals and for organization and procedure of the Freeport Zoning Board of Appeals (ZBA); and to provide for penalties for the violation of this ordinance.

1.03 VALIDITY OR SEVERABILITY CLAUSE

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decisions will not affect the validity of the ordinance in its entirety or of any part of it other than that portion so declared to be invalid.

1.04 CONFLICT WITH OTHER LAWS

Wherever the provision(s) of this ordinance, impose more stringent requirements than are imposed or required by existing provisions of law or ordinance, the provisions of such local ordinance or regulation adopted under the provisions of this act shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of any city or village impose more stringent requirements, the more restrictive of the two shall govern.

1.05 INTERPRETATION OF CONFLICTING PROVISIONS

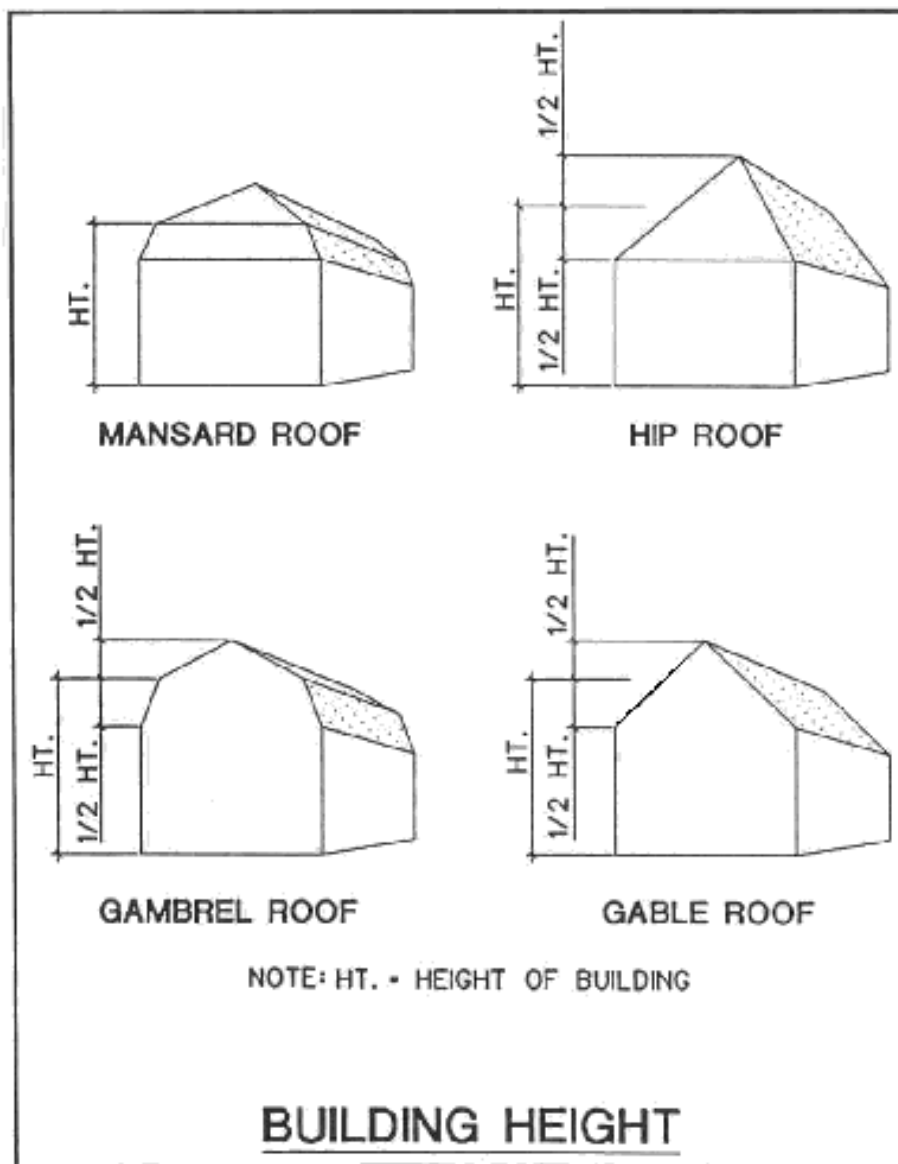
In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural the singular; the word "shall" is mandatory and not permissive and the word "may" is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety, or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatever in the ordinances, rules, regulations or permits or by 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 the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements between parties, the provisions of this ordinance will prevail.

ARTICLE 2 DEFINITIONS

2.01 DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For these regulations, certain terms and words are defined as follows:

1. Accessory Use, Building or Structure - A use, building, or structure on the same lot, of a nature customarily incidental and subordinate to the principal use, building, or structure. All require a Zoning Compliance Permit. Structures of less than 100 square feet do not require a building permit.
2. Alley - A passage or way open to the public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.
3. Alterations - An alteration may be a change in construction or a change of occupancy. Where the term alteration is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used concerning the change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of a trade or use to another.
4. Attached - Part of the principal building joined by common major structural elements.
5. Basement - A portion of a building, or a portion of a room, located wholly or partially below grade.
6. Building – Any enclosed structure having a roof supported by columns, walls, or other support, used for the purpose of dwelling or storing of persons, animals, or property, or carrying out of business activities, or similar uses.
7. Building Height - The vertical distance measured from the average finished grade of the front of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled Building Height)



8. Complementary - Complementary shall be defined as having siding and roofing of like materials and incorporate a similar roof pitch.
9. Corner Lot – A lot that has frontage on two (2) streets and occupies the interior angle of the intersection of two (2) street rights-of-way lines that make an angle of less than 145 degrees.
10. Detached – A building not attached to any other unit by any other means.
11. Dwelling or Dwelling Unit - A building designed for use and occupancy by one family, for living and sleeping purposes, containing bath and kitchen facilities.
12. Dwelling, Single-Family - A dwelling designed and arranged so as to provide living, cooking, and bath facilities for one family only.
13. Dwelling, Two-Family - A dwelling designed and arranged so as to provide living, cooking and bath facilities for two individual families only.

14. Dwelling, Multiple-Family – A building designed or used exclusively for and containing three or more dwelling units, each containing their own cooking and bath facilities. Multiple Family Dwellings include apartment houses, studio apartments, kitchenettes, garden apartments, townhouses, and all other dwellings similarly occupied.
15. Dump - Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of trash, refuse, or waste material of any kind.
16. Essential Services - Public utilities regulated by the Michigan Public Service Commission, municipally owned infrastructure or other public or quasi-public services licensed or authorized by local, state or federal governments to provide services to the general public for the collection, communication, supply, disposal, transmission or distribution of gas, telephone, cable, electric, steam, water, or sewage, including related equipment, fixtures, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, (but not including buildings or structures outside of public rights-of-way) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.
17. Exotic Animals – Any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which ordinarily would be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country. This shall also include any animal that a person is prohibited from possession by law, or any poisonous snake, animal, or other species. Exceptions shall be made for certain domesticated varieties of birds and small (less than 24 inches long) non-poisonous snakes and lizards, which are caged or otherwise contained within a dwelling unit.
18. Family – is defined as: a) An individual or group of two or more persons related by blood, marriage, adoption, foster children and legal wards, including servants who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or b) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, or organization.
19. Family Day Care – A private home in which one to six children are received for care and supervision, including those children less than seven years old in the resident family. This number shall not include more than two children less than twelve months old. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. A family day-care home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a Special

Land Use permit or procedure different from those required for other dwellings of similar density in the same zone.

20. Farm - All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on 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 contiguous parcel of not less than 40 acres in area but may contain additional associated acreage on which farming is carried on directly by the owner or his agent or by a tenant farmer.” Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries, raising of livestock, dairy, sod, forestry, and similar bona fide agricultural enterprises of uses of land and structures. The terms” Farming” and “Agricultural” shall be considered as synonymous.
21. Farm Animals - Farm animals are all animals customarily raised or kept for the production of food or for draft labor, such as horses, goats, sheep, swine, llamas, geese, ducks, turkeys, poultry, or cattle that are not household pets, wild animals, or exotic animals.
22. Foster Care Facility: Means an establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Article 17, of the public health code, Act No. 368 or the Public Acts of Michigan or 1978 (MCL 333.20101 et seq.), or a hospital for mentally challenged patients licensed under section 134-150 of Act No. 258 of the Public Acts of Michigan of 1974 (MCL 330.1135 et seq.)
 - 1) Family Home: Is a facility that provides foster care to six or fewer persons that is licensed by the state pursuant to the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being MCL 400.701 to 400.737 or Act.No. 116 of the Public Acts of 1973, as amended, being MCL 722.111 to 722.128. These facilities shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a special land use or conditional use permit or procedures different from those required for other dwellings of similar density in the same zone.
 - 2) Group Home: Is a facility that provides foster care to seven or more persons.
23. Garage - A garage is any building for storage of private passenger vehicles where no servicing for profit is conducted.
24. Group Day Care - A group day care home is a private residence for the care and supervision of children or adults for less than 24 hours operated by a person who permanently resides as a member of the household. (See also institutional care facilities.) A group day care home is further defined as follows:
 - a. Family Day Care: A private residence in which less than seven minor children are received for care and supervision for less than 24 hours, which is licensed

under the guidelines of the State of Michigan.

- b. **Group Day Care Home:** A private residence in which 7 to 12 children are received for care and supervision for less than 24 hours, operated by a person who permanently resides as a member of the household. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
 - c. **Adult Day Care Home:** Adult day care home means a private dwelling in which persons 18 years of older are provided temporary supervision, personal care and protection, for periods less than 24 hours a day, operated by a person who resides as a member of the dwelling.
25. **Home Occupations** – A home occupation is an occupation or profession customarily incidental and secondary to the use of the residential dwelling, carried on as a subordinate use by a member the residence provided that no such use shall change the character of the residence and that such occupation, shall be located entirely within the residence.
26. **Household Pets**—are domesticated dogs or cats, fish, caged birds, rodents, lizards, rabbits, non-venomous spiders, pot bellied pigs, ferrets.
27. **Institutional Care Facility** - An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state licensed residential facilities, or adult foster care facilities. Institutional care facilities can be further defined as follows:
- a. **Child Care Center:** A facility, other than a private home, where one child or more is received for care and supervision for periods less than 24 hours per day. Child care centers do not include family or group day care homes or schools. Child care and supervision provided as an accessory use while parents or guardians are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or be a fitness center or similar operation shall be considered accessory to the principal use and shall not be considered as a Child Care Center.
 - b. **Inter generational Day Care:** A day care facility that combines the care of children with the care of adults. (This could be expanded to read: A child caring institution, children’s camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of Michigan of 1973 (MCL,722.111-722.127), if the number of residents who become 18 years of age while residing in the facility, does not exceed the following:
 - 1. Two, if the total number of residents is ten or fewer.

2. Three, if the total number of residents is not less than 11 and not more than 14.
3. Four, if the total number of residents is not less than 15 and not more than 20.
4. Five, if the total number of residents is 21 or more.

c. Assisted Living Facilities: Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.

d. Extended-Care Facilities: Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more adults who are aged or physically impaired, are received for care and supervision. Extended-term care facilities include nursing homes, hospice facilities, sub acute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended.

28. Junk – The terms “junk”, “trash”, “litter” are used synonymously and each as herein shall include any of the following: used articles or used pieces of iron, scrap metal, vehicle bodies, parts of machinery , discarded machinery, equipment, lumber, garbage, industrial by-products or waste, empty containers, bottles, crockery, utensils, boxes, barrels, pallets, tires, abandoned swimming pools, and all other such articles which are not completely enclosed or housed within a building.
29. Junkyard/Salvage Yard – Any parcel of land or building maintained or operated for the purchase, sale, exchange, storage, dismantling, disassembly, handling, dumping, displaying or baling of materials including, but not limited to, paper, rags, scrap metals, construction materials, motor vehicles, machinery, used oil or waste, trailers, furnishings, appliances, or parts thereof excluding those uses carried on within an enclosed building.
30. KENNEL: Any land, lot, building, or structure where three(3) or more adult dogs and/or six (6) or more adult cats, six months of age or older, either permanently or temporarily are boarded, housed or bred for commercial purposes excluding veterinary hospitals and commercial pet stores.
31. Lot - A parcel of land occupied or to be occupied by a use or building and its accessory buildings. A lot must have a permanent parcel identification number for assessment purposes and must either be of adequate size having the required frontage on a street for the district in which it is found or have been a legal lot of record before the adoption of

this ordinance.

32. Lot, Corner-- On a corner lot the side setback that adjoins a street right-of-way shall be the same as the front setback requirement.
33. Lot Coverage – The percentage of the lot or parcel covered by roofed buildings or other structures, principle and accessory, located thereon.
34. Lot, through – A through lot has street frontage on two non-adjacent sides of the lot.
35. Lot Width - The distance between side lot lines measured at the building line, on a line parallel to the street. The minimum lot width is established for each zoning district according to the schedule of district regulations. A lot must have the required width on a street for the district in which it is located. No part of the lot may be less than the required lot width.
36. Manufactured Home - Manufactured Home or modular means any building or similar structure that is transportable in one or more sections, which is constructed off site of its permanent location, to permit occupancy as a year-round dwelling with or without permanent foundation. A manufactured home includes the plumbing, heating, air conditioning, and electrical systems contained within the structure, and intended to be connected to the required utilities, pursuant to the requirements of the State Building Code.
37. Mobile Home – means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a single dwelling unit connected to the required utilities and includes the plumbing, electrical, heating and cooling systems that are contained within the structure.
38. Mobile Home Park - Any site, field or tract of land upon which three (3) or more occupied mobile homes are located on a continual, non-recreational basis which is offered to the public, for that purpose whether revenue is collected or not, together with any building, structure, enclosure, street, equipment, or facility used or for incidental use to the occupancy of a mobile home.
39. Mobile Home Subdivision – Any site, field or tract of land where a mobile home park is located with the exception that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.
40. Multiple Uses of Buildings - Two or more commercial establishments or group of businesses that provide a variety of merchandise and/or services occurring within a single structure that requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
41. Nonconforming - A building, structure, lot/parcel or use of land, lawfully existing at the

time of the enactment of this ordinance, or affecting amendment, that does not conform to the regulations, minimum frontage or area requirements, minimum setback requirements or use requirements of the zoning district in which it is located.

42. Open Air Business – shall be defined to include a business, in which a substantial part of which involves activities, sales, display or storage of goods or equipment occurs wholly or in part, outside of a fully enclosed building, including lawn and garden centers, nurseries/greenhouse, retail sale of fruits and vegetables, motor vehicles, boats, truck or trailer sales, swimming pools, snowmobiles, motor or mobile homes, farm implements, golf driving range, playground equipment or any other similar businesses or uses.
43. Outdoor Advertising Sign - A sign that calls attention to a business commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
44. Parking Area – An off-street open area, the principle use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.
45. Planned Unit Development (P.U.D.) – means a development planned and built as a single entity that may contain a mix of housing types and non-residential uses and is based upon an approved site plan that allows flexibility of design, including the preservation of natural features and open space not available under normal zoning district requirements.
46. Principal Building - The structure containing the primary activity or use of the lot or parcel.
47. Principal Use - The primary activity or use of the lot or parcel.
48. Recreational Vehicle – A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.
49. Setback - The distance from a property line of a lot that establishes the minimum distance that a structure must maintain from the property line.
50. Setback Area - The area between the property line and the setback line within which structures may not be located unless specifically provided for in this ordinance.
51. Special land use: A use that would not be appropriate generally or without restriction in that particular zoning district, but which under certain conditions, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

52. **Special land use Permit:** A permit for a use that would not be appropriate generally or without restriction in that particular zoning district, but which under certain conditions, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.
53. **Storage sheds - storage shed** is a small building that may or may not be built from a prepackaged kit. Storage sheds may not be constructed on a concrete slab. Storage sheds are used for outside storage of yard implements and equipment. A storage shed is 100 square feet or less. There is no building permit required for any shed under 100 square feet.
54. **Story -** That portion of a building included between a surface of any floor and the surface of the floor next above it or of the ceiling above it.
55. **Street -** A public dedicated right-of-way other than an alley, which provides primary access to abutting property and over which the public has easement of vehicular access.
56. **Structure -** Anything constructed, built, or placed using materials or a combination of materials with a fixed location above or on the ground, or attached to something already present.
57. **Variance -** The granting to a petitioner, by the Zoning Board of Appeals, permission to vary from the strict application of this ordinance as provided herein.
58. **Waterfront Lot -** A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of 5 acres or more.
59. **Yard -** A space open to the sky and unoccupied or unobstructed except as might be specifically permitted by this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the nearest point of the principal building or structure. Yards are further defined by the following horizontal distances:
- a. **Yard, Front:** A yard extending the full width of the lot between the front lot line and the nearest line of the principal building.
 - b. **Yard, Rear:** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
 - c. **Yard, Side:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.
60. **Zoning Compliance Permit:** Any permit issued by the Zoning Administrator indicating compliance with the provisions of this Ordinance.

**ARTICLE 3
GENERAL PROVISIONS**

3.01 INTERPRETATION OF CONFLICTING PROVISIONS

The regulations of this Article will apply unless specifically provided for in any other Article.

3.02 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings and structures are not allowed on any lot without a principal use or structure and shall be clearly incidental and secondary to and commonly associated with the operation of the principal use or structure. Accessory buildings and structures shall be operated and maintained under the same ownership and on the same lot as the principal use or structure, and shall not be used as a dwelling.

1. Accessory buildings connected to the principal building by a roofed porch, patio, or similar structures are not part of the principal building.
2. Accessory buildings shall have a maximum height of not more than twenty (20) feet.
3. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located not nearer than three (3) feet to any side lot line.
4. No detached accessory building shall be located nearer than three (3) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to any alley, it shall be located not nearer than ten (10) feet to said rear lot line.
5. No detached accessory building shall be located within any front yard.
6. No Manufactured Home, truck, truck-trailer or any form of vehicle capable of being propelled by its own force or through some other source of power, shall be used as an accessory building in any district.
7. Shipping containers of metal construction and flat roof or similar containers of any kind shall not be used as accessory buildings.
8. In the R-1, and R-2 zoning districts, the total aggregate square footage of all accessory buildings shall not exceed the square footage of the main floor footprint of the principal structure.

9. In the C-LI and IND zoning districts, the total aggregate square footage of all accessory buildings shall not exceed 10% of the gross square footage of the principal building up to a maximum of 2,000 square feet.

3.03 ACCESS TO A STREET

All lots must touch a street or road for an uninterrupted distance equal to the minimum lot width required in this Ordinance. For a lot touching the end turnaround area of a cul-de-sac, the minimum road frontage of the lot will be 50 feet, provided the lot width meets the minimum lot width requirements of the zoning district in which it is located.

3.04 AREA REGULATIONS

No lot area shall be reduced or diminished below the minimum requirement established and prescribed by this ordinance,

3.05 BUILDING REGULATIONS

1. Enclosed and unenclosed porches shall be considered an integral part of the building to which they are attached, and shall be subject to all setback requirements and must obtain all the necessary Building and or Zoning Compliance Permits.
2. In no case shall signs, awnings, overhangs, sills, eaves, gutters, chimneys, flues, sills, cornices, eaves, gutters, and similar features project beyond the property line.

No building shall be built, converted, enlarged, reconstructed, or structurally altered to:

1. Exceed the height or bulk limit herein established for the district for which such building is located;
2. Intrude upon the required front, side and rear setback area. However, terraces, patios, walkways, and similar structures may project into front or rear setback areas, not to exceed six (6) feet provided that such structures are without roofs or walls or other continuous enclosures.
3. All structures and or buildings shall obtain proper inspections and permits as required before construction begins.

3.06 CLEAR VISION CORNER

Except in the C-1 zoning district, on any corner lot, no fence, wall, accessory structure or shrub planting shall rise more than 3 feet in height within the triangle formed by the two

property lines which meet at the street rights-of-way and a line drawn between points on said property line 20 feet away from the point of intersection.

3.07 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lots area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

3.08 DUMPING OF RUBBISH

No person, firm or corporation shall dump or cause to be dumped any tin cans, automobile bodies, stoves, garbage, junk, movable structures, or other waste or unwanted materials of any kind or description on any land, private or public, situated in the Village unless such place has been designated as a public dumping ground by the Village Council.

3.09 DWELLING REQUIREMENTS

Every dwelling shall:

1. Comply with the minimum requirements of this Ordinance for the zone in which it is located, included living area requirements, area, height, width, and dimension regulations.
2. Have a minimum width across any front, side, or rear elevation of 24 feet through 75% of its length and comply in all respects with the current Building Officials Code Administrators (BOCA) standards, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different from those imposed by the current BOCA standards, then such federal or state standard or regulation shall apply.
3. Be firmly attached to a permanent foundation or footings buried beneath the frost line following the current BOCA standards and shall have a wall of the same perimeter dimension of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
4. When the dwelling is a Manufactured Home, as defined herein, such dwelling shall:
 - a. Be installed pursuant to the manufacturer's setup instructions,

- b. Be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission,
 - c. Have a perimeter wall as required above and with the wheels removed,
 - d. Not have any exposed towing mechanism, undercarriage, or chassis,
 - e. Have a skirting of a permanent nature similar to that used for site-built housing.
5. Be connected to a public sewer and water supply or to such private facilities approved by the County Health Department. All drain fields, absorption beds, or seepage pits shall not be closer than 100 feet from any lake, stream, river, or other surface water.
6. Must have a roof overhang of at least 6 inches on all sides or, alternatively, have window sills and roof drainage system concentrating roof drainage at collection points along the sides of the dwelling.
7. Must have at least two exterior doors with the second door being in either the rear or side of the dwelling; which contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
8. Contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. Comply with all pertinent building and fire codes. For a Manufactured Home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said Manufactured Home shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States (U.S.) Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. The foregoing standards shall not apply to a Manufactured Home in a licensed Manufactured Home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Village concerning such parks.
11. All construction required herein shall be commenced only after a zoning permit has been obtained in accordance with the current BOCA standards.

3.10 DWELLINGS—FLOOR AREA REQUIREMENTS

1. All single-family dwellings shall have a minimum 1,100 square feet of living area, excluding basements, stairwells, and closets.
2. Multifamily dwellings shall have the following minimum floor area:

Studio apartment	600 square feet per unit.
1 bedroom	600 square feet per unit.
2 bedrooms	750 square feet per unit.
3 bedrooms	800 square feet per unit.
4 or more bedrooms	1,000 square feet per unit plus an additional 100 square feet for every bedroom more than 4 bedrooms.

3.11 EARTHMOVING

Earthmoving of sand, topsoil or other material affecting areas greater than 20,000 square feet shall require review and approval by Special Land Use Permit in accordance with this Ordinance. Special Land Use Permit shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. The removal of soil, sand, topsoil, or other material from the land shall only be permitted when such use is in conformance with any Soil and Sedimentation Erosion Control Ordinance and written approval of the administering agency shall be filed with the application of the Zoning Permit.

3.12 ESSENTIAL SERVICES

The following zoning restrictions apply to essential services for public utility facilities necessary for the service of the community in public streets or public rights-of-way.

1. The erection, construction, or alteration by public utilities or other public or quasi-public department or commission of underground gas, electrical, steam or water distribution or transmission systems, collection, communication supply or disposal systems including drains, sewers, pipes, conduits, wires, cables and accessories reasonably necessary for the furnishing of adequate services by public utilities or other public or quasi-public departments or commissions or for public health or safety or general welfare shall be allowed by right in all zoning districts in the Village.
2. The erection construction, alteration and use of a building or an addition to an existing building or aboveground or overhead public utility, including electrical distribution or transmission systems, collection, communication, supply or disposal

systems including wires, cables, fire alarm boxes, police equipment and accessories by a public service corporation in any zoning district shall be allowed by Special land Use Permit providing the planning commission finds such use, height, area, building or structure necessary for the public convenience and service provided that such building, structure or uses are designed, built and landscaped to conform harmoniously with the general architecture and plan of such districts.

3.13 HOME OCCUPATIONS

All home occupations shall be permitted only as Special Land Uses in this Ordinance and within the AG and R-1, and R-2 zoning districts. Any home occupation operated in a dwelling unit may be operated only if it complies with all of the following conditions:

1. It is operated in its entirety either within the dwelling or garage or accessory building, and then only by the person or persons residing within the dwelling therein.
2. The home occupation shall not occupy more than 25 percent of the floor area of the dwelling.
3. That the dwelling does not have any exterior evidence to indicate that the building is being utilized for any purpose other than that of a dwelling. There may be no alteration of the residential character of the premises. One allowable sign that conforms to the regulations is allowed but requires a Zoning Compliance Permit. Outdoor, window, or lawn displays are prohibited as is outdoor storage.
4. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
5. Restaurants, beauty and barbershops, clinics, hospitals and boarding establishments shall not be considered home occupations.
6. Noise or other objectionable characteristics, such as electrical interference, odor, smoke, night lighting or unreasonable traffic shall not be discernable beyond the boundaries of the lot.

3.14 HOUSEHOLD PETS

Household pets may be kept in any zoning district; however, not more than three dogs may be kept on any parcel without an appropriate special land use permit and any required kennel licenses. Household pets may not be kept, bred, or maintained for commercial purposes. Household pets shall not be allowed to run loose outside the owner's property in any district. Wild animals and exotic animals are prohibited in all zoning districts except for certain domesticated varieties of bird and small (less than 24 inches long) non-poisonous snakes and lizards, which are caged or otherwise contained with a dwelling unit.

3.15 LOT AND BUILDING RELATIONSHIP

Every building hereinafter built or structurally altered shall be on a legal lot as defined by this ordinance. There shall be no more than one main building and authorized accessory buildings on one lot within a residential zoning district.

3.16 MOVING OF STRUCTURES AND BUILDINGS

The moving of a structure or building shall be considered the erection of a new building or structure and shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. No building or structure shall be moved until a permit for such removal has been secured. All provisions relative to the erection of new structures shall be met, including a building permit.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and shall determine if it is in a safe condition to be moved, and whether it complies with the building code and use requirements of the zoning district to which it is to be moved. Providing these conditions can be complied with, a permit shall be issued for the moving of said building or structure. A performance bond may be required by the Zoning Administrator prior to such moving in the amount of 10% of the assessed valuation of the structure.

3.17 MULTIPLE USES OF BUILDINGS

Multiple uses of a single building may be allowed in commercial and industrial zoning districts for those uses permitted by right. Site plan review requirements must be met for all other uses requiring a special land use permit.

3.18 ON-SITE SEWAGE TREATMENT AND WATER WELL FACILITIES

All uses not served by a public sewer and/or water, must obtain an approved permit for the necessary onsite sewer and water facilities from the County Health Department.

3.19 OUTDOOR STORAGE

In all zoning districts permitting residential use, all boats, boat trailers, recreational units or similar vehicles (specifically excepting motor homes and truck campers when the camper unit is affixed to the truck) shall be stored in back of the front building line or in an enclosed building, or in case of a multi-family development, in an area specifically designated and approved for such use.

3.20 PRINCIPAL USE

Only one principal use shall be made of a lot, except as otherwise specifically allowed. A single-family dwelling shall constitute a principal use, and only one single-family dwelling shall be allowed on a lot.

3.21 PROHIBITED USES

No building or part thereof shall be built, altered, or used in whole or in part for any of the following uses in any district under this ordinance.

1. Incinerators and plants designed and constructed to accomplish reduction.

3.22 SCREENING REQUIRED

All uses and activities requiring screening must be submitted to the Planning Commission according to the Site Plan Review requirements of this Ordinance.

1. General Screening Requirements:

All uses listed below shall be screened from adjacent residential zoning districts as required in this section. Screening may consist of walls, fences, vegetation, or berming or a combination of any of these as allowed by the Planning Commission.

- a. Buildings in commercial districts.
- b. Buildings in industrial districts.
- c. Communication towers.
- d. Multifamily dwellings.
- e. Outdoor storage areas.
- f. Off-street parking facilities.
- g. Loading and unloading areas.
- h. All other uses specifically identified as having to meet the requirements of this section.

2. Walls and Fences (the following standards shall apply):

- a. Walls and fences shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission.
- b. Walls and fences shall be constructed of durable, weather resistant, rustproof, and easily maintained materials.
- c. Walls and fences may not be constructed with openings that exceed 20% of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
- d. If the wall or fence is within six feet of the property line, the decorative or finished side must face out.
- e. The height of the required fence or wall shall be as follows:

USE	MINIMUM HEIGHT REQUIREMENT	MAXIMUM HEIGHT REQUIREMENT
Buildings in Commercial Districts	4 feet	6 feet
Buildings in Industrial Districts	4 feet	8 feet
Multifamily Dwellings	4 feet	6 feet
Outdoor Storage Areas	4 feet	8 feet
Loading and Unloading Areas	4 feet	6 feet

- f. There shall be no use of barbed wire except in industrial zones and or outdoor storage areas and only if the fence is higher than 6 feet without the barbed wire.
- g. No fence shall be constructed or maintained with electrical current unless specifically applied in the Agricultural District.

3. Vegetation (the following standards shall apply):

- a. Vegetation shall consist of upright conifers such as, but not limited to: Blue, Green, White, or Serbian Spruce; Douglas fir; Austrian Pine; Juniper; or Hemlock.
- b. There shall be a greenbelt-planting strip with a width of not less than 20 feet along the property lines and may be within the required setback.

- c. For staggered, double-row plantings, trees shall be planted not more than 15 feet on center. For single row spacing, trees shall be planted not more than 10 feet on center.
 - d. Trees shall not be less than 4 feet in height above ground at the time of planting.
 - e. Existing trees that comply with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
 - f. All required plant units shall be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or die, shall be replaced within six months with plant units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
 - g. The plantings shall be maintained in a neat and attractive manner, and shall maintain their density and screening effect throughout the calendar year.
 - h. Landscaping shall mean, at a minimum, an area constructed of clean fill and topsoil and seeded with an appropriate grass seed with a minimum 30% cover of plant materials and mulch.
 - i. Landscaping may include berms. Berms may include shrubbery and trees to enhance the landscaping effect and aesthetic appearance.
4. Berming (the following standards shall apply:
- a. Berms shall be at least 4 feet in height, constructed with 1 foot of vertical rise for each 3 feet of horizontal width.
 - b. Berms shall be constructed of clean fill and topsoil, and seeded with an appropriate grass seed.
 - c. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm, and shall be maintained in a neat and attractive manner.
5. Screening of refuse storage areas in residential districts:
- a. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a

minimum of six feet in height and shall be of satisfactory height to screen completely the appropriate areas from view.

- b.
 - c. Screening walls shall have no openings except for gates or doors intended to access said area.
6. A Surety, as required by this Ordinance, sufficient to cover the cost of the required screening, may be required, and used if the required improvements are not completed within 12 months from the date of approval.
7. All plantings, landscaping, screening, and berms shall be located to not obstruct the view pertaining to safe ingress and egress from a site.

3.23 SETBACKS FOR OPEN LAND USES

Where the use of a lot is without buildings or structures, the front and side setbacks shall be maintained between the use and the lot line. The front and side setbacks shall be the setbacks for the zone in which the lot is located.

3.24 STORAGE SHED

Storage sheds may be located up to the property line in the side and rear yards and constructed without building permits. Storage sheds anchored to a slab or larger than 100 square feet must comply with accessory building requirements, which includes the procurement of a building permit.

3.25 STREET CLOSURES

Whenever any street, alley or other public way is vacated by official actions of the Village, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

3.26 NONCONFORMING LOTS OF RECORD

Any lot in a single ownership which ownership was of record at the time of the adoption of this Ordinance, which does not meet the requirements of this Ordinance for lot area, may be utilized for uses permitted under this Ordinance provided that all other requirements of this Ordinance are met.

3.27 SWIMMING POOLS

A private or public swimming pool shall be considered a structure for purposes of this ordinance and shall therefore require issuance of a permit. A fence, wall or other structure shall enclose all ground level swimming pools, which shall be a least four (4) feet in height as measured from the outside. Any opening in the fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is self-closing and latching type with the latch on the poolside of the gate. Said entrance way shall lead to the shallow end of the pool. If the entire premises are enclosed by a fence or wall, this requirement may be waived. The pool shall be fenced in before final approval is given for use of the pool. Above-ground swimming pools need not be fenced if the steps and pool entrance are secured by a self-closing and latching gate with the latch on the poolside of the pool gate.

3.28 TELECOMMUNICATION TOWERS

Telecommunication towers and microwave or television towers are permitted in the Industrial District and the Agricultural District as Special Land Uses.

3.29 TEMPORARY STRUCTURES FOR NONRESIDENTIAL PURPOSES

Temporary structures for nonresidential purposes only may be allowed by permit by the Zoning Administrator for the following activities. The permit shall specify the location of the temporary structure and shall cancel six months after the date of its issuance. The Zoning Administrator may renew the permit for additional 6-month periods, not to exceed two years, if he or she finds good cause.

1. Construction Office - The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architects' identification signs in connection with a construction project.
2. Subdivision Office - A dwelling in a new subdivision may be used as a sales and management office.
3. Recreational Units for Temporary Placement
All recreational units may be allowed temporary placement on site for up to five days, with a 45 day maximum only upon obtaining a zoning compliance permit.
4. Circus, Carnivals or Fairs or an outdoor event similar in nature, may obtain a zoning compliance permit, not to exceed 21 days.
5. Open lot sales, specifically Christmas trees or other similar seasonal use, may obtain a zoning compliance permit, but up to a maximum of 45 days in one calendar year.

In any event, the temporary structures and all debris shall be removed within 15 days after completion or abandonment of the work. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

3.30 TEMPORARY DWELLING FOR HARDSHIP

The zoning administrator may issue a permit for temporary use of a manufactured home for use as a temporary dwelling for up to 365 days for the occupants of a dwelling damaged by fire or storm providing they meet the following requirements:

1. The applicant must first submit plans for and receive a building permit for the reconstruction of a permanent dwelling upon the premises.
2. The manufactured home must be located on the same parcel as the principal residential dwelling.
3. The manufactured home has a water system and septic tank system that meets the requirements of the Village of Freeport and the Barry County Health Department. A certificate from said department showing such compliance, including reserve drain field area, shall be filed with the zoning administrator before any use of occupancy is made of said manufactured home.
4. The lot area to be associated with the temporary dwelling must be defined.
5. The manufactured home must be at least three (3) feet from all lot lines.
6. The manufactured home shall have skirting of non-corrosive metal or plastic.
7. That the applicant demonstrates the ability and intent to reconstruct a permanent dwelling on the premises.
8. All plumbing, electrical apparatus, insulation and installation and construction within and connected to the Manufactured Home shall be of a type and quality conforming in all material respects to the safety requirements contained in the Manufactured Home construction and safety standards as promulgated by the rules of the U.S. Department of Housing and Urban Development (HUD) specifications for Manufactured Home construction as amended.
9. The applicant must commence reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.

The fee to be paid for the issuance of a temporary dwelling permit for a temporary dwelling shall be established by the Village Council. If a permit is renewed, an additional fee will be collected. The permit may be renewed once for a period not to exceed 180 days. It shall be

the property owner's responsibility to renew a permit. Failure to renew a temporary permit within the specified time shall constitute expiration.

The zoning administrator shall revoke the temporary dwelling permit at any time if the usage violates any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the Ordinance and is subject to the penalties outlined in this Ordinance. The temporary dwelling shall cease to be used as a dwelling upon completion and occupancy of the permanent dwelling upon the premises, and must be removed within 30 days after the purpose for which the permit was issued no longer exists.

Permits issued to owners of property under this section shall be revocable upon thirty (30) day notice. Said notice shall be given by the Zoning Administrator or his designee and shall include specific violations of the zoning Ordinance existent on that date. If the owner demonstrates compliance with the Zoning Ordinance prior to the expiration of said thirty (30) day period the Zoning Administrator or his designee shall have the authority to rescind the notice.

3.31 THROUGH LOT

In any zoning district, through lots shall have a front setback as hereinafter provided for its particular zoning district along each street lot line.

3.32 TRAVEL TRAILERS, RECREATIONAL VEHICLES, CAMPERS, AND MOTOR HOMES

No motor home or travel trailer shall be occupied for dwelling purposes except as specifically authorized in this Ordinance and in accordance with the following regulations.

1. No person shall park overnight or permit the parking overnight of any motor home or travel trailer upon any public highway, street, alley or park within the Village.
2. No person shall park or permit the parking of any motor home, travel trailer or other recreational vehicle in any front yard for more than 60 days in any 365-day period.
3. No recreational vehicle shall be located on any lot where there is no principal building.

3.33 TWO-FAMILY DWELLINGS

No two-family dwellings shall be hereafter erected, altered or moved on any land, or existing single family dwellings converted to two family dwellings, which provide less than

800 square feet of floor area for each dwelling exclusive of attached garages, unenclosed porches or other accessory structures.

3.34 WALLS AND FENCES

Walls and fences shall be allowed, subject to the following conditions:

1. All districts: All fences shall be erected with fence posts and supports on the interior side and within the property line.
 - a. Under no circumstances shall a fence or wall be constructed of used or unconventional fencing materials including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
 - b. Fences or walls may be located on the property line, but may not extend into any right-of-way or onto adjacent property.
 - c. Fence or wall heights shall be measured from the surface of the ground to the top of the fence or wall.
 - d. Fences or walls shall not be located within 30 feet of the ordinary high-water mark of a lake or stream.
 - e. All fences and walls shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
 - f. Retaining walls are exempt from these fence provisions.
2. Residential Districts:
 - a. Fences not greater than 6 feet in height are allowed in side or rear yards.
 - b. Fences not more than 3 feet in height are allowed in the front yard.
 - c. Fences shall not contain barbed wire, razor wire, spikes, or electric current.
3. Commercial Districts:
 - a. A chain-link, protective fence not in excess of 6 feet in height is allowed in all yards.
 - b. Fences in Commercial zoning districts shall not contain barbed wire, razor wire, or electric current.

4. Industrial Districts:

- a. Fences in this district may not be over 8 feet in height.
- b. Barbed wire is only allowed when the fence is more than 6 feet in height not including the barbed wire portion.

3.35 WATERFRONT LOTS

All uses on waterfront lots, including additions or extensions to existing buildings, shall meet the following design requirements:

1. All principal buildings shall be set back at least 65 feet from the ordinary high-water mark.
2. No structure shall be located within 35 feet of the ordinary high-water mark, except a seasonal dock, boat lift, boat house, or pump house not to exceed 36 inches in height and 9 square feet in size. Pump houses that exceed 3 feet in height or 9 feet in total square feet in size are prohibited.
3. Septic tanks, dry wells, and drain fields may not be constructed:
 - a. Within the 100-year flood plain.
 - b. Nearer than 100 feet to the ordinary high-water mark.
 - c. Where the invert of the drain field or septic tank is below the elevation of the ordinary high-water mark.
 - d. Natural drainage courses shall be protected from grading activity.
 - e. Slopes created by the grading of the site should generally not exceed a slope ratio of 1 foot of vertical slope to 3 feet of horizontal distance.
 - f. Within 35 feet of the ordinary high water mark, a maximum of 400 square feet of land for each 100-linear foot of water frontage shall be covered by impervious surfaces, including all structures and paving.
 - g. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within 35 feet of the ordinary high water mark.

- h. Vegetation shall be left undisturbed within 35 feet of the ordinary high water mark. The use of fertilizer is prohibited within 35 feet of the ordinary high water mark.
- i. Other than support structure, on embankments having a slope exceeding 12%, stairs, walkways, decks, and steps must not be embedded into the ground.

ARTICLE 4
ZONING DISTRICTS AND ZONING MAP

4.01 ZONING DISTRICTS

1. For the purpose of this ordinance, the Village is hereby divided into the following zoning districts: “AG” Agricultural, “R-1” Low Density Single-Family Residential; “R-2” Medium Density Single-Family Residential; “C-1” Commercial; “C-LI” Commercial-Limited Industrial; and “IND” Industrial.
2. The following Zoning Districts are hereby established and the purpose or intended use of each district is stated. Principal uses in each district are listed in this Ordinance.
 - a. The “AG” District is established in recognition of the need to allow existing farming operations to continue, primarily around the periphery of the central village area.
 - b. The "R-1" District is established to provide areas of low-density single-family residential development. Desired development includes single-family dwellings and uses incidental or accessory to dwellings. This district maintains the largest minimum lot size, lot widths, and dwelling size.
 - c. The "R-2" District is established in recognition of the need for maintaining existing smaller residential lots primarily within the central village area. This district is intended for smaller lot and lot width requirements as well as housing sizes to accommodate more affordable housing opportunities. Development includes single-family dwellings in medium-density settings
 - d. The "C-1" District is established to provide areas of high concentrations of pedestrian-oriented retail, office, and service activities within the traditional central business district. Desired development includes compatible commercial uses accompanied by on street, off-street, and municipally provided parking. This district provides additional location and site-related standards for development.
 - e. The "C-LI" District is established to provide areas of commercial development that require large exterior spaces for storage, display, or sale of merchandise or commercial uses which depend upon continual movement of vehicular traffic. Desired development includes commercial uses accompanied by off-street parking. Industrial uses should be limited to uses that might be compatible with these types of commercial uses, such as assembly of small parts where noise and fumes are minimal or non-existent. Development regulations accommodate should office and service businesses that require onsite parking. This district provides additional location and site-related standards for development.
 - f. The "IND" District is established to provide areas of light industrial development in which the uses do not emit excessive noise, fumes, smoke, vibrations, odors, or other

similar nuisances not compatible with adjacent residential neighborhoods. It is not intended to permit residential or commercial development or similar uses except as authorized by this Ordinance. This district provides additional location and site-related standards for development.

4.02 BOUNDARIES OF ZONES

District boundary lines as shown on the Zoning Map, unless otherwise indicated, will be construed as following lot lines, Village Limit lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes, or these centerlines extended or projected. Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules shall apply:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley or lot lines unless such zoned boundary lines are fixed by dimensions as shown on said zoning map.
2. Where zone boundaries are shown, as approximately following streets or alley lines, or proposed street lines, such lines shall be construed to be such boundaries.
3. Where zone boundaries are so shown that they approximately follow lot lines and are not more than 25 feet distance there from, such lot lines shall be such boundaries.
4. In un-subdivided property or where a zoned boundary divides a lot, the location of any such boundary, unless dimensions shown on such maps or described in the text of the ordinance indicate the same, shall be determined by using the map scale shown thereon and scaled to the nearest foot.
5. If all or any portion of any public street, alley, right-of-way, easement or land that is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all these regulations that apply within the zone immediately adjacent thereto or within the most restricted of the immediately adjacent zones if there is more than one.

4.03 SUMMARY OF DISTRICT REGULATIONS

District	Min. Lot Size (sq ft)	Min. Lot Width (sq ft)	Setbacks			Maximum Structure Height (ft)	Minimum Dwelling Size (sq ft)	Minimum Dwelling Width (ft)
			Front (ft)	Side (ft)	Rear (ft)			
AG	40 acres	n/a	30	15	45	35	1,200	22
R-1	40,000	140	30	15	45	35	1,200	22
R-1	30,000 ⁽¹⁾	120	30	15	45	35	1,200	22
R-1	20,000 ⁽²⁾	100	30	15	45	35	1,200	22
R-2	30,000	120	20	10	30	35	1,000	22
R-2	15,000 ⁽¹⁾	100	20	10	30	35	1,000	22
R-2	10,000 ⁽²⁾	70	20	10	30	35	1,000	22
C-1	n/a	n/a	0	0	15	35	n/a	n/a
C-LI	15,000	100	20	10	30	35	n/a	n/a
IND	15,000	100	40	20	25	35	n/a	n/a

⁽¹⁾ = If connected to public water system

⁽²⁾ = If connected to public water and sanitary sewers.

4.04 ZONING MAP

The location, boundaries, and areas comprising the Zoning Districts are hereby established as shown on the official zoning map entitled "Zoning Map" of the Village of Freeport and as same may be amended following the adoption thereof; and said map, section or portion thereof together with all notations, dimensions and other data shown thereon are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

1. The Zoning Map, with any explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2. The official copy of the zoning map shall be in the custody of the Village Council and be maintained by the Village Council and will show all changes that are made in district boundaries according to procedures set forth in this Ordinance.
3. The Zoning administrator will resolve questions concerning district boundary lines as shown on the Zoning Map.

ARTICLE 5
"AG" AGRICULTURAL DISTRICT

5.01 DESCRIPTION OF DISTRICT

This district is composed of certain land in presently used for farming. Such land is zoned for agricultural use with the intent that agricultural will be the principal land use within the foreseeable future. The regulations for this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to a low concentration and to those uses that would not be detrimental to future development.

5.02 PRINCIPAL USES ALLOWED BY RIGHT

1. Farming, including both general and specialized farming and the sale of wood and trees grown on the premises.
2. Single family residences.
3. Essential Services.

5.03 ACCESSORY USES—These are uses customarily incidental to the preceding list of uses allowed by right and are allowed without a special land use permit.

1. Buildings and structures customarily incidental to any of the above permitted uses.
2. Farm Animals.
3. Household Pets.
4. Roadside stands for the sale of farm products grown on the farm, provided, however, that off-street parking shall be provided and no hazardous traffic conditions shall result from such activity.
5. Signs when in accordance with the provisions of this ordinance and the Village Sign Ordinance.

5.04 PROHIBITED USES

No land in this district shall be used for the treatment or disposal of rubbish, garbage; or for the sale, storage, dismantling, demolition or collection of machinery, scrap metal, junk vehicles, bags, bottles or similar materials commonly known as second hand or junk yards.

5.05 SPECIAL LAND USES—the following uses may be permitted upon approval by the Planning/Zoning Commission.

1. Churches, schools, and related educational and recreational facilities.
2. Public utility buildings and structures necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference.
3. Gravel mines.
4. Kennels.
5. Veterinary hospitals/clinics.
6. Home occupations.
7. Lawn care services.
8. Earthmoving.
9. Bed & Breakfasts.
10. Commercial amusement and recreation enterprises such as miniature golf courses and driving ranges (outdoors).
11. General contracting and the storage of construction materials and equipment in connection therewith.

5.06 LOT REQUIREMENTS

No general or specialized farming shall be carried on upon any land or premises less than 40 acres. The minimum lot size in this district is 40 acres.

5.07 SETBACK REQUIREMENTS

1. Front Setbacks: Each parcel shall have a front setback of not less than 30 feet in depth. Where there are existing neighboring buildings or structures having front setbacks less than 30 feet, the minimum allowable front setbacks of all structures

hereinafter erected and fronting on such street or highway shall be determined by the average setback of the adjacent buildings.

2. Side Setbacks:

- a. Each side setback shall not be less than 15 feet.
- b. The side setback of a corner lot shall not be less than 30 feet.

3. Rear Setbacks:

- a. There shall be a rear setback of not less than 45 feet in depth.

5.08 HEIGHT OF BUILDINGS AND STRUCTURES

Buildings and structures accessory to farming use of land may be erected, altered, or moved on any land or premises to a height not to exceed 35 feet.

ARTICLE 6
"R-1" LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

6.01 DESCRIPTION OF DISTRICT

This zoning district is intended to provide for low density housing in areas where higher density housing may be impractical due to wetness, floodplain, high water table, poor drainage characteristics, presence of agricultural land uses, or other natural or physical limitations. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a safe and suitable environment for family life. Public sewer and water are not typically available and may be impractical. Within any R-1 District, no structure or premises shall hereafter be used, erected, converted, or altered internally or externally in whole or in part unless herein provided. To these ends, development is restricted to low-density residential use, where adequate facilities and services will be provided.

6.02 PRINCIPAL USES ALLOWED BY RIGHT

1. Single-family dwellings.
2. Essential Services.
3. Family Day Care.

6.03 ACCESSORY STRUCTURES AND USES--These are uses customarily incidental to the preceding list of uses allowed by right and are allowed without a special land use permit.

1. Antennae/satellite dish.
2. Children's play equipment.
3. Household pets.
4. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.
5. State Licensed Residential Facilities for six persons or less.
6. Swimming pools.
7. Storage sheds.

8. Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

6.04 PROHIBITED USES

1. The outdoor storage, parking, display, accumulation or placing of material, equipment, waste, machinery, vehicles in inoperable condition, unlicensed vehicles, furnishings, or parts thereof.
2. Exotic Animals.
3. Farm Animals.

6.05 SPECIAL LAND USES--the following uses may be permitted upon approval by the Planning/Zoning Commission.

1. Churches, schools, and related educational and recreational facilities.
2. Group day care homes.
3. Public utility buildings and structures necessary for the service of the community or utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference.
4. Publicly owned and operated buildings such as municipal offices, museums or libraries.
5. State Licensed Residential Facilities for seven persons or more.
6. Home occupations.

6.06 LOT REQUIREMENTS

No lot shall be less than 140 feet in width through its length and not less than 40,000 square feet in area. Lots having public water may be reduced to 30,000 square feet and be not less than 120 feet in width through its length. Lots served with both public water and sanitary sewers may be reduced to 20,000 square feet and not less than 100 feet in width through its length.

6.07 SETBACK REQUIREMENTS

1. Front Setbacks: Each parcel shall have a front setback of not less than 30 feet in depth. Where there are existing neighboring buildings or structures having front setbacks less than 30 feet, the minimum allowable front setbacks of all structures hereinafter erected and fronting on such street or highway shall be determined by the average setback of the adjacent buildings.
2. Side Setbacks:
 - a. Each side setback shall not be less than 15 feet.
 - b. The side setback of a corner lot shall not be less than 30 feet.
3. Rear Setbacks:
 - a. There shall be a rear setback not less than 45 feet in depth.

6.08 SIZE OF DWELLING

1. No single-family dwelling shall be hereafter erected, altered, or moved on any land or premises in this district that provides less than 1,200 square feet of floor area exclusive of attached garages, porches or other accessory structures.
2. A dwelling shall have a width of not less than 22 feet throughout 75 percent of its length, exclusive of attached garages, porches, or other accessory structures.
3. No dwelling, building, or structure or parts thereof shall be hereafter erected, altered, or moved on any land or premises in this district exceeding a height of 35 feet from the ground level.

6.09 DISTRICT STANDARDS

All principal uses, accessory uses, and special land uses in the R-1 District will be subject to area, height, and location regulations as specified on the summary table of district regulations, and off-street parking regulations according to this Ordinance.

1. Maximum Density – One dwelling unit per parcel.
2. Dwelling Width - 22 feet minimum.

ARTICLE 7
“R-2” MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

7.01 DESCRIPTION OF DISTRICT

Medium density residential areas are characterized as fully developed neighborhoods with paved streets and sidewalks and typically served by public water or sewer. This district includes residential areas in the Village where residential development has historically occurred and where infill development appears likely. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a safe and suitable environment for family life. To these ends, new development is intended to retain the character of the existing neighborhood. Within the R-2 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following uses.

7.02 PRINCIPAL USES ALLOWED BY RIGHT

1. Single-family dwellings.
2. Two-family dwellings.
3. Churches, schools, and related educational and recreational facilities.
4. Essential Services.
5. Publicly owned and operated buildings such as municipal offices, police and fire stations, museums or libraries.

7.03 ACCESSORY STRUCTURES AND USES--These are uses customarily incidental to the preceding list of uses allowed by right and are allowed without a special land use permit.

1. Antennae/satellite dishes.
2. Children’s play equipment.
3. Family Day Care.
4. Household pets.
5. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.

6. Storage Sheds.
7. State Licensed Residential Facilities for six persons or less.
8. Swimming pools.
9. Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

7.04 SPECIAL LAND USES--the following uses may be permitted upon approval by the Planning/Zoning Commission.

1. Bed and breakfasts.
2. Group day care home.
3. Multi-family dwellings such as apartments, townhouses, etc.
4. Public utility buildings and structures necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference.
5. State Licensed Residential Facilities for seven persons or more.
6. Home occupations

7.05 PROHIBITED USES

1. The outdoor storage, parking, display, accumulation or placing of material, equipment, waste, machinery, vehicles in inoperable condition, unlicensed vehicles, furnishings, or parts thereof.
2. Exotic Animals.
3. Farm Animals.

7.06 LOT REQUIREMENTS

Each lot shall be not less than 120 feet in width through its length and not less than 30,000 square feet in area. Lots having public water may be reduced to 15,000 square feet and be not less than 100 feet in width through its length. Lots served with both public water and sanitary sewers may be reduced to 10,000 square feet and be not less than 70 feet in width through its length.

7.07 SETBACK REQUIREMENTS

1. Front Setbacks: Each setback shall have a front setback of not less than 20 feet in depth.
2. Side Setbacks:
 - a. No side setback shall be less than 10 feet in width.
 - b. The width of a side setback of a corner lot abutting on a street or highway shall not be less than 20 feet.
3. Rear Setbacks: Every dwelling or other main building hereafter erected shall have a rear setback not less than 30 feet in depth.

7.08 SIZE OF DWELLING

1. No single-family dwelling shall be less than 1,000 square feet of floor area exclusive of attached garages, unenclosed porches, or other accessory structures.
2. A dwelling shall have a width of not less than 22 feet throughout 75 percent of its length, exclusive of attached garages, porches, or other accessory structures.
3. No dwellings, buildings, or structures or parts thereof shall be hereafter erected, altered, or moved on any land or premises in this district that shall exceed a height of 35 feet from the ground level.

7.09 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the R-2 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

1. Maximum Density - Three dwelling units per acre.
2. Dwelling Width - 22 feet (through 75% of the buildings length).

3. Lot Coverage - Not to exceed 40%.

ARTICLE 8
C-1 COMMERCIAL DISTRICT

8.01 DESCRIPTION OF DISTRICT

This district is designed solely for the convenient shopping of the persons residing in the Village. The regulations are designed to permit development of the activities and land uses identified within this article as limited to protect the abutting and surrounding residential property.

8.02 PRINCIPAL USES ALLOWED BY RIGHT

1. Antique shops.
2. Automotive parts and supply stores.
3. Bars and taverns.
4. Commercial amusement and recreation enterprises (indoors), such as arcades, laser tag, bowling alleys, pool halls, etc.
5. Drug stores.
6. Essential Services.
7. Executive, professional, administrative, or medical offices.
8. Financial institutions.
9. Fraternal lodges, organizations, and quasi-public agencies and organizations such as historical societies, libraries and museums.
10. Grocery and convenience stores, including packaged beer & wine, and delicatessens.
11. Hardware Stores.
12. Offices of real estate, tax preparation, and insurance professionals.
13. Packaged liquor sales.
14. Photographic supply shops and photo workrooms and studios.
15. Printers, printing supplies, copy shops, and publishers.

16. Publicly owned and operated buildings such as municipal offices, police and fire stations, museums or libraries.
17. Personal services establishments such as barber and beauty shops, and tanning salons.
18. Restaurant, delicatessen, and other dispensaries of food products at retail.
19. Retail sporting goods, including bicycle sale and repair, outdoor and hunting supplies.
20. Second floor dwellings.
21. Video rental and sales.

8.03 ACCESSORY STRUCTURES AND USES-- These are uses customarily incidental to the preceding list of uses allowed by right and are allowed without a special land use permit.

Accessory uses and structures are limited to the following:

1. Trash and rubbish enclosures.
2. Parking.
3. Outdoor Eating Areas.

8.04 SPECIAL LAND USES--the following uses may be permitted upon approval by the Planning/Zoning Commission.

1. Churches, schools, and related educational and recreational facilities.
2. Institutional Care Facilities.
3. Public utility buildings and structures necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference.

8.05 PROHIBITED USES

1. Any use not permitted or allowed within this chapter is prohibited.
2. The storage of all materials, objects, equipment, machinery, and unlicensed, unused or inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view.

8.06 COMMERCIAL LOT REQUIREMENTS

The size of every commercial lot or parcel of land shall be adequate to meet County Health Department requirements for on-site septic systems.

8.07 SETBACK REQUIREMENTS

1. Front Setback:
 - a. Buildings may be constructed to the front line of any lot.
2. Rear Setback:
 - a. Every lot or premises shall have a rear yard of not less than 15 feet.
3. Side Setback:
 - a. Buildings may be constructed to the side lot lines of any lot if all walls facing said lines are of fireproof construction and wholly without windows or other openings, and provided, further, that unobstructed access to the rear of said buildings is maintained for access for firefighting vehicles and equipment. In the event that the side line of a lot or parcel of land upon which a commercial building is to be erected abuts a lot zoned for residential purposes or upon which a dwelling exists, then the side setback shall be not less than 10 feet.

8.08 HEIGHT OF COMMERCIAL BUILDINGS

No commercial building shall hereafter be erected, altered, or moved upon any lot or premises in this district to a height exceeding 35 feet.

8.09 SITE PLAN REVIEW

All uses in the C-1 Commercial zoning district require site plan review in accordance with this ordinance.

ARTICLE 9
“C-LI” COMMERCIAL - LIMITED INDUSTRIAL DISTRICT

9.01 DESCRIPTION OF DISTRICT

This district is designed to encourage the development of retail and wholesale businesses offering goods and services which would be incompatible with and therefore excluded from the C-1 District, and to provide for businesses that require outside sales or storage or have a high frequency of automotive related service. It is sometimes referred to as heavy commercial or highway commercial. The regulations are designed to permit the continuation of businesses already present and complement them with other similar businesses. Some limited industrial uses may also be compatible in this district. Extra precautions will be taken to ensure that objectionable land uses are limited to protect the abutting and surrounding residential property. Better wording needed then exclusion as the C-1 encompasses some of the same businesses.

9.02 PRINCIPAL USES ALLOWED BY RIGHT—includes all uses allowed by right in the C-1 District plus the following.

1. Agricultural implement and equipment sales and service.
2. Automobile repair and restoration.
3. Automobile sales and services.
4. Automotive parts and supply stores.
5. Bicycle sale and repair establishments.
6. Commercial amusement and recreation enterprises (indoors).
7. Drive-through financial Institutions.
8. Drive-through restaurants.
9. Dry-cleaning and laundry facilities.
10. Farm and feed stores.
11. Government buildings.
12. Grocery and convenience stores, including packaged beer and wine.
13. Lumberyards.

14. Machine fabricated parts.
15. New and Used automobile sales.
16. Offices, showrooms, and workshops of plumbers, electricians, and decorators in similar trades.
17. Photographic supply shops and photo workrooms and studios.
18. Publicly owned and operated buildings such as municipal offices, police and fire stations, museums or libraries.
19. Recreational vehicle sales and service.
20. Tire sales and repair shops.
21. Lawn care services.

9.03 ACCESSORY USES—These are uses customarily incidental to the preceding list of uses allowed by right and are allowed without a special land use permit.

Accessory uses and structures are limited to the following:

1. Trash and rubbish enclosures.
2. Parking.
3. Loading and delivery areas.

9.04 SPECIAL LAND USES

1. Commercial amusement and recreation enterprises such as miniature golf courses and driving ranges (outdoors).
2. Gasoline service stations.
3. General contracting, the storage of construction materials and equipment in connection therewith, not including explosive materials, junk and secondhand construction materials.
4. Rental storage units.

5. Public utility buildings and structures necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference.
6. Towing Services.

9.05 PROHIBITED USES

1. No storage yard, junkyard or business likely to create detrimental smoke, noise, odors, fumes, vibration, or other pollution shall be located in this district.
2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, sewage plants, or activities that generate electronic interference are prohibited.

9.06 LOT REQUIREMENTS

Every lot shall be not less than 100 feet in width and a total area of not less than 15,000 square feet.

9.07 SETBACK REQUIREMENTS

1. Front Yard Setbacks - Every lot shall have a front setback of not less than 20 feet.
2. Rear setbacks - Every lot shall have a rear setback of not less than 30 feet.
3. Side Setbacks - Every lot shall have a side setback of not less than 10 feet.
4. Corner Lots - The side setback on a corner lot abutting on a street or shall not be less than 20 feet.

9.08 HEIGHT OF BUILDINGS

No building shall hereafter be erected, altered, or moved upon any lot or premises in this district to a height exceeding 25 feet.

9.09 SITE PLAN REVIEW

All uses in the C-LI' Commercial - Limited Industrial zoning district require site plan review in accordance with this ordinance.

ARTICLE 10
“IND” INDUSTRIAL DISTRICT

10.01 DESCRIPTION OF DISTRICT

The industrial district is limited to parcels located along major county thoroughfares and railroad rights-of-way and/or adjoining residential and/or commercial areas. These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts. To these ends, development is limited to a low concentration. External effects are limited and uses are limited to those industrial activities that can be operated in a clean and reasonably quiet manner.

10.02 PRINCIPAL USES ALLOWED BY RIGHT

Buildings and land may be used for the following lawful industrial purposes:

1. Essential Services.
2. Transportation, maintenance, and servicing facilities.
3. Tool and die machine shops and welding shops.
4. Sawmills.
5. Publicly owned and operated buildings such as municipal offices, police and fire stations, museums or libraries

10.03 ACCESSORY STRUCTURES AND USES

1. Parking.
2. Landscaping.
3. Storage areas.
4. Trash and garbage receptacles.
5. Loading and delivery areas.

10.04 SPECIAL LAND USES

1. Telecommunication towers.
2. Churches
3. Adult Uses.
4. Public utility buildings and structures necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations.

10.05 INDUSTRIAL LOT REQUIREMENTS

Every lot shall be not less than 100 feet in width through its length and 15,000 square feet in size.

10.06 SETBACK REQUIREMENTS

1. Front setbacks: Every lot shall have a front setback of not less than 40 feet.
2. Rear setbacks: Every lot shall have a rear setback of not less than 25 feet.
3. Side setbacks: Every lot shall have a side setback of not less than 25 feet.
4. Corner lots: The side setback on a corner lot abutting on a street or highway shall not be less than 40 feet.
5. Whenever a parcel in this district abuts a R-1 or R-2 District, then the setback adjacent to that district is 40 feet.

10.07 HEIGHT OF BUILDINGS

No industrial building shall be erected, altered, or moved on any lot or premises in this district to a height exceeding 35 feet.

10.08 SITE PLAN REVIEW

All uses in the "IND" Industrial zoning district require site plan review in accordance with this ordinance.

ARTICLE 11 SPECIAL LAND USES

11.01 EXPLANATION

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Planning Commission is authorized to approve the establishment of special land uses. Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. These uses either are inherently objectionable or have special characteristics as to make extra regulations and controls advisable, even in the zone to which they are permitted and must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land but have certain aspects that call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as special land uses are permitted in certain zones only if granted by the Planning Commission.

11.02 SPECIAL LAND USES, FILING REQUEST

An Application for Special land uses shall be filed with the zoning administrator who shall transmit the application to the Planning Commission. The application shall include plans and specifications or other data or exploratory material stating the methods by which the applicant will comply with the conditions specified for each grant of a special land use. At the time of filing the request for a grant of a Special land use, the applicant shall pay to the clerk, the fee required as established by the Village Council.

The Planning Commission shall review the application and after a public hearing, shall grant or refuse the Special land use and notify the petitioner and the Zoning Administrator.

An application for a Special land use shall be accompanied by the following documents and information:

1. A Special land use application form submitted to the Village that has been completed in full by the applicant.
2. A site plan as required in this Ordinance.

Upon receipt of an application for a Special land use, the Planning Commission shall publish notice of a public hearing for a Special land use in a newspaper that circulates in the Village. In addition, said notice shall be sent by mail or personal service to the owners of the property for which approval is being considered and 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 be given not less than five nor more than 15 days before the application will be considered. The notice shall:

1. Describe the nature of the Special land use request.
2. Indicate the property that is subject to the Special land use considered.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

Following the request for the authorization of a Special land use, the Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based on its review of the application for a Special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the Special land use application. Such determination shall be in accordance with the criteria for approval and such other standards contained in this Ordinance that relate to the Special land use under consideration.

The decision of the Planning Commission on a Special land use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special land use under consideration. Said statements shall specify the basis for the decision of the Planning Commission and any conditions imposed.

11.03 SPECIAL LAND USES, GENERAL PROVISIONS

In hearing a request for any Special land uses, the Planning Commission shall be governed by the following principles and conditions:

The applicant for a Special land uses shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of facts, which are to be determined by the Board.

Special land uses may be granted when the Planning Commission finds, from the evidence produced at the hearing, that:

- a The proposed use does not affect adversely the general plan for physical development of Freeport as embodied in this ordinance and in any master plan or portion thereof adopted by the Village of Freeport and,
- b The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood and,

- c The standards as may be set forth for a particular use for which a special land use may be granted can and will be met by the applicant.

11.04 SPECIAL LAND USE PROVISIONS

The Planning Commission may, and is hereby empowered to, add to the specific provisions enumerated herein that it may deem necessary to protect adjacent properties in the general neighborhood and the residents and workers therein.

The following uses shall be allowed only where the individual zoning district regulations under Special land uses specifically list them as a Special land use:

1. Adult Uses.
2. Bed and Breakfasts.
3. Churches, schools, and related educational and recreational facilities.
4. Commercial amusement and recreation enterprises such as miniature golf courses and driving ranges (outdoors).
5. Earthmoving/Gravel Mines.
6. Essential Services.
7. Gasoline service stations.
8. General contracting and the storage of construction materials and equipment in connection therewith.
9. Group Day Care Homes.
10. Lawn Care Services.
11. Multiple Family Dwellings.
12. Public utility buildings and structures.
13. Publicly owned and operated buildings such as municipal offices, police or fire stations, museums or libraries.
14. Rental storage units.
15. State Licensed Residential Facilities for seven persons or more.

16. Telecommunication Towers.

17. Towing Services.

18. Home Occupations.

19. Kennels.

20. Veterinary Hospitals.

11.05 BASIS FOR DETERMINATION

Prior to the approval of a Special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special land use under consideration.

The Planning Commission shall review the particular circumstances of the Special land use request under consideration in terms of the following general standards, and shall approve a Special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The Special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
2. The Special land use shall not impair the essential character of the surrounding area.
3. The Special land use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
4. The Special land use shall not place demands on public services and facilities in excess of current capacities.
5. The Special land use is in general agreement with the Village's Land Use Plan.

The Planning Commission may impose conditions, with the approval of a Special land use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special land use and shall be enforced by the Zoning Administrator.

11.06 SURETY

The Planning Commission may require, as a condition of approval for a Special land use, a financial guarantee (surety) acceptable to the Village in the form of a cash deposit, certified check, or irrevocable bank letter of credit to guarantee the construction of improvements required as a condition of approval.

11.07 DESIGN STANDARDS

All Special land uses shall meet the following design standards in addition to the requirements of the zoning district in which they are located:

1. ADULT USES

Adult uses are allowed according to the following standards:

- a. The need for special regulation of certain business uses that, by their very nature, are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective. Special regulation is needed to ensure these uses are not concentrated in any one area, thus preventing adverse effects on 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 values and the subsequent negative impact on the community tax 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. Adult uses shall only be located within Industrial zoning district.
- c. An application to establish an adult entertainment activity shall not be approved if there is already in existence one or more adult uses within 500 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within this section.
- d. An application to establish an adult entertainment activity shall not be approved if the proposed location is within 500 feet of any licensed day care facilities, adult fosters care home, senior citizens' center, park, or church, and shall not be approved if the proposed location is within 2,650 feet from any K-12 school, except as otherwise provided for within this Ordinance.
- e. The Planning Commission may waive the location standards, limiting adult uses as they relate to similar uses, if the following findings are made:
 - 1) That the proposed use will not be contrary to the public interest, or injurious to nearby properties; and that the spirit and intent of the section will be observed.

- 2) That the proposed use will not enlarge or encourage the development of a “skid-row” area.
 - 3) That 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.
 - 4) That all applicable regulations of this section will be observed.
- f. The Planning Commission may waive the location standards limiting the location of adult uses as they relate to licensed day care facilities, adult foster care homes, senior citizen centers, 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 2/3rds of the parcels of land within 500 feet of the proposed location. In addition to this requirement, the Planning Commission may waive the requirement that adult uses be located no closer than 2,650 feet from schools only if the proponent also demonstrates that school children are not likely to pass by the location while walking to or from school. Any petition presented to the Planning Commission shall contain, at a minimum, the following:
- 1) 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.
 - 2) 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 signatures.
 - 3) For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the assessor to all property within the said 500 feet.
 - 4) An applicant requesting a “waiver of location requirements” shall file an application with the Zoning Administrator. However, the Zoning Administrator shall not accept an application for the “waiver of location requirements” for an adult entertainment activity as it relates to the location requirements concerning licensed day care facilities, adult foster care homes, senior citizen centers, K-12 schools, parks, or churches, without the submission of a petition as required herein. The Zoning Administrator shall validate said petitions. The Zoning Administrator shall then notify the Planning Commission of the receipt of the requests and petition within 15 days of filing.
 - 5) Before granting a waiver of location requirements, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use, as it may feel, in its judgment, are necessary for this protection of the public interest. Any evidence and

guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

2. BED AND BREAKFASTS

Bed & Breakfast establishments shall have adequate off-street parking designed in accordance with the parking design requirements of this ordinance, to accommodate one vehicle for every bedroom. Parking spaces shall not be located within the required front or side setback. One sign not more than six (6) square feet may be placed not closer than fifteen (15) feet to the front property line. Parking areas must be screened from adjacent residentially used or zoned property with plantings or fence.

3. CHURCHES, SCHOOLS, AND RELATED EDUCATIONAL AND RECREATIONAL FACILITIES

- a. No structures may be located closer than 100 feet to any property line. No parking or any structure shall be located in the setback area.
- b. Recreational facilities may not be located in the setback zone.
- c. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
- d. The grounds shall be sloping for proper drainage and to meet the approval of local engineering standards.
- e. There shall be a maximum of one sign, which shall bear only the name of the facility, and shall have a maximum area of 12 square feet. The sign may be lighted provided the source of light is not visible and may be located within the required yard, but not within the greenbelt.
- f. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the Village and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner, but in so doing, complying with other applicable provisions of this Ordinance.

4. COMMERCIAL AMUSEMENT AND RECREATION

Commercial amusement and recreation enterprises include such activities as miniature golf courses and driving ranges (outdoors). Outdoor recreation and entertainment facilities may be permitted, if the Planning Commission finds that the following conditions exist:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of the Village.

5. EARTHMOVING/GRAVEL MINES

The Planning Commission shall find, in its discretion that the proposed earthmoving shall not result in serious consequences in relation to interests the Village is authorized to protect.

- a. The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
- b. A permit from the Soils Erosion and Sedimentation permit or letter from the County Drain Commissioner indication that no permit is required.
- c. Earthmoving activities will not occur within 100 feet of a property line and slopes must not exceed 4:1.
- d. The Planning Commission may approve, approve with modifications, or disapprove the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
- e. The Planning Commission shall consider the following in making its determination:
 - 1) The earthmoving activity will take place within a reasonable period of time.
 - 2) The earthmoving activity will not adversely affect existing or future adjacent land uses substantially.
 - 3) The effect of the earthmoving activity on drainage, surface water, water table, groundwater, etc.
 - 4) The earthmoving activity shall not adversely affect the public health, safety, and general welfare.
 - 5) All federal and state permits are obtained.

- f. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any earthmoving. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- g. Exceptions: A permit to fill or remove soil from an area not to exceed 20,000 square feet may be issued by the zoning administrator, provided information is formally submitted including the following:
 - 1) Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
 - 2) Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
 - 3) Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum of 6-inch, debris-free top cover suitable for the growing of turf within 6 months of date of issuance of permit. The maximum period of time such permit may be valid for is 6 months.
- h. No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Village.

6. ESSENTIAL SERVICES

Essential services located above ground and outside of public rights-of-way will be subject to Site Plan review and the following terms and conditions:

- a. All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality, and a different suitable location is not readily available.
- b. The facility must be screened from view from adjacent residential properties as much as possible using natural materials. Landscaping is preferred to walls and fences.

Essential Service structures must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.

7. GASOLINE SERVICE STATION/CONVENIENCE STORE

All structures shall be set back 50 feet from any right-of-way or property line. Not more than one curb cut is allowed for every 75 feet of road frontage. No curb opening shall be within 75 feet of another curb opening. A raised curb shall be constructed along the perimeter of all parking facilities or landscaped islands. Outside storage may not exceed a size of 200 square feet. Outside storage of vehicles is limited to four vehicles.

8. GENERAL CONTRACTING AND THE STORAGE OF CONSTRUCTION MATERIALS AND EQUIPMENT IN CONNECTION THEREWITH

All buildings and storage areas shall maintain a minimum setback of 50 feet along a public road and 25 feet along all other property lines. Except for licensed operable vehicles, outside storage may not exceed a size of 500 square feet. Outside storage of vehicles is not allowed within the required front, rear or side setbacks. The outdoor storage of junk or secondhand construction materials is prohibited.

9. GROUP DAY CARE HOMES

Group Day Care Homes must be used for residential purposes and that part occupied as a dwelling shall conform to all requirements of the building code. That part used for Day Care shall be provided with an exterior entrance separate from the residence and has no less than two onsite parking spaces. The group day care facility shall:

- a. Have a child drop-off and pickup area. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- b. Have a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, shall be provided and maintained on the lot. For purposes of this Section, "outdoor play area" means the area located on the lot behind the established front yard setback of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.
- c. Not be located closer than 1,500 feet (measured along a road, street, or other public thoroughfare) to any other State Licensed Residential Facility; to any facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or to any community correctional center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State Department of Corrections.

- d. Not exceed 16 hours of use during any 24-hour period and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from six a.m. to ten p.m. daily.
- e. Be maintained consistent with the visible characteristics of the neighborhood.
- f. Be registered and licensed as required for State Licensed Residential Facility under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended).

10. LAWN CARE SERVICES

All buildings and storage areas shall maintain a minimum setback of 50 feet along a public road and 25 feet along all other property lines. Outside storage may not exceed a size of 500 square feet. Outside storage of vehicles is not allowed within the required front, rear, or side setbacks.

11. MULTIPLE FAMILY DWELLINGS

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- a. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet of an off-street parking facility.
- b. Where more than one building is located on a parcel or lot, the following requirements apply:
 - 1) No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
 - 2) A front yard of 35 feet shall be required.
 - 3) No building shall be located behind another unless separated by common yard of at least 100 feet.
 - 4) Each parcel or lot shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
 - 5) No building shall be located closer than a distance equal to its total height to any other building.
- c. Each building shall contain complete and separate septic system facilities as required by the county health department.

12. PROJECTIONS INTO RIGHTS-OF-WAY

Awnings may extend into the airspace of a public right-of-way according to the following conditions:

- a. Permanent awnings may extend into the public right-of-way providing:
 - 1) There is a minimum of twelve (12) feet between the bottom of the awning and the grade below, and
 - 2) The awning is structurally sound as documented by a detailed design drawing prepared and sealed by a licensed contractor, and
 - 3) The awning does not project any further than six (6) feet beyond the front of the building, and
 - 4) The awning is aesthetically consistent with the building it is placed upon and surrounding buildings.
- b. Retractable awnings may extend into the public right-of-way providing:
 - 1) There is a minimum of ten (10) feet between the bottom of the awning and the grade below, and
 - 2) The awning does not project any further than six (6) feet beyond the front of the building, and
 - 3) The awning is aesthetically consistent with the building it is placed upon and surrounding buildings.

13. PUBLIC UTILITY BUILDINGS AND STRUCTURES

Public utility buildings and structures are necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference. The Planning Commission may request input from the police chief, fire commissioner, and other municipal officials. It being the intention, hereof, to ensure that the erection or construction of any or all-new construction is designed and erected to conform harmoniously to the general architecture and plan of such districts in which it is to be erected.

The planning commission may permit the erection and use of a building or an addition to an existing building by a public service corporation or for public utility purposes in any district to a greater height or of a larger area than the district requirements specify. The Planning Commission may permit the location, in any use district of a public utility building or structure, if such use, height, area, building, or structure necessary for the public

convenience and service, provided that such building, structure, or uses are designed, erected, and landscaped to conform harmoniously to the general architecture and plan of such districts. The proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.

Public utility facilities must comply with the setback provisions of the zoning district in which they are located. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment. The facility must be screened from view from adjacent residential properties.

14. PUBLICLY OWNED AND OPERATED BUILDINGS

Publicly owned and operated buildings such as municipal offices, police or fire stations, museums or libraries may be permitted if the Planning Commission finds that the following conditions are met:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of the Village.

15. RENTAL STORAGE BUILDINGS

No building shall be located closer than thirty (30) feet to any property line or within forty (40) feet to another building. All buildings shall have properly designed parking areas. Driveways must be 24 feet wide with adequate turning radius at building corners for large trucks. The front setback shall be fifty (50) feet and no drives or parking areas shall be located within setbacks.

16. STATE LICENSED RESIDENTIAL FACILITIES (for seven persons or more)

Uses shall be permitted subject to the following procedures and conditions:

- a. The proposed facility shall be consistent with and shall promote the intent and purpose of this ordinance and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:
 - 1) The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes

and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.

2) The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a neighborhood's character and protect existing facilities from over development that could result in an undesirable atmosphere, no facility shall be located within a 1,500-foot radius of any other facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this ordinance and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.

3) The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources, agencies, including medical, and social services, that might be used by the facility's residents.

b. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform to the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.

c. If the State Licensed Residential Facility is an adult foster care facility, it shall:

1) Be located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.

2) Have a minimum of 150 square feet of rear yard area per person, with not less than 5,000 square feet of rear yard area per facility, shall be provided and maintained on the lot. For purposes of this Section, "rear yard area" means an area that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The rear yard area shall be free from sharp gravel, glass, or cinder and shall be well drained. The rear yard area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

3) Be registered and licensed as required under the appropriate state Act (Act No. 116 of the Public Acts of 1973, as amended).

17. TELECOMMUNICATIONS TOWERS

Telecommunications towers are permitted according to the following standards:

a. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicant's location and the location and service area of the proposed telecommunication site.

b. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):

- 1) Capacity and propagation analyses.
- 2) Tower height visibility analyses.
- 3) Antenna separation analyses based on wavelength.
- 4) Analyses of signal strength and signal thresholds necessary for a cell hand-off.
- 5) Environmental analysis of the proposed access road and structures when new construction is necessary (determined by the Planning Commission).
- 6) Modeling consistent with FCC criteria to document that a prepared facility would be in compliance with federal radio frequency health standards.
- 7) Availability of suitable structures for antenna mounting.
- 8) Topography as it relates to line of sight transmission for optimum service efficiency.
- 9) Leaseable lands and willing landlords.
- 10) Screening potential of existing vegetation, structures, and topographic features.
- 11) Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.
- 12) Least number of sites to cover desired area.
- 13) Greatest coverage consistent with physical requirements.
- 14) Opportunities to mitigate possible visual impact.
- 15) Availability of sites outside the village limits.

- 16) Preservation of view corridors, vistas.
 - 17) Potential for preservation of pre-existing character of the site.
 - 18) Impact on surrounding residential areas.
 - 19) Selection of sites that lend themselves to visual mitigation.
 - 20) Availability of road access.
 - 21) Availability of electric power.
 - 22) Availability of land-based telephone lines or microwave link capability.
- c. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special land use:

- 1) Height of the proposed tower.
- 2) Proximity of the tower to residential structures and residential district boundaries.
- 3) Nature of uses on adjacent and nearby properties.
- 4) Surrounding topography.
- 5) Surrounding tree coverage and foliage.
- 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 7) Proposed ingress and egress.
- 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- 9) Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

18. TOWING SERVICES

Towing services shall be permitted subject to the following procedures and conditions:

- a. All tires, parts, and autos and vehicle bodies must be kept within a fully enclosed building or fenced on all sides with a screening fence that is six feet in height.

- b. No outdoor storage or use shall be permitted within the required front setback.
- c. Appropriate screening in accordance with this ordinance may be required by the Planning Commission to protect adjoining parcels.

ARTICLE 12 SITE PLAN REVIEW

12.01 INTENT AND PURPOSE

This article establishes standards and requirements for the review and approval, by the Planning Commission, of site plans. As used in this article, a site plan includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this ordinance that are applicable to the use or activity under consideration.

The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

12.02 USES REQUIRING SITE PLAN APPROVAL

The construction, reconstruction, extension, enlargement, or movement of the following buildings, structures, and uses shall require site plan approval by the Planning Commission. Site plan review will not be required if no structural or exterior modifications are made to an existing building. The Zoning Administrator shall not issue a zoning permit for any land uses requiring a special land use permit under the Zoning Ordinance, or as required in this ordinance until a site plan has been reviewed and approved by the Planning Commission.

1. Commercial buildings/structures/uses.
2. Industrial buildings/structures/uses.
3. Essential services.
4. Multifamily dwellings (including conversions of single-family dwellings to multi-family).
5. Parking areas containing six or more parking spaces. Any expansion of existing parking areas containing six or more spaces shall require a site plan review, if the

parking area is within 100 feet of any residential district or if the ingress/egress or any other traffic circulation modifications are made.

6. Site condominium subdivisions, platted subdivisions, and land division developments.
7. Special land uses.

If an existing permitted land use is changed to another permitted land use that requires additional parking according to the “Schedule of Parking Requirements,” such additional parking shall be required, and site plan approval from the Planning Commission shall also be required.

12.03 APPLICATION PROCEDURES

An application for site plan review, and either a preliminary or final site plan, shall be submitted 21 days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration.

12.04 PRELIMINARY PLAN REVIEW

Preliminary plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Village to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include the following as deemed necessary by the Zoning Administrator:

1. Legal description of the property.
2. A small-scale sketch of properties, streets, and use of land within ½ mile of the area.
3. A generalized map showing any existing or proposed arrangement of:
 - a. Streets.
 - b. Lots.
 - c. Access points.

- d. Other transportation arrangement.
- e. Buffer strips screening.
- f. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, dune classifications, dune crests, and similar natural assets.
- g. Signs - location and lighting.
- h. Buildings.

A narrative describing:

- a. The overall objectives of the proposed development.
- b. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
- c. Dwelling unit densities by type.
- d. Proposed method of providing sewer and water service, as well as other public and private utilities. For septic systems also indicate location of reserve drain field.
- e. Proposed method of providing storm drainage.
- f. Proposed method of re-vegetating open sand areas, both preexisting and newly created, to a stable condition.

In addition to the above, the applicant shall submit the required site plan review fee as established by the Village Council.

12.05 REVIEW OF PRELIMINARY SITE PLAN

The Zoning Administrator will review the preliminary site plan and make recommendations to the Planning Commission. The Zoning Administrator may request review comments from other Village officials such as police chief, fire chief, Village engineer, and assessor, and base his recommendations on their comments as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

1. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
2. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
4. Screening and buffering with reference to type, dimensions, and character.
5. Signs, if any and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
6. Required yards.
7. General compatibility with adjacent properties.
8. The general purposes and spirit of this ordinance and the Village Master Plan.

12.06 FINAL SITE PLAN REVIEW

Final site plan review is mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal as provided above. Final site plans shall contain the following information:

1. The date, north arrow, and scale. The scale shall be at least 1 inch=20 feet for property less than 3 acres, and 1 inch=100 feet for those properties that are 3 acres or more.
2. The name and address of the individual or firm responsible for the preparation of the site plan.
3. The name and address of the property owner or petitioner.
4. A location sketch drawn to scale.
5. Existing information as required in Article 12.07.
6. Proposed information as required in Article 12.08.

12.07 EXISTING INFORMATION

The following existing information must be shown and properly dimensioned:

1. All lot and/or property lines, including building setback lines on corner lots.
2. The location and height of all existing structures on and within 100 feet of the subject property's boundary.
3. The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas for public use and purpose.
4. The location, pavement width, and right-of-way width of all abutting roads, streets, alleys, or easements.
5. The location, height, and types of fences, walls, and landscaping.
6. The location, extent, and character of all utilities, including connections to public sewer, water, or storm drainage systems.
7. The location, extent, and character of all surface water drainage facilities.
8. Where elevation changes are proposed, contour intervals shall be shown at 2-foot intervals for slopes 10 percent and under and 5-foot intervals for slopes more than 10 percent. Topography, however, may be required on all site plans at the discretion of the Planning Commission.

12.08 PROPOSED INFORMATION

The following proposed information must be shown and properly dimensioned:

1. The location and height of all proposed structures on and within 100 feet of the subject property's boundary.
2. The location and dimensions of all proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas to be conveyed for public use and purpose.
3. The location, pavement width, and right-of-way width of all proposed roads, streets, alleys, or easements.
4. Proposed zoning changes for the subject property or abutting properties.

5. The proposed location, height, and types of fences, walls, and landscaping.
6. The proposed location, extent, and character of all utilities, including proposed connections to public sewer or water systems.
7. All proposed surface water drainage facilities.
8. Proposed contour intervals shall be shown at 2-foot intervals for slopes 10 percent or less and 5-foot intervals for slopes more than 10 percent.

12.09 REVIEW PROCEDURE

The proposed site plan shall be submitted in six (6) copies to the Zoning Administrator, who shall keep one copy and deliver five (5) copies to the secretary of the Planning Commission.

Within sixty (60) days of its submittal to the Zoning Administrator, the Planning Commission shall review the site plan and shall either approve, approve with conditions, or disapprove the proposed site plan in accordance with this article and applicable provisions of this ordinance. The basis for the decision and any conditions imposed relating to an affirmative decision shall be specified in the resolution of the Planning Commission approving or denying the site plan. If approved or approved with conditions, the site plan, as approved, shall become a part of the record of approval. After a decision of either approval or denial, the Planning Commission shall submit its action in writing to the applicant indicating either approval with any changes that were agreed upon by the Planning Commission, or denial with reasons for denial.

Upon approval of a site plan, at least two copies of the site plan, as finally approved, shall be signed and dated by the secretary of the Planning Commission. One copy of the signed site plan shall be kept on file with the zoning administrator, and the other shall be returned to the applicant.

For all site plans prepared on a computer, a single copy in digital format (i.e. diskette, CD, DVD, Flash) shall be provided to the zoning administrator.

12.10 STANDARDS FOR SITE PLAN REVIEW

The Planning Commission shall review the site plan based on the purposes, objectives, and requirements of this ordinance and on the standards provided by this Section. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties. In reviewing the site plan, the Planning Commission shall specifically consider the following standards, as applicable:

1. **Dimensional Requirements:** The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this ordinance.
2. **Building Arrangement:** The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.
3. **Drainage of Surface Water:** Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
4. **Public Services and Utilities:** The location, availability, and compatibility of sewer, water, and storm drainage facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
5. **Vehicular Access and Parking:** The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
6. **Exterior Lighting:** All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
7. **Signs:** The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.

8. Special Features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
9. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking lots.
10. External Effects (General): Noise, odors, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
11. Compliance with All Applicable Laws: The Planning Commission shall not approve a site plan that violates or that is inconsistent with local, state, or federal laws or regulations.

12.11 CONDITIONS OF APPROVAL

The Planning Commission shall make a decision to approve the request based on the following conditions:

1. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of Village residents and shall have the authority to make any changes or alterations in submitted plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner; but in so doing, complying with other applicable provisions of this Ordinance.
2. The Planning Commission may impose reasonable conditions upon the approval of a site plan. The conditions may include but are not limited to conditions necessary to ensure that public services and facilities impacted by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a responsible and economically

desirable manner. Conditions imposed shall meet all of the following requirements:

- a The proposed use or structure appears to be in accordance with the intent of the Zoning District in which it is located and is architecturally compatible with other conforming uses and structures in the district.
- b Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.
- c Be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- d Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 150 feet of the proposed use or structure.

12.12 REGULATIONS

The following regulations shall apply to all land uses requiring site plan approval:

1. The site plan will not be approved by the Planning Commission until the applicant has submitted three copies of all permits that may be required by the county or the state for the construction of the use, such as but not limited to, permits for onsite wastewater disposal and permits required under the Soil Erosion and Sedimentation Act, Act 347 of the P.A. 1972; the Inland Lakes and Streams Act, Act 346 of the P.A. 1972; and the Wetland Protection Act, Act 203 of the P.A. 1979.
2. The construction of improvements shall not commence for any development that requires a site plan approval until the secretary of the Planning Commission has signed an approved site plan.
3. The Zoning Administrator shall not issue a zoning permit for any use requiring site plan approval until the secretary of the Planning Commission has signed an approved site plan.

12.13 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the Planning Commission at the time of approval of a site plan as authorized by Act No. 207 of the Public Acts of 1921, as amended.

12.14 CHANGES TO SITE PLAN

Changes to a site plan, following approval by the Planning Commission, are prohibited. Subsequent actions altering or changing the approved site plan in any way will require approval in accordance with the procedures described above.

12.15 ENFORCEMENT

A site plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Zoning Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the Village to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until an adequate guarantee of removal of the violation is provided to the Village. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, shall be considered a violation of this ordinance.

ARTICLE 13
PARKING AND LOADING OF MOTOR VEHICLES

13.01 ALL DISTRICTS

1. All businesses on Division Street between State Street and Irving Street inclusive, are exempt from the requirements of Article 13 because the Village wishes to maintain the unique character, charm, and ambiance of that area of the Village.
2. Except for single-family dwellings, a plan showing the required parking and loading space, including the means of access and interior circulation, shall be provided for review and approval.
3. Parking and loading space shall be provided in the manner and location herein specified.
4. Except for single-family dwellings, every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated thereto in each district for all the occupants, employees and patrons of said property.
5. A plan showing the required parking and loading spaces, including the means of access and interior circulation, except for one-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
6. Any parking area, parking space, or loading space which exists at the time this ordinance becomes effective or is subsequently amended, is not required to comply with the parking provisions of this ordinance, unless or until such parking area, parking space, or loading space, is expanded, changed, altered, modified, replaced, or is part of any project requiring zoning approval. When any of the above events occurs, the owner of said parking area, parking space, or loading space comply with all the requirements of this Article.
7. Parking of motor vehicles in residential zones shall be limited to passenger vehicles and not more than one commercial vehicle of the light delivery type, not to exceed 1½ tons. The parking of any other type of commercial vehicle, buses, or construction equipment such as cranes, loaders, back hoes, etc., except for those parked on school or church property is prohibited in a residential zone.

13.02 REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS

1. Each automobile parking space shall not be less than 225 square feet or less than 9 feet wide exclusive of driveway and isle space.

2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials in accordance with the Village Public Improvement Design Standards.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot.
4. No parking space shall be closer than 5 feet from the property line.
5. Off-street parking facilities in nonresidential zones shall be effectively screened on any side that adjoins or faces property in any residential zone by a wall, fence or compact planting not less than 4 feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of single-family dwellings.
7. Requirements for the provision of parking facilities with respect to two or more principal uses of the same or different types, on the same or separate parcels, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility. The common parking facility must be located within 150 feet of all principal uses and be cooperatively established and operated. The number of spaces designated shall not be less than the sum of the individual parking requirements and the specifications in regard to location, design, plans, etc. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

13.03 MINIMUM REQUIRED PARKING SPACES

Uses not specifically identified shall be determined by the parking requirements of the most similar use listed below.

1. Multi-family Housing: Two parking spaces, for each unit.
2. Office Buildings: One parking space for each 100 square foot of useable floor area.
3. Retail Stores, Supermarkets, Department Stores, Personal Service Shops, and Shopping Centers: One parking space for each 100 square feet used for retail sales, and one space for each 150 square foot of floor area on the second floor used for retail sales, and one parking space each for each 300 square foot of floor area on the third floor used for retail sales.

4. Manufacturing Buildings: One parking space for each employee on the maximum shift.
5. Library, Museums and Post Offices: One parking space for each 100 square foot of useable floor area.
6. Bowling Alleys: Three parking spaces for each alley.
7. Motels and Bed and Breakfast Homes: One parking space for each separate bed.
8. Theaters, Auditoriums, Stadiums and Churches: One parking space for every 4 seats.
9. Dance Halls, Assembly Halls, Without Fixed Seats: One parking space for each 100 square foot of floor area, if to be used for dancing or assembling.
10. Restaurants and Nightclubs: One parking space for each 100 square foot of floor area.
11. Schools, Private or Public, Elementary and Junior High Schools: One parking space for each employee normally engaged in or about the building or grounds.
12. Senior High Schools, Private or Public: One parking space for each employee normally engaged in or about the grounds and one additional space for every five students enrolled in the institution.
13. Outdoor Recreation: One parking space for every 500 square feet of outdoor recreation space.

13.04 LOADING AND UNLOADING SPACES

Bays for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the requirement for off-street parking. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement. Loading and unloading spaces must be a minimum of fifteen (15) feet wide and forty (40) feet long with a fourteen (14) foot overhead clearance.

ARTICLE 14 NONCONFORMING USES

The following regulations shall control nonconforming uses, structures, and parcels in existence at the time of passage of this ordinance.

14.01 NON-CONFORMING STATUS

Under the terms of this Ordinance, within the districts established or any subsequent amendment, there exists any lot, structure, or use of land and structures which were lawful at the time of adoption of this Ordinance but which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments, may be continued although such use does not conform the provisions 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 continuance.

14.02 NON-CONFORMING STRUCTURES

In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy and the cost of rebuilding or restoration shall exceed 50 percent (50%) of the true cash value, as computed for taxing purposes, such structure shall not be repaired, replaced or rebuilt except in conformity with the provisions of this Ordinance.

Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. Nothing in this Ordinance shall prevent the repair, reinforcement, or reconstruction of a non-conforming building or part thereof, rendered necessary by wear and tear or deterioration, provided the cost of such work shall not exceed fifty percent (50%) of the true cash value, as computed for taxing purposes, of such building at the time such work is done, nor shall any provision of this Ordinance prevents compliance with the provisions of any building code in effect

Non-conforming buildings or structures in existence at the time of passage of this Ordinance shall not be extended, added to or altered unless such extension, alteration, or addition is in conformity with the provisions of this Ordinance.

14.03 NON-CONFORMING LAND USES

Whenever a zoning district shall be changed, any then legally non-conforming use in such changed district may be continued, provided all other regulations governing use are complied with.

Non-conforming land uses in existence at the time of adoption of this Ordinance shall not be extended, added to, or altered unless such extension, alteration, or additions are in conformity with the provisions of the Ordinance.

If a non-conforming use is discontinued for a period of one (1) year, such use shall not be reestablished and any future use of said premises shall be in conformity with the provisions of this Ordinance.

If a non-conforming use is changed to a permitted or less non-conforming use in the district in which it is located, it shall not revert or change back to a non-conforming or more non-conforming use.

The non-conforming use of a building or structure shall not be changed to any other non-conforming use.

14.04 NON-CONFORMING PARCELS

Lots of record that are non-conforming because of a lack of the required number of acres, minimum number of square feet or other dimensional criterion shall be allowed to be built upon provided that:

1. The lot was legally established by recorded deed, land contract, recorded survey, or other legal document prior to the effective date of this Ordinance.
2. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals.
3. An adequate potable water supply and proper safe sewage disposal facilities can be provided in accordance with the requirements of the Barry-Eaton District Health Department.
4. A stake survey shall be submitted for the site plan indicating the placement of all proposed structures including the well and septic system in order to ascertain zoning compliance.
5. If two (2) or more lots that are non-conforming, including platted lots, have continuous frontages and are under single ownership, said lots shall not be used unless they are combined to comply with the specified lot size requirements of the Village of Freeport Zoning Ordinance.
6. Existing non-conforming lots shall not be further decreased in size by sale, lease or easement of any portions thereof.

ARTICLE 15 ZONING BOARD OF APPEALS

15.01 CREATION, MEMBERSHIP, TERMS OF OFFICE

The legislative body of the village may act as a board of appeals upon questions arising under a zoning ordinance. The legislative body shall establish rules to govern its procedure as a board of appeals. In the alternative, if the legislative body of the village desires, the legislative body may appoint a Zoning Board of Appeals consisting of 5 members, one (1) of whom shall be from the Planning Commission and one (1) of whom shall be from the legislative body, and the remaining members shall be appointed from among property owners or residents within the Village. The terms of the members of the Zoning Board of Appeals shall be three (3) years except that the appointment of the first members shall be for terms of 1, 2 and 3 years, respectively, so as nearly as possible to provide for the subsequent appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full 3-year term. The legislative body may remove members appointed to the Zoning Board of Appeals for cause.

15.02 COMPENSATION

The legislative body of the Village may authorize the remuneration of the members of the Zoning Board of Appeals for attendance at each meeting.

15.03 RULES OF PROCEDURE

The Zoning Board of Appeals shall adopt its own rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Village Clerk.

Meetings of the Zoning Board of Appeals shall be open to the public and shall be held at the call of the chairman and at such times as the Zoning Board of Appeals may determine.

The Zoning Board of Appeals shall act by resolution. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to grant variances from the requirements of this Ordinance.

Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, the grounds of every determination, the votes of the members and the final disposition of each case. Such minutes shall be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals permanent records. Such minutes shall become a public record and as such be filed in the

office of the Village Clerk. A copy of the decision shall be sent promptly to the applicant, to the appellant, and to the Zoning Administrator.

The Zoning Board of Appeals shall elect a secretary from among its members whose responsibility shall be to ensure that records of the Zoning Board of Appeal's actions are taken and maintained. The Village Attorney shall act as legal council for the Zoning Board of Appeals and shall, upon request by the Zoning Board of Appeals, be present at designated meetings.

15.04 ALTERNATE MEMBERS

The Village Council shall appoint not more than 2 alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis as specified in the zoning ordinance to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

15.05 AUTHORITY OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of the provisions of this ordinance as follows:

1. The interpretation of zoning maps.
2. Hearing and deciding on appeals resulting from any order, requirements, decision or determination made by an administrative body or official charged with the enforcement of this Ordinance.
3. The interpretation of the language of this Ordinance when its meaning is unclear, or when there is uncertainty whether the language applies to a particular situation.
4. The determination of non-conforming uses when such questions of use are an issue.

The Zoning Board of Appeals shall grant variances from the strict application of the Zoning Ordinance based on competent, material and substantial evidence that one (1) or more of the following facts or conditions exist:

1. When by reason of exceptional narrowness, shallowness, shape or topography of the specific parcels of property at the time of the original enactment of this ordinance or

amendments thereto or where the strict application of these regulations or amendments thereto would result in exceptional or undue hardship upon said property; provided, that such relief or variances can be granted without substantial impairment of the intent or purpose of this ordinance. This provision shall not be construed to permit the board under the guides of a variance to change the uses of land.

2. Special conditions or circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings, or structures in the same district and which conditions or circumstances will cause unnecessary hardship or practical difficulties if this Ordinance is enforced.
3. Literal interpretation of the provisions and requirements of this Ordinance would deprive the appellant of property rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
4. Special conditions or circumstances do not exist or result from the actions of the Appellant (i.e., self-imposed hardship).
5. Authorization of the variance will not cause substantial detriment to the neighboring properties and will not be contrary to the spirit, purpose, and intent of this Ordinance.
6. The property cannot reasonably be used in a manner consistent with existing zoning requirements.
7. Non-conforming use of neighboring lands, buildings, or structures and other non-related variances shall not in itself be grounds for the authorization of a variance.

15.05 LIMITATIONS ON THE ZONING BOARD OF APPEALS

1. The Zoning Board of Appeals shall not have authority to grant variances from the decisions of the Planning Commission regarding Special Land Uses except for procedural errors or omissions.
2. The Zoning Board of Appeals shall not have authority to reverse or modify any refusal of a permit or any other order requirement, decision or determination which conforms to the provisions of this Ordinance and which therefore is not erroneous.
3. The Zoning Board of Appeals shall not have authority to validate, ratify or legalize any violation of law or any of the regulations of this Ordinance.
4. The Zoning Board of Appeals shall not have authority to amend any portion of this Ordinance or the zoning map.

15.06 APPEALS FOR ADMINISTRATIVE REVIEW

An appeal for administrative review may be made by any person where it is alleged that there is error in any order, requirement, decision, grant or refusal made by ruling or administrative action in enforcement of the provisions of this Ordinance. An appeal under this section shall be filled with the Zoning Administrator within thirty (30) days after the date of the action appealed.

15.07 APPEALS FOR A VARIANCE

An appeal for a variance from the requirements of any provision or requirement of this Ordinance may be made at any time. An appeal under this section shall be filled with the Zoning Administrator in the form of a written application. The applicant shall present a statement and adequate evidence showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or structure referred to in the application which circumstance or conditions do not apply generally to land, buildings and or structures in the same district.
2. That the granting of the application is necessary for the preservation and employment of substantial property rights of the petitioner.
3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhoods.

15.08 APPLICATION AND PROCEDURE

1. A petition for an appeal shall be filed with the Zoning Administrator and shall state the action, ruling or section of the Ordinance to be appealed, the date of the action or ruling being appealed, name and title of the person making the action or ruling, the facts or circumstances which the petitioner believes are grounds for appeal. The petition shall be signed and dated by the petitioner, and shall be accompanied by a nonrefundable fee as set by resolution of the village council to cover administrative and publication costs.
2. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals the application and all the papers constituting the record upon which the action appealed from was taken.

3. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give notice of the appeal to persons whom real property within 300 feet of the premises in question and to the occupants of single and 2 family dwellings within 300 feet and to the parties making the appeal. The notice shall be served personally or by mail at least five (5) business days prior to the date of the scheduled hearing addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. The notice shall:
 - a. Describe the nature of the Appeal request.
 - b. Indicate the property that is the subject of the appeal request.
 - c. State when and where the Appeal request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
4. A public hearing, with notification as required in this section, shall be held before a decision on the Appeal request.
5. Any party may appear at such hearings in person or by agent or by attorney, but attendance at hearings is not mandatory.
6. The Zoning Board of Appeals shall have the authority to adjourn the scheduled hearing prior to the date thereof by public notice in the manner prescribed for calling such a hearing and at or during the time of such hearing either on its own motion or of any interested party. Adjournments shall be for the purpose of obtaining additional information or evidence, to cause such further notice as it deems proper to be served on other property owners or interested persons, or to ensure a quorum of its membership
7. An appeal stays all proceedings in furtherance of the action from which appealed.

15.09 FINDINGS BY THE ZONING BOARD OF APPEALS

1. In all cases where the Zoning Board of Appeals shall grant or deny a variance of any provision or requirements of this Ordinance, the Zoning Board of Appeals shall specifically declare its finding of fact in accordance with the following:
 - a. That there are special physical conditions fully described in the findings of the Zoning Board of Appeals applying to the land or building for which the variance is sought which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood.
 - b. That special conditions or circumstances do not exist or result from the actions of the appellant (i.e. self-imposed hardship).
 - c. That literal interpretation of the provisions and requirements of this Ordinance would deprive the appellant of property rights commonly enjoyed by other properties in the

same zoning district under the terms of this Ordinance and the granting of variances is necessary for the reasonable use of land or buildings and that the variance granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose.

2. In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this Ordinance it shall be the duty of such Zoning Board of Appeals to attach such conditions and safeguards as may be required including the posting of a bond to secure the performance of any condition in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. In granting a variance the Zoning Board of Appeals may require any wall, fences, or landscaping which it deems necessary to protect the value of adjacent properties or to prevent any hindering of the appropriate development of adjacent land.

15.10 DECISIONS

The Zoning Board of Appeals shall return its decision as to each appeal within a reasonable time, and shall promptly mail a copy of its decision to the applicant or appellant and to the Zoning Administrator.

The decision of the Zoning Board of Appeals is final. However, a person having an interest affected by the zoning Ordinance may appeal to the Circuit Court.

No appeal for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be accepted for reconsideration for a period of one (1) year from the date of last denial except on grounds of newly discovered evidence or proof of changed conditions.

15.11 EXPIRATION

Each variance granted shall become null and void unless the appellant has utilized the provisions of the variance within six (6) months of the date specified in the variance.

ARTICLE 16
AMENDMENT PROCEDURES

16.01 AMENDMENT PROCEDURE

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

1. The regulations and provisions stated in the text of this Ordinance and the boundaries of the zoning districts shown on the zoning map may be amended, supplemented, or changed by Ordinance of the Village Council.
2. Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
3. A petition for change of zone or text amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as set by resolution of the Village Council to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner.
4. In case of a text amendment the applicant shall submit by application to the Zoning Administrator the proposed text to be added and the existing text to be deleted.
5. In case of a map amendment, the applicant shall submit a written application specifying the following:
 - a. The name and address of the owner of the land.
 - b. The street numbers, if any, or if none, the location with respect to nearby public streets serving the land that is proposed to be reclassified.
 - c. Lot, block, and subdivision designation with appropriate plat reference as recorded in the land records of Barry County.
 - d. The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if one acre or more.
 - e. The present classification and the classification proposed for such land.
 - f. An identification plat prepared by a civil engineer or surveyor showing the land proposed to be reclassified. If the boundaries conform to lot boundaries within a subdivision for which plat is recorded among the land record of Barry County, then a copy of such plat with the land proposed to be reclassified appearing in a color

distinctive from that of other lands shown on the plat.

Upon completion by the applicant of the necessary forms and maps as specified by this Ordinance, the Zoning Administrator shall place the consideration to hold a public hearing on the application on the agenda for the next regular Planning Commission Meeting.

The Planning Commission will schedule a public hearing on the amendment request and distribute such notices as required by law not less than fifteen (15) days before the hearing.

Following the public hearing, the Planning Commission shall deliberate the results of the public hearing and decided on the proposed amendment. The Planning Commission shall consider each proposal for amendment in terms of its judgment of particular factors related to the individual proposal and in terms of the most likely effect on the Village's development in relation to any Village Master Plan, regulations, or guidelines. The recommendation and reasons for the amendment request shall be documented and retained as part of the record on the amendment request. A majority vote to the Planning Commission shall be required and the motion shall be to either:

1. Recommend approval of the amendment and cause it to be transmitted to the Village Council.
2. Recommend disapproval of the proposed amendment, stating the reasons for such disapproval and cause it to be transmitted to the Village Council.
3. Make recommendations regarding changes or modifications of the original proposed amendment and/or state a recommended course of action to be taken by the Village Council.

Following the transmittal of both the formal motion stating the action of the Planning Commission and the summary of the public hearing comments, the Village Council shall act on the proposed amendment. Their action may be as follows:

1. Adoption of the proposed amendment as originally submitted.
2. Adoption of the proposed amendment with minor modifications as recommended by the Planning Commission.
3. Denial of proposed amendment.

If the Village Council shall deem any amendments, changes, or additions to the proposed amendment, it shall refer the same to the Planning Commission for a report thereon. The Planning Commission shall have thirty (30) days after receipt of such recommended changes within which to send a report to the Village Council.

Any hearing on an amendment request conducted by the Village Council shall be preceded

by publication of a notice informing the public of the proposed hearing in a newspaper of general circulation in the Village not less than fifteen (15) days before the hearing.

16.02 PROTESTS

Upon presentation of a protest petition, an amendment to the Zoning Ordinance that is the object of the petition shall be passed only by a minimum $\frac{3}{4}$ vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by 1 of the following:

1. The owners of at least 20% of the area of land included in the proposed change.
2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the 20% land area requirement.

16.03 PUBLICATION REQUIREMENTS

Following adoption of a zoning ordinance amendment by the Village Council, 1 notice of adoption shall be published in a newspaper of general circulation in the Village within 15 days after adoption. The notice shall include the following information:

1. In the case of a newly adopted zoning ordinance, the following statement “A zoning ordinance regulating the development and use of land has been adopted by the village council of the village of Freeport.”
2. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
3. The effective date of the ordinance.
4. The place and time where a copy of the ordinance may be purchased or inspected.

ARTICLE 17
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

17.01 ZONING ADMINISTRATION

The duty of administrating the provisions of this Ordinance, including the issuance and revocation of permits shall, unless otherwise provided for, rest in a Village Zoning Administrator who shall be appointed for such terms and subject to such conditions and at such rates of compensation as the Village Council shall determine. The Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, certificates of occupancy, special land use permits, appeals for variances or other matters the Zoning Board of Appeals or Planning Commission is required to decide. The Administrator shall be responsible for the inspection of premises, the issuing of Zoning Permits, and for instituting proceedings for the enforcement of the provisions of this Zoning Ordinance.

17.02 ELIGIBILITY

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, fire prevention and the proper installation of safety, health and sanitary facilities. He shall have no interest whatever, directly or indirectly, in the sale or manufacture of any material process, facility or device entering into or used in connection with building construction.

The Zoning Administrator shall be generally informed on:

1. Zoning permits for applications involving zoning compliance.
2. Site Plan Review procedures for the development of property.

The preparation of all documents concerning zoning applications including resolutions, public hearing notices, publications and correspondence.

17.03 ZONING COMPLIANCE PERMITS

No building or structure subject to the provisions of the Ordinance shall be commenced or constructed, reconstructed, erected, altered, enlarged or moved, in any zoning district, until a zoning compliance permit has been issued by the Zoning Administrator. Such zoning permit shall certify that the proposed land use and/or structure is in compliance with the provisions of this Ordinance. Compliance with the provisions this Ordinance shall make issuance of a zoning compliance permit mandatory except that any other violation of this Ordinance by the same property owner or applicant within this Village which is unresolved on the date of such application shall be grounds for denial of a zoning compliance permit.

Exempted from the permit requirements are alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimension of the structure.

17.04 ZONING COMPLIANCE PERMIT APPLICATION

Application for a zoning compliance permit shall be filed with the Zoning Administrator, signed by the person, firm, co-partnership or corporation or by the duly authorized agent of such person, firm, co-partnership or corporation requesting the permit and shall include the following information:

1. Location and dimension of the lot(s) to be used.
2. Nature of the proposed construction or alteration.
3. Existing or intended use of the structures.
4. Location of all existing and proposed structures on the lot.
5. Written conformation from County Health Department with current and reserve drain field areas identified shall be required as a condition of approval.
6. Evidence of ownership of all property affected by the coverage of the permit.
7. Evidence that Village property taxes are paid to date.
8. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

To each copy of the application there shall be attached an accurately scaled copy of the plan to be followed, which will disclose the lot dimensions and the location on the lot of all existing structures, current and reserve drain field locations and the proposed construction or alteration.

A stake survey by a licensed surveyor in the State of Michigan may be required at the discretion of the zoning administrator

The Zoning Administrator is authorized to refuse to accept any zoning application that does not comply with the requirements set forth in this Ordinance.

17.05 PERMIT FEE

Payment of a fee, as established by resolution of the Village Council, is required at the time

of filing an application for a Zoning Compliance permit.

17.06 LAPSE OF PERMIT

Each zoning compliance permit shall become null and void within 12 months following the date of issue unless the provisions of the permit have been utilized. Within 90 days following such 12-month period, the applicant may apply for reinstatement and the Zoning Administrator is hereby authorized to reinstate such permit upon payment of a fee as established by the Village Council, but no original zoning permit shall be reinstated more than once.

17.07 PRE-CONSTRUCTION INSPECTION

After the issuance of a zoning compliance permit and before any construction begins, the Zoning Administrator or his designee may make a pre-construction field inspection to determine that the provisions of the zoning compliance permit are being met.

17.08 FEE AND COST REVIEW

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees specified by resolution of the Village Council.

At least once a year the Village Council shall, upon the advice and recommendation of the Planning Commission, enact a fee schedule making reasonable charges for the services involved, including the cost of hearing and appeals.

All monies collected shall be deposited with the Village Treasurer who shall place the same in a separate fund known as the Zoning Ordinance Fund to be used for administration of this Ordinance.

17.09 ENFORCEMENT

Buildings erected, altered, moved, razed or converted or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.

It shall be the duty of the Zoning Administrator to investigate any alleged violation of the Zoning Ordinance coming to his/her attention, whether by complaint or arising from his/her own personal knowledge.

The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this Ordinance.

All violations shall be promptly corrected after receipt of notification by the zoning administrator. Any violation not corrected shall be reported to the Village Attorney who shall initiate prosecution procedures.

17.10 PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which the Village of Freeport has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each and every day that such violation continues shall be deemed a separate and distinct violation.

17.11 RELIEF FROM PERSONAL RESPONSIBILITY

An official, officer, or employee charged with the enforcement of this Ordinance, while acting as an agent for the Village of Freeport, shall not thereby render him/herself personally liable.

17.12 VALIDITY

Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

17.13 REPEAL OF PRIOR ORDINANCES

All prior Zoning Ordinances of the Village of Freeport, State of Michigan, and amendments thereof, are hereby repealed. In the event the within ordinance is rejected at a referendum election under the statues the within repealing clause shall be ineffective to repeal any prior Zoning Ordinance of the Village.

EFFECTIVE DATE

This ordinance shall become effective 30 days after passage and publication.