
Zoning Ordinance Fremont Township Saginaw County, Michigan

January 2006

As Amended by

*Zoning Ordinance Amendment 2018-01
(Solar Farms Supplement)*

*Zoning Ordinance Amendment 2021-01
(Wind Energy Supplement)*

*Zoning Ordinance Amendment 2022-01
(General Amendment, April 2022)*

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(Solar Farms, Notification Timeframes, and Event Barn, July 2022)*

Prepared by the
Fremont Township Planning Commission

with original assistance from the
Saginaw County Metropolitan Planning Commission

Fremont Township Zoning Ordinance

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Chapter 1

Miscellaneous Provisions

101. Short Title

This Ordinance shall be known and may be cited as the Fremont Township Zoning Ordinance.

102. Legal Basis

This Ordinance has been prepared and adopted under the authority of the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

103. Purpose

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 1 of the Township Rural Zoning Act. Also, this Ordinance is based on the Fremont Township Master Plan, and is intended to carry out the objectives of that Plan. It is also the general purpose of this Ordinance to accomplish the following objectives:

- (1) Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability, and suitability for particular uses.
- (2) Protect the character of the community and enhance the social and economic stability of the Township and the individual zoning districts as set forth in this Ordinance.
- (3) Lessen congestion on the public streets and highways, and facilitate safe and convenient access to the various uses of land and buildings throughout the community.
- (4) Facilitate adequate provisions for sewage disposal, drainage, water supply, education, recreation, and other public services.
- (5) Conserve life, property, natural resources, and the expenditure of public funds for public facilities and services by establishing standards for the physical development of the community, and providing for the enforcement of those standards.
- (6) Adopt provisions for each zoning district designated in this Ordinance that shall control the use of land; the use, size and location of buildings; the minimum yards, courts and other open spaces; and the maximum number of families to be housed in buildings and structures.

104. Interpretation

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks, or parking areas than provided by other laws, ordinances, or private deed restrictions or restrictive covenants, the provisions of this Ordinance shall prevail.

In cases where this Ordinance establishes lesser restrictions on the use of land, buildings, structure, or on the commencement of land development projects, or requires smaller lots, setbacks or parking areas than provided by other laws, ordinances, or private deed restrictions or protective covenants, the provisions of those other laws, ordinances, restrictions or covenants shall prevail.

105. Repeal

This Ordinance repeals and replaces the previous Fremont Township Zoning Ordinance in its entirety.

106. Validity

This Ordinance and the various sections, subsections, clauses, sentences, and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

107. Effective Date

This Ordinance shall become effective upon publication of a notice of adoption as provided by the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

Chapter 2 Definitions

201. Rules of Use and Construction

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

- a. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.
- b. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- c. The particular shall control the general.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.
- f. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
- g. The word "lot" includes the word "parcel."
- h. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or," then the conjunction shall be interpreted as follows:
 1. "**And**" means that all the connected conditions, provisions or items shall apply.
 2. "**Or**" means that the connected conditions, provisions or items may apply singly or in combination.

202. Definitions

(1) **Abutting (lot or parcel)**

A lot or parcel that shares a common border with the subject lot or parcel.

(2) Access management (access control)

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and/or across from, one another; and the promotion of alternatives to direct access.

(3) Access to property, reasonable

A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

(4) Accessory building

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, pole buildings, storage buildings, boat houses, snowmobile sheds, greenhouses, guard or gate houses, and barns, including detached carports, canopies, awnings and similar structures, regardless of whether such structures are erected on a permanent or temporary basis.

(5) Accessory Occupation

An occupation that is carried on within the walls of an accessory building and that is not visible or noticeable in any manner from outside the accessory structure, except as may be permitted by requirements of this ordinance.

(6) Accessory Structure

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, and residential swimming pools.

(7) Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

(8) Adjacent (lot or parcel)

A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

(9) Adult Entertainment Business

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined elsewhere by this Ordinance, either in person or by photograph, motion picture, television, or other type of image. The definition of "adult entertainment business" includes, without limitation, "adult bookstore," "adult theater," "massage parlor," and so forth.

(10) Adult Foster Care Home

A private home licensed by the State of Michigan for the care of sick, elderly, or handicapped adults. A “family” home is further defined as having 1 to 6 adults and a “group” home as having from 7 to 20 adults. This definition does not include the care of persons released from or assigned to adult correctional institutions.

(11) Agriculture

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

(12) Alteration

Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

(13) Animal, wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

(14) Basement

That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 1).

(15) Bed and Breakfast Establishment

A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

(16) Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

(17) Billboard

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

(18) Board of Appeals

The Fremont Township Zoning Board of Appeals.

(19) Buffer zone

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

(20) Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

(21) Building height

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2-2).

(22) Building line

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

(23) Building, Main, (also Building, Principal)

A building in which the principal or main use of the lot on which it is situated occurs.

(24) Building Setback Line

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

(25) Bulk Station

A place where petroleum (including liquefied petroleum gas, gasoline, naptha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, and where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

(26) Certificate of Occupancy

A document issued by the Building Inspector certifying that the described property has complied with the provisions of the Building Code and may be legally occupied.

(27) Child Care Center (Day Care Center)

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. A child care center or day care center includes a facility that provides licensed care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools, play group, or drop-in center.

(28) Church

A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

(29) Clinic

An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

(30) Club

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(31) Common land

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

(32) Common open space

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

(33) Condominium Act

Michigan Public Act 59 of 1978, as amended.

(34) Condominium project

Equivalent to "Subdivision" as used in this Ordinance.

(35) Condominium project, mobile home

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

(36) Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

(37) Condominium subdivision plan

The site, survey, and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

(38) Condominium unit

That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

(39) Condominium unit site

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

(40) Construction

The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

(41) Convenience store with gasoline sales

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

(42) Crematory

A licensed facility where deceased human bodies are consumed by incineration and the ashes collected for burial or storage elsewhere.

(43) Cul-de-sac

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

(44) Dangerous Building

Any building or structure, residential or otherwise, that has any of the following defects or conditions:

- a. Whenever any portion has been damaged by fire, wind, flood, or by other means so that the structural strength or stability is less than the minimum requirements of the State of Michigan Building Code as administered by Fremont Township.
- b. Whenever any portion, member, or appurtenance is likely to fall or collapse and thereby injure persons or damage property.
- c. Whenever for any reason the building or structure is manifestly unsafe for the purpose for which it is used, as determined by the Township Building Inspector.
- d. Whenever the building or structure has been so damaged or has become so dilapidated that it creates an attractive nuisance to children or other persons who might enter the

structure to their danger, or so that it creates a harbor for vagrants or criminals.

- e. Whenever the building or structure is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the County Health Department.
- f. Whenever any building becomes vacant, dilapidated, and open at door or window so that the interior of the building is left exposed to the elements or accessible to entrance by trespassers.

(45) Deceleration lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

(46) Density

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

(47) Detention facility

A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

(48) Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(49) Division

See "Land Division"

(50) Drainageways and streams

Existing permanent or intermittent water courses.

(51) Drive through business

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

(52) Driveway

An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

(53) Dwelling, multiple family

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

(54) Dwelling, single family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

(55) Dwelling, two family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

(56) Dwelling unit

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

(57) Dwelling unit, attached

A dwelling unit attached to one or more dwelling units by common major structural elements.

(58) Dwelling unit, detached

A dwelling unit which is not attached to any other dwelling unit by any means.

(59) Easement

A grant of one or more of the property rights by a property owner to the public, or another person or entity.

(60) Endangered species habitat

An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

(61) Erected

Means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

(62) Essential public services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water

transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

(63) Essential public service building

A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

(64) Essential public service building storage yard

An outdoor storage area principal or accessory to an essential public service.

(65) Event Barn

A use of accessory agricultural structures, including barns, for organized meeting spaces for uses including weddings, birthday parties, corporate picnics and other such events.

(66) Excavation

Any breaking of ground, except common household gardening and ground care.

(67) Family

- a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, 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, distinct 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, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

(68) Family day Care Home

A private home in which not more than six (6) minor children are received for care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. "Family day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

(69) Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products on a parcel that is ten (10) acres or larger in area.

(70) Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, including those activities specified in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).

(71) Fence

An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

(72) Filling

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

(73) Financial services

Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

(74) Flag Lot

A “panhandle” shaped lot or parcel with its widest area set back some distance from a public road and having a narrow strip of land that connects to the public road to provide access.

(75) Flood or flooding

A temporary increase in the stage of a river or stream resulting in the inundation of lands not normally covered by water.

(76) Flood hazard area

Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

(77) Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(78) Flood Insurance Study

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary - Floodway Map.

(79) Floodplain

The area of land area adjoining a river or stream that will be inundated by a 100-year flood.

(80) Floodway

The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood.

(81) Floor area, usable

That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

(82) Floor area, gross

The sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerlines of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

(83) Floor area, residential

The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

(84) Forestry

The cultivation of forests and/or the promoting of forest growth, including systematic forest management for the production and/or conservation of timber and all activities necessary to carry out such cultivation, promotion of growth, and/or systematic management consistent with the purpose of preserving and promoting the use of land for agricultural services or uses.

(85) Foster care home, family

A single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(86) Foster care home, group

A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(87) Freeway Interchange

An area designed to provide for the ingress and egress of vehicular traffic to and from a freeway or other limited access highway.

(88) Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

(89) Frontage road

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

(90) Garage

The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

(91) Garden center

An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(92) Glare

The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

(93) Grade, average (mean)

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (See Figure 2-3).

(94) Grade, finished

The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

(95) Grade, natural

The elevation of the ground surface in its natural state, before construction begins.

(96) Greenbelt

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

(97) Group Day Care Home

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except the children related to an adult member of the family by blood, marriage, or adoption. "Group day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

(98) Health Care Institution

A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

(99) Home occupation

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes. Home occupations must meet the standards specified in this Ordinance.

(100) Home Sale

A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

(101) Hospital

See "Health Care Institution."

(102) Hotel or Motel

Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

(103) Improved area

A road surface that is part of a private road and that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

(104) Indoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

(105) Institutional uses

Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

(106) Junkyard or recycling yard

Any land or building that is properly licensed and used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

(107) Kennel

Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

(108) Land Division (also “Division”)

Land division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, Act 591 PA 1996, as amended.

(109) Livestock Production Facility

Any facility where farm animals as defined in the Right to Farm Act (P.A. 93 of 1981, as amended) are confined with a capacity of 50 animal units or greater, and the associated manure storage facilities.

(110) Loading space

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

(111) Lot

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

(112) Lot area

The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall include that part which is in the public right-of-way.

(113) Lot area, net buildable

The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, State regulated wetlands and non-State regulated wetlands may be included — see definition for density.

(114) Lot, corner

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees (See Figure 2-4).

(115) Lot coverage

A part or percentage of a lot occupied by buildings or structures.

(116) Lot depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 2-5).

(117) Lot frontage

The length of the front lot line.

(118) Lot, interior

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

(119) Lot line

The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, or parcel or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

(120) Lot lines

- a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 2-6).
- b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 2-6).
- c. **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 2-6)
- d. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:
 1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
 2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

(121) Lot, nonconforming

A lot of record which does not meet the dimensional requirements of this Ordinance.

(122) Lot of record

A lot which could exist in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(123) Lot, through (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

(124) Lot width

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 2-6).

(125) Manufactured home

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

(126) Medical clinic

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

(127) Mini-warehouse (also "self-storage warehouse")

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

(128) Mobile home

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. "Mobile home" does not include a recreational vehicle or motor home.

(129) Mobile home park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

(130) Mobile home site or space

A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

(131) Mobile home subdivision

A platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

(132) Motel (See "hotel")**(133) Motor home**

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

(134) Non-Conforming use

The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

(135) Non-Conforming lot of record ("Substandard lot")

A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

(136) Non-Conforming structure

A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

(137) Nursery, plant

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(138) Obscuring screen

A visual barrier between adjacent areas or uses. The screen may consist of structures such as a wall, fence, or earthen berm, as specified in this Ordinance.

(139) Offset

The distance between the centerlines of driveways or streets across the street from one another.

(140) Off-street parking lot

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

(141) Open air business

A retail sales establishment operated substantially in the open air and outside of any enclosed building, including flea markets and outdoor displays of merchandise, outdoor eating areas, outdoor storage, and similar uses.

(142) Ordinary high water mark

The line, as determined by a Registered Land Surveyor, between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

(143) Outdoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

(144) Parapet wall

An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

(145) Parcel

A lot described by metes and bounds or described in a recorded plat.

(146) Parking space (stall)

A designated area of definite length and width for parking of motor vehicles.

(147) Planned unit development

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

(148) Planning Commission

The Fremont Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

(149) Plat

A map of a subdivision of land.

(150) Pond

Any artificially created depression in the soil that is a minimum of one thousand (1,000) square feet in area, twenty-four (24) inches deep, and filled with water.

(151) Principal building or structure

A building or structure in which is conducted the principal use of the lot upon which it is situated.

(152) Principal use

The main use to which the premises are devoted and the principal purpose for which the premises exist.

(153) Principal use, permitted

A use permitted in each zoning district by right.

(154) Private club

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

(155) Private Road

Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels, principal buildings, dwelling units, structures, or combination thereof.

(156) Public and semi-public institutional buildings, structures and uses

Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

(157) Public park

Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

(158) Public open space

Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

(159) Public street

A public thoroughfare which affords the principal means of access to abutting property.

(160) Public utility

Any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(161) Radioactive materials

Materials defined as radioactive under Michigan Department of Environmental Quality regulations for transportation of radioactive materials or under Saginaw County Health Department regulations, whichever is determined to be applicable.

(162) Recreational vehicle

A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

(163) Retail store

Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

(164) Right-of-way

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

(165) Salvage

Material to be used for further use, recycling, or sale.

(166) Salvage yard

Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any outdoor area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable materials.

(167) Satellite dish antenna

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

(168) Screen

A structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

(169) Service drive

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides and vary in width and design.

(170) Setback, required

The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

(171) Setback, parking lot

The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

(172) Shopping center

A commercial enterprise that is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

(173) Shoreline

The edge of a body of water measured at the ordinary high water mark.

(174) Sight distance

The length of roadway visible to the driver. Sight distance is generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

(175) Sign

A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business. Various type of signs and their components are further defined as follows:

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- c. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining the sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

- d. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- f. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- g. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- h. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- l. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

(176) Site plan

A scaled drawing or set of drawings that illustrate existing conditions and that contain the elements required by this Ordinance as applicable to a proposed development to ensure compliance with zoning provisions.

(177) Special land use

A use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

(178) Specified Anatomical Areas

Human genitals, pubic region, or any portion of the areola of a female breast when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.

(179) Specified Sexual Activities

Human genitals in a state of stimulation or arousal; acts of human masturbation; sexual intercourse (heterosexual or homosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellation or cunnilingus; and human excretory functions.

(180) Stable, private

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

(181) Stable, public (also, “commercial stable”)

An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

(182) Story

That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

(183) Street

A public thoroughfare that affords the principal means of access to abutting property.

(184) Structure

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

(185) Structural Alterations

Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

(186) Substantial improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(187) Temporary building, structure or use

A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use. Also, a use that is allowed for a specific, limited time period, such as a special event.

(188) Truck Farming

The operation of a truck farm; that being a farm devoted to the growing of vegetables for the market, and all activities necessary to carry out the operation of a truck farm consistent with the purpose and intent of preserving and promoting the use of land for agricultural services or uses.

(189) Use

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(190) Variance

A relaxation or modification of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

(191) Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

(192) Vehicle Sales Area

An area used for the display, sales, and rental of new and used motor vehicles, boats, trailers, recreational vehicles and equipment, farm equipment, construction equipment, or mobile homes, all in operable condition.

(193) Veterinary Clinic

A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals.

(194) Wetland

Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

(195) Wetland, regulated

Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to an inland lake or pond, or a river or stream;
- b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;

- c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

(196) Yard

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.
- b. **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the water side shall be the front yard (See Figure 2-6).
- c. **Rear yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 2-6).
- d. **Side yard:** A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 2-6).

(197) Zoning Act

The Township Rural Zoning Act, Public Act 184 of 1943, as amended.

(198) Zoning Administrator

An individual appointed by the Fremont Township Board delegated to administer the Fremont Township Zoning Ordinance.

(199) Zoning Board of Appeals

The Fremont Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

(200) Zoning District

A portion of the incorporated area of the township within which certain regulations and requirements, or various combinations thereof apply under the provisions of the Zoning Ordinance.

Figure 2-1

BASEMENT AND STORY

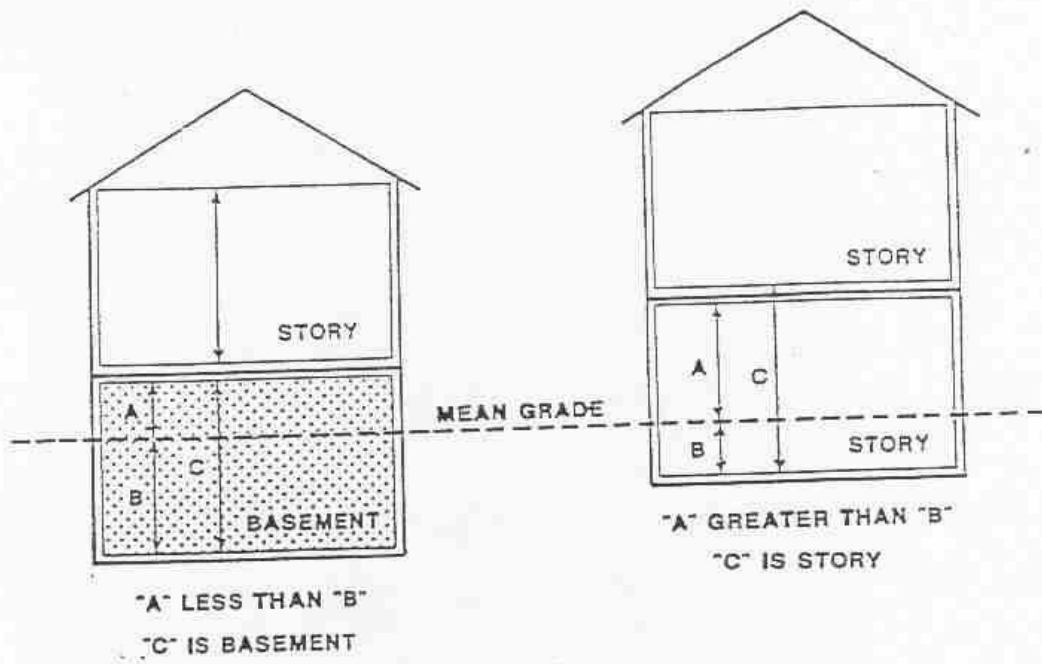


Figure 2-2

BUILDING HEIGHTS

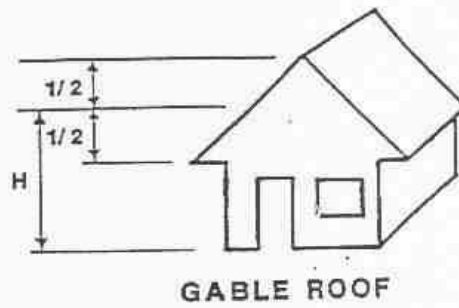
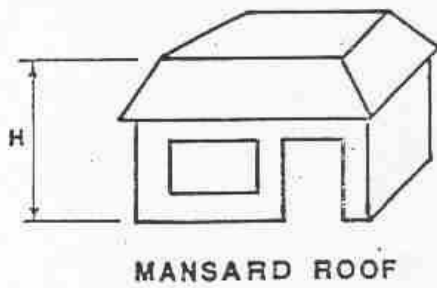
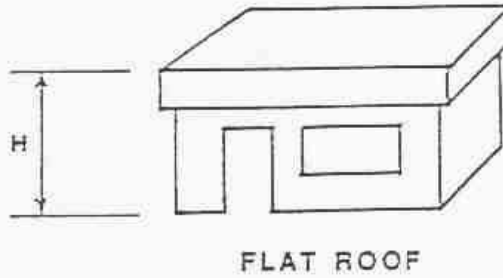
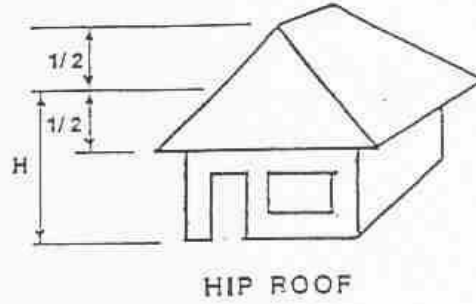
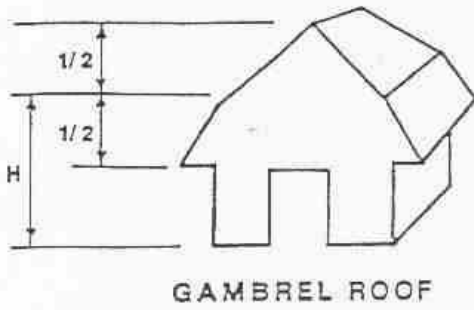


Figure 2-3
MEAN GRADE

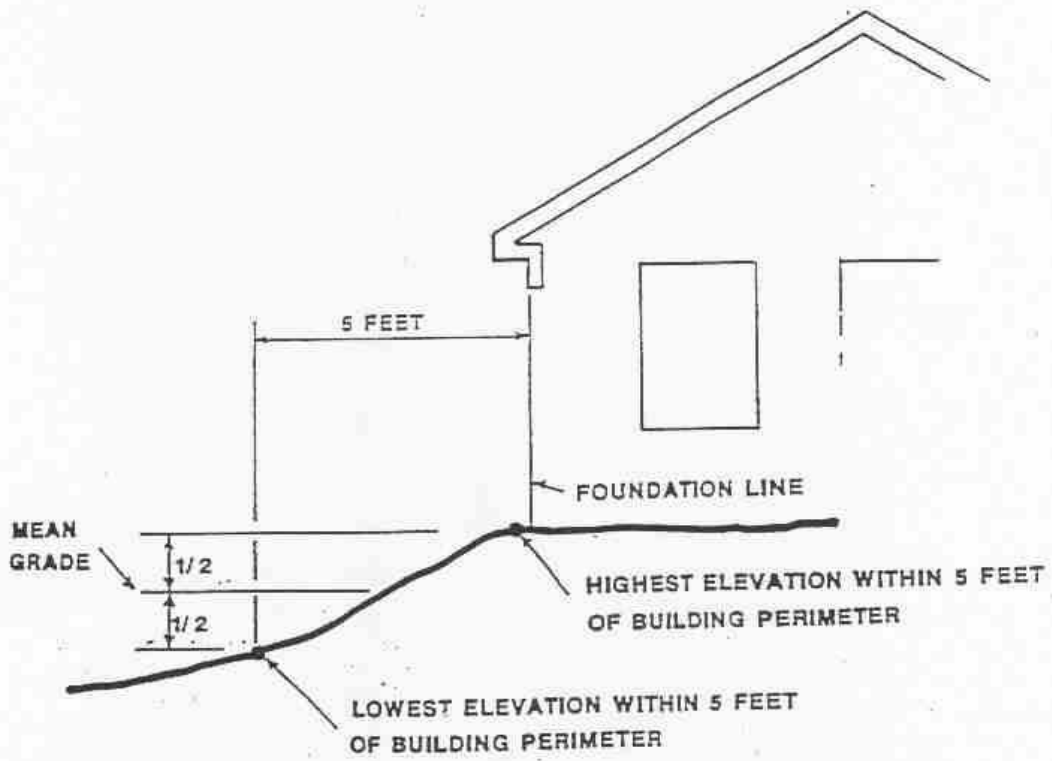


Figure 2-4
CORNER LOT

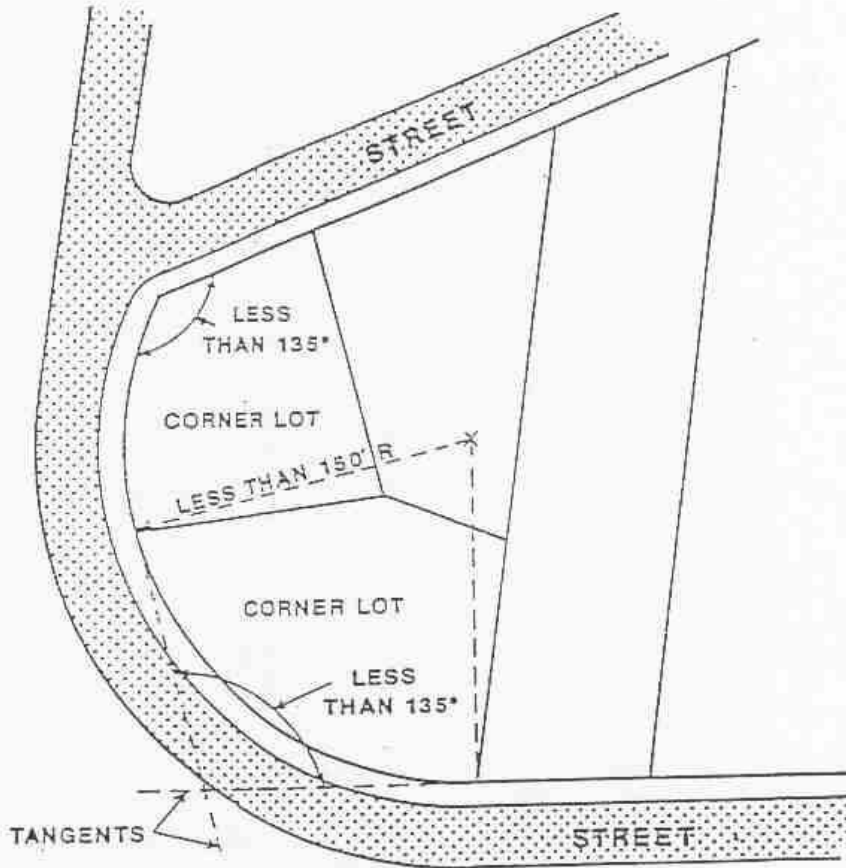
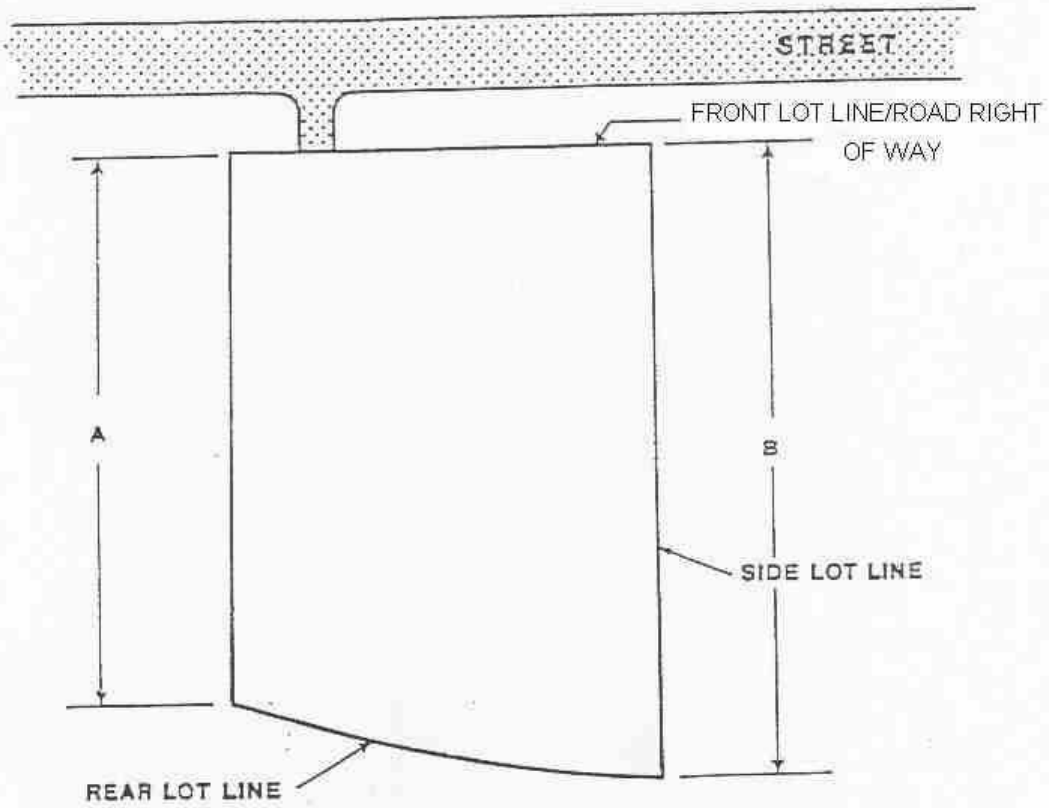


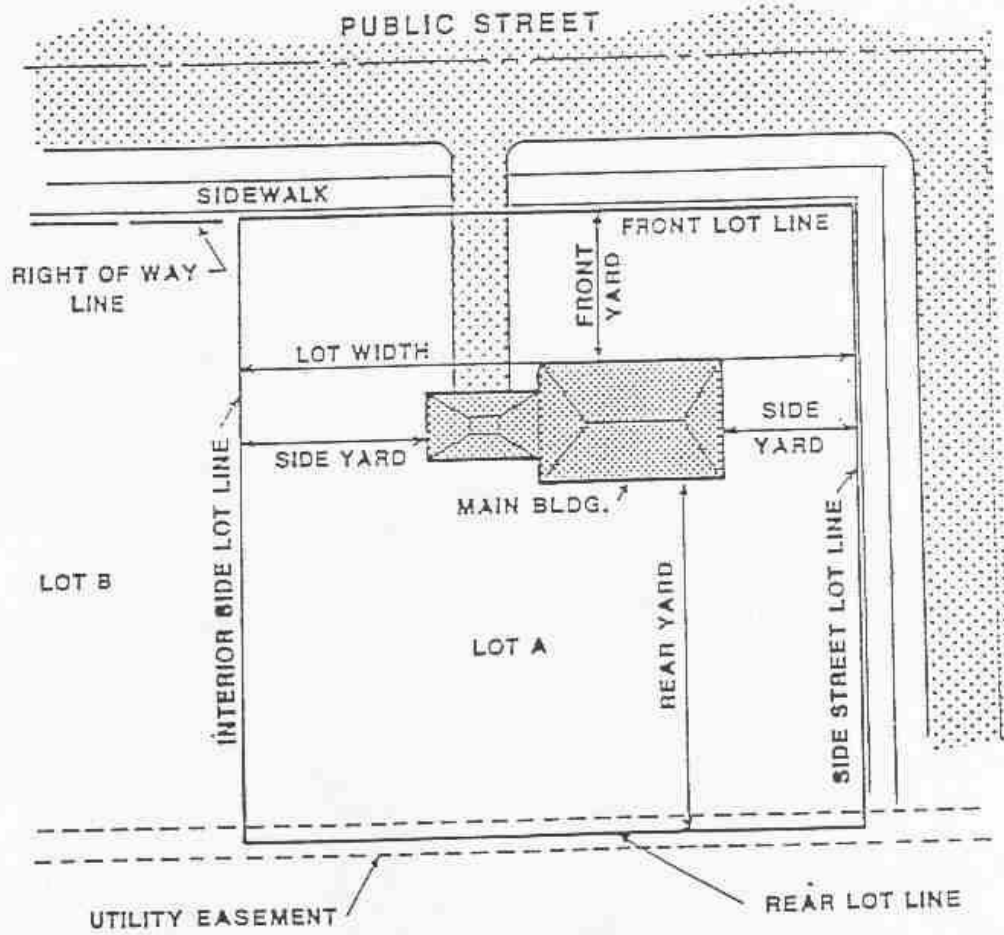
Figure 2-5

LOT DEPTH



LOT DEPTH = DISTANCE A + DISTANCE B

Figure 2-6
LOT LINES AND YARDS



NOTE: SEE CHAPTER 5 FOR DISTRICT SETBACKS

Chapter 3

General Requirements

Section 301. Scope of Regulations

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

Section 302. Supplementary Use Regulations

- (1) **Building Permits Required.** A building permit must be obtained prior to the construction of any structure that is greater than 200 square feet in area, or any accessory structure that is attached to a main structure.
- (2) **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- (4) **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for the same period.
- (5) **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- (6) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - (a) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - (b) Buildings or structures necessary for provision of essential services.
 - (c) Gardens, garden ornaments, and usual landscape features within a required yard space.

- (d) Retaining walls.
 - (e) Public playgrounds.
 - (f) Off-street parking for licensed motor vehicles as specified in Chapter 7.
 - (g) Accessory Occupations, permitted by Special Use Permit.
 - (h) Home Occupations.
 - (i) Use of premises as a voting place.
- (7) **Inoperative or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, within any Zoning District is expressly prohibited *unless*:
- (a) The vehicles are contained within a licensed junkyard or an enclosed structure; or
 - (b) Provided that the storage period does not exceed one (1) week. The storage period may be extended with written permission of the Zoning Administrator or Code Enforcement Officer.
- (8) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk/salvage, as defined in this Ordinance. Garbage, rubbish and junk in containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.
- (9) **Parking of Recreational Vehicles and Heavy Vehicles.** The parking of recreational vehicles and equipment, including travel trailers, campers, snowmobiles, boats and similar recreational equipment in any Zoning District must conform to the required setbacks for accessory structures and to overall limitations for lot coverage.

Section 303. Supplementary Dwelling Regulations

- (1) **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes in addition to the requirements of this Ordinance. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the “Mobile Home Construction and Safety Standards” of the U.S. Department of Housing and Urban Development.
- (2) **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Michigan Building/Residential Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a

perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.

- (3) **One Single Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, farm laborers, as permitted by special use permit in Chapter 6 of this Ordinance.
- (4) **Structures to be of Uniform Quality.** Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- (5) **Roof.** All single-family and two-family dwellings, other than mobile homes located in mobile home parks, must have a pitched roof where the principal portion has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project not less than six (6) inches beyond the walls.
- (6) **Steps and Porches.** All dwellings must contain steps and porches that are connected to exterior door areas where a difference in elevation requires them.
- (7) **Maintenance.** All dwellings must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, resurfacing, coating, and any other necessary protective measures.
- (8) **Use of Mobile Home for Temporary Dwelling.** A temporary use may be authorized to house family members as provided in Section 303 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the Michigan Building/Residential Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- (9) **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Michigan Building Code.
- (10) **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the

Michigan Building Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.

- (11) **Dimensions.** All single family dwellings, except mobile homes located in licensed mobile home parks, must have a minimum width across all front, side, and rear elevations of twenty-four (24) feet and must comply in all respects with the Michigan Building, including minimum heights for habitable rooms.
- (12) **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps and/or porches connected to the doors where required due to a difference in elevation.
- (13) **Garage and Yard Sales.** Sales of used material from a single-family dwelling may occur twice a year for a period not to exceed three (3) days for each occurrence.
- (14) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (15) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1500) feet of another State Licensed Residential Facility.
- (16) **Home Occupations.** Home occupations are permitted, subject to the following standards:
 - (a) The home occupation must be operated within the principal dwelling. There shall be no separate entrance from outside the building. No storage of goods, materials, equipment, or products associated with a home occupation shall be permitted in any building, structure, attached or detached garage, or open area other than within the principal dwelling.
 - (b) The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
 - (c) The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
 - (d) Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
 - (e) There may be not more than one (1) employee not living at the dwelling.

- (f) A home occupation shall not utilize a vehicle in the operation of the business that has a rated capacity of greater than one (1) ton.

Section 304. Supplementary Parcel Regulations

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public road or private road that has been permitted by this Ordinance, and shall have a continuous permanent frontage at the lot line for the width that is required by the zoning district where the lot is located. “Flag lots” are not permitted.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public road or private road that has been permitted by this Ordinance.
- (3) **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- (4) **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended) and the Fremont Township Land Division Ordinance. All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.
- (5) **Fencing Requirements: All Zoning Districts**
 - (a) **Standards:** No fence greater than six feet (6’) in height shall be erected. No fence shall be erected within any front yard setback unless meeting the following standards for construction:
 - (1) Picket fences shall be allowed having a minimum of two inch (2”) and maximum of six inch (6”) spacing between each vertical piece of fencing. Maximum of thirty six inch (36”) in height.
 - (2) Split Rail fences with two (2) horizontal rails not to exceed six inches (6”) in width are allowed within a residential front yard area, not to exceed thirty six inches (36”) in height.
 - (3) Chain link fences that are transparent are allowed within a residential front yard area, not to exceed forty eight inches (48”) in height.
 - (4) All fences must be constructed so that the finished side faces the adjacent property if installed within fifty (50) feet of the property line.

- (5) All structural members must be hidden or on the inside of a fence if installed within fifty (50) feet of the property line.
- (6) No razor wire or barbed wire may be used for residential uses.
- (b) **Location Prohibitions:** No fence shall be constructed within any road or highway right of way.
- (c) **Exception:** A fence keeping farm animals inside may be constructed to a greater height if made of transparent wire fencing.

Section 305. Supplementary Structure Regulations

- (1) **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in Chapter 5, District Regulations, must be adhered to, as well as any requirements listed in this section.
 - (a) Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - (1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - (2) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.
 - (3) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
 - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
 - (c) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.
 - (d) Signs, subject to the provisions of Chapter 8.
- (2) **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in Chapter 5, District Regulations. These permitted exceptions shall not be used for human occupancy or dwelling purposes. For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall

each be increased by one (1) foot. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.

- (a) Appurtenances to mechanical or structural elements such as elevator and stairway penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Business Zoning District.
 - (b) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in any Zoning District.
 - (c) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.
 - (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Zoning District. However, in no case shall the height of such an antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
 - (e) Structures for agricultural operations are permitted up to eighty-five (85) feet.
 - (f) Flagpoles in any Business Zoning District are permitted to a maximum height of sixty (60) feet.
- (3) **Screening Requirements.** Screening shall be constructed and maintained whenever a non-residential use or multi-family housing is established on land adjacent to a single family or two-family residential use. Screening shall be provided by one of the following:
- (a) **Wall or Fence.** A solid wall or fence at least six(6) feet in height with a finished surface fronting on the residential district or use. Open spaces within such walls or fences shall not exceed one (1) foot square in area.
 - (b) **Berm.** A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

Section 306. Accessory Structure Regulations.

(1) Required Yards

- (a) **Front Yard:** No accessory building, attached or detached, shall project into a required front yard.

- (b) **Rear Yard:** No accessory building shall be closer than fifteen (15) feet to the rear lot line.
 - (c) **Corner Lot:** An accessory building on a corner lot shall maintain a minimum setback of thirty (30) feet from the side street lot, as measured from the road right-of-way line. Where the rear lot line of a corner lot coincides with the side lot line of an adjoining lot in a residential district, an accessory building shall not be closer than fifteen (15) feet to the common lot line.
- (2) **Garage Entrances.** The entrance to a garage shall be no less than thirty (30) feet from a street right-of-way line.
 - (3) **Detached Carports, Canopies, and Similar Structures.** Detached carports, canopies, awnings and similar structures that are intended to serve as shelters for vehicles are considered accessory structures and must comply with the minimum setbacks and all other requirements of this ordinance that pertain to accessory structures. This provision shall apply regardless of whether such a structure is erected on temporary or permanent basis.
 - (4) **Permitted Accessory Buildings.** A mobile home, semi-trailer, vehicle, junk object, or any similar item shall not be used as an accessory building or storage structure. This provision shall not apply to tool sheds or similar storage structures that are utilized pursuant to the construction of a building under a building permit that has been issued by the Township.

Section 307. Open Space Preservation Provisions.

- (1) **Purpose.** The purpose of this provision is as follows:
 - (a) To provide optional open space preservation provisions for residential development, as required by Act 177 (P.A. 2001).
 - (b) To encourage greater flexibility and efficiency in the design of single-family residential developments.
 - (c) To conserve open space and other important elements of the Township's rural character. Examples of these elements include important farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.
- (2) **Applicability.** These provisions shall apply to the following situations:
 - (a) All lots created after the effective date of this ordinance in the following zoning districts where residences are permitted by right at a density of two (2) dwellings

units per acre of less: A-1 and A-2 Zoning Districts.

- (3) **Submission Requirements.** An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 9, Section 907, and the following additional requirements:
- (a) **Density Concept.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to the lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
 - (b) **Open Space Concept.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan. “Undeveloped state” shall have the same meaning as specified in Act 177 (PA 2001); that is, a natural state preserving the natural resources, natural features, or scenic or wooded conditions, agricultural use; open space, or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or liner park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 - (c) **Project Narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan. The narrative shall clearly indicate the proposed project densities and how they were calculated.
- (4) **Approval Standards.** Prior to approving an Open Space Development, the Zoning Administrator must find, with the concurrence of a majority of the Planning Commission, that the proposed development complies with the following requirements:
- (a) The proposed development will comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.

- (b) The proposed development will comply with all requirements of the Land Division Act and the Township Land Division Ordinance.
- (c) At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land that is acceptable to the Township.

Section 308. Keeping Farm Animals.

On parcels less than ten (10) acres in size in the A-1 and A-2 districts, farm animals may be kept subject to the following restrictions:"

- (1) Raising and keeping horses and similar large animals weighing over five hundred (500) pounds shall be allowed, provided that the minimum area upon which one horse or similar animal may be kept is five (5) acres. One additional horse or similar animal may be kept on each additional one (1) acre, up to a maximum of six (6) such animals for each ten (10) acres of land.
- (2) Raising and keeping large animals weighing five hundred (500) pounds or less (such as sheep and goats) shall be allowed, provided that the minimum area upon which one animal may be kept is two (2) acres. One additional such animal may be kept on each additional one (1) acre, up to a maximum of nine (9) such animals for each ten (10) acres of land.
- (3) No storage of manure or odor producing or dust producing materials shall be permitted within one hundred (100) feet of any adjacent property line.

Section 309. Private Road Regulations.

- (1) **Required Dimensions and Specifications.** Any driveway or private road serving or intended to serve more than one (1) parcel or unit of ownership shall consist of an easement and right-of-way that is not less than sixty-six (66) feet in width. This width shall include not less than twenty (20) feet of improved roadbed width with not less than three (3) feet of shoulder width on each side with adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters for the road area. The road bed shall be improved with not less than six (6) inches of surface material that is of equal or superior quality to processed and stabilized gravel over a base of six (6) inches of granular soil. The private road shall have a grade of not more than seven percent (7%). If dead-ended, the private road shall end in a cul-de-sac with a radius of not less than fifty (50) feet of improved roadbed width to accommodate emergency, commercial, and other vehicles.
- (2) **Construction Plans and Permits.** Prior to construction of a private road, detailed plans for the road, including survey drawings showing the road location and easement, shall be

submitted to the Township for review and approval. The construction of a private road shall not be approved unless the plans demonstrate satisfactory compliance with the requirements of section 309 (1) above. Approval of the plans shall be indicated by the issuance of a preliminary permit by the Township. Within sixty (6) days of the satisfactory completion of construction of a private road, the Township shall issue a final permit. The Township shall establish and assess reasonable fees for necessary inspections and issuance of permits.

- (3) **Easement and Maintenance Agreement.** For each private road to be established in accordance with this section, a document shall be prepared that is acceptable to the Township and that specifies the legal descriptions of the easement, right-of-way, and each parcel or unit of ownership served by the private road. This document shall be recorded with the County Register of Deeds and filed with the Township Zoning Administrator. This document shall run with the land and bind each of the parcels or units of ownership served by the private road. The document shall also set forth an agreement between the owners of the properties served by the private road with respect to improvement and maintenance of the road, including snow removal. The agreement shall provide for the apportionment of costs for such items, and may provide for voting rights of property owners with respect to decision on such matters. The agreement shall also provide the Township with the right to access and maintain the private road and to charge the owners in accordance with their agreement for apportionment of costs incurred, plus a twenty-five percent (25%) administrative fee, in the event that the property owners fail to perform the agreed-upon duties.
- (4) **Clear Vision Area.** Any intersection between public and private roads shall contain a clear vision area that consists of a triangular area that consists of not less than twenty (20) feet along each right-of-way line as measured from the point of intersection of the right-of-way lines.
- (5) **Maximum Length.** No driveway or private road that serves or is intended to serve more than one (1) parcel or unit of ownership shall extend for more than 2,640 feet from a public road. In order to extend a private road to more than 2,640 feet, it must first be dedicated for public use and accepted as a public road by the County Road Commission.
- (6) **Parcel Limitations.** No driveway or private road shall serve more than thirty (30) parcels. In order for a private road to serve more than thirty (30) parcels, it must first be dedicated for public use and accepted as a public road by the County Road Commission.

Chapter 4 Non-Conforming Uses

401. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this ordinance. However, it is hereby declared that nonconformance with the provisions of this ordinance is contrary to the best interests of the citizens of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired, or reconstructed only as prescribed by this Section.
402. **HISTORIC PROPERTIES.** Any nonconforming property in Fremont Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
403. **LEGALITY OF NONCONFORMITIES.** Legal nonconformities are presumed to have existed before the adoption of zoning regulations in Fremont Township, and illegal nonconformities to have been developed in conflict with zoning regulations through oversight or error.

Nonconforming properties or uses will be considered to be Legal Nonconformities if they meet each applicable criterion, listed as "a" through "d", below. Note that temporary signs are not considered to be legal nonconforming structures.

- (a) The nonconformity existed before the effective date of this ordinance.
- (b) The use, parcel, building or structure in question meets one of the following standards.
 - (1) It complied with the District regulations of any previous zoning ordinance.
 - (2) The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
 - (3) It had been recognized as a "legal nonconforming use" under the previous zoning ordinance.
 - (4) The nonconformity resulted from land acquisition by a government agency, such as for a road right of way. (Applies to Nonconforming Setback or Lot Size only)

(5) (Applies to Nonconforming Parcels only) Area, width, and depth of parcel, and the number of off-street parking spaces provided, are at least ninety percent (90%) of minimum requirements for its zoning district.

(c) (Applies to Nonconforming Uses only) The use has not been discontinued for any six month period.

d. (Applies to Nonconforming Buildings or Structures only) The building or structure does not extend into a public right of way, over a neighboring property line, or exceed lot coverage limits for its zoning district by over 50 percent.

404. INVENTORY OF NONCONFORMITIES. The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Fremont Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers.

All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Properties shall be added to or deleted from the Inventory as circumstances change or as Township officials become aware of previously unlisted situations.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Parcel identification number.
- (b) Property address (if one is assigned).
- (c) Current owner(s).
- (d) Property description.
- (e) Parcel dimensions.
- (f) Current zoning district.
- (g) Current use of property.
- (h) Description of all nonconformities.

405. REDUCTIONS OF THE DEGREE OF NONCONFORMANCE. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

406. **PRIOR CONSTRUCTION APPROVAL.** Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, provided that all terms of the permit are fully complied with.
407. **DISTRICT CHANGES.** Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any users properties that become nonconforming as a result of the boundary changes.
408. **ELIMINATION OF NONCONFORMITIES.** It should be recognized that state laws permit the Fremont Township Board to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the Township. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.
409. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its appraised value, exclusive of foundations, as determined by the assessing officer. Provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
410. **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
411. **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

412. REGULATION OF NONCONFORMITIES.

- (a) **TABLE.** The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by officials.

- (b) **INTERPRETATION.** Should any question arise concerning the interpretation of any provision of the *Regulation of Nonconformities Table*, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.

Regulation of Nonconformities

Determine situation (Columns), and type of nonconformity (Rows). The point where they meet lists action to take.

| Type | If discontinued for 6 months. | If damaged more than S.E.V. | If damaged less than S.E.V. | Change in use (Including new Buildings.) | Expansion of Nonconforming Use or Building | Remodeling, Maintenance, Code Work. |
|---|-------------------------------|--|---|--|--|---|
| Legal Nonconforming Parcel | Not applicable. | Not applicable. | Not applicable. | Change or construction permitted. | Not applicable. | Property must be kept in safe condition. |
| Legal Nonconforming use of Land | May not be resumed. | Not applicable. | Not applicable. | Permitted, but must reduce degree of nonconformance. | Requires a Variance. All requirements of Section 703 must be met. | Property must be kept in safe condition. |
| Legal Nonconforming use of Building or Structure. | May not be resumed. | May rebuild if plans meet all other district regulations | May repair to pre-damage status. | Permitted, but must reduce degree of nonconformance. | Requires a Variance. All requirements of Section 703 must be met. | Permitted so long as use is not expanded. |
| Legal Nonconforming Dimensions or setback of bldg or structure. | Not applicable. | May rebuild, but must reduce degree of nonconformance. | May repair to pre-damage status. | Change or construction permitted. | Permitted, but may not create any greater degree of nonconformance. | Permitted, but may not create any greater degree of nonconformance |
| Illegal Nonconforming Parcel. | Not applicable | Not applicable | Not applicable | Needs Variance. All other Dist. Regs. apply. | Not applicable | Property must be kept in safe condition. |
| Illegal Nonconforming use of Land. | May not be resumed. | Not applicable | Not applicable | Must adhere to All district Regulations. | Not Permitted! | Property must be kept in safe condition. |
| Illegal Nonconforming use of Building or Structure. | May not be resumed. | Use must stop and may not be resumed. | Repairs allowed if use is not expanded. | Must adhere to All district Regulations. | Not permitted! | Permitted so long as use is not expanded. |
| Illegal Nonconforming Dimensions or Setback of Building | Not applicable | Building must be rebuilt to fully comply with applicable district regulations. | May repair, but must remove any part of buldg. in a right of way, over a lot line, or exceeding zoning district coverage limit. | New use and New building must adhere to All District Regulations. | Building must be changed to fully comply with All Dimension Regulations. | Permitted, but may not create any greater degree of nonconformance. |
| Illegal Nonconforming Dimensions or Setback of Structure | Not applicable | Structure must be removed. | Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.) | Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.) | Structure must be rebuilt to comply with All Dist. Regs. (May need to be removed.) | Permitted, but may not create any greater degree of nonconformance. |

Chapter 5 Zoning Districts

501. Division of the Township

For the purposes of this Ordinance, Fremont Township, Saginaw County, Michigan, is divided into the following zoning districts:

- A-1 Agricultural
- A-2 Agricultural and Low Density Residential
- B -1 Commercial Business

502. Official Zoning Map

The boundaries of these zoning districts are hereby defined and established on a map entitled, "Zoning District Map of Fremont Township," which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by the Township Clerk.

503. Interpretation of Zoning District Boundaries

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

- a. Boundaries that appear to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries that appear to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries that appear to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries that appear to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries that appear to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.
- f. Boundaries that appear to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards to be inadequate for the purpose of interpreting the location of a zoning district boundary in any case, or if a property owner wishes to dispute

the Zoning Administrator's interpretation of the location of a district boundary, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Chapter 9.

504. District Regulations

The following charts identify the intent and purpose, uses permitted by right, uses permitted by special use permit, and the dimensional requirements for each zoning district of Fremont Township as described in Section 501.

Section 504.1

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| <p>A-1 General Agricultural Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To preserve and promote the use of land for food and fiber production. To permit limited residential development and other rural land uses. | |
| <p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> Forestry Farms and general farming operations, including field crops, fruit orchards, truck farming, horticulture, aviaries, hatcheries, apiaries, sod farms, and vineyards Raising and keeping large farm animals and livestock, subject to requirements of Section 308. Plant nurseries and greenhouses. Raising and keeping small animals Single family dwellings. Roadside stands for sale of produce grown by owner. Public utility transformer stations Conservation areas. Public parks and recreation areas. Cemeteries. State licensed residential facilities. Family child care homes. Accessory uses and structures. | <p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)</p> <ol style="list-style-type: none"> Production of fur-bearing animals (6-14) Grain and seed elevators (6-14) Wholesale agricultural product storage. (6-14) Riding stables (6-9) Livestock auction yards. (6-9) Accessory occupations (6-24) Two-family homes (6-12) Second living quarters for family members (6-13) Housing for seasonal labor (6-12) Veterinary clinics (6-6) Kennels (6-6) Correctional Institutions (6-19) Religious, social, and educational institutions (6-5) Institutions for handicapped persons & substance abuse treatment (6-5) Aircraft landing strips; airport. (6-10) Group child care & child care centers (6-6) Communication towers, cable and internet switching site (6-16) Natural resource extraction: sand, gravel & topsoil removal (6-22) Motorized vehicle race tracks (6-11) RV parks and campgrounds (6-15) Golf courses and country clubs (6-5) Driving ranges and miniature golf (6-8) Shooting clubs and ranges (6-5) Wind turbine generators (6-18) Crematories (6-19) Sewage treatment facility (6-10) Ponds (6-21) Solar Panel Farm (6-25) Wind energy “on site” and “wind site assessment” (6-26) Wind energy utility grid energy systems (6-26) Event Barn (6-27 and 6-28) |
| <p>Minimum Lot Size Area: 43,560 square feet (one acre)</p> <p>Width: 150 feet continuous frontage at the front lot line.</p> | <p>Minimum Setbacks (Main Bldg/Accessory bldg.) Front: 75 feet / 75 feet from the road right of way Side: 15 feet each side / 15 feet Rear: 40 feet / 15 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Accessory building 30 feet Agricultural operations: 85 feet <i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p> |
| <p>Minimum Floor Area: 1200 square feet for single-family dwelling units</p> | <p>Off-Street Parking Requirements: See Chapter 7</p> |
| <p>Screening/Buffering Requirement: See Chapter 3</p> | <p>Sign Regulations: See Chapter 8</p> |

Section 504.2

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|--|---|
| <p>A-2 Agricultural and Low Density Residential Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To encourage low-density residential development on individual lots. To permit a controlled mixture of residential and agricultural uses in a rural environment. | |
| <p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> Forestry Farms and general farming operations, including field crops, fruit orchards, truck farming, horticulture, aviaries, hatcheries, apiaries Raising and keeping large farm animals and livestock, subject to requirements of Section 308. Plant nurseries and greenhouses. Raising and keeping small animals Single family dwellings. Roadside stands for sale of produce grown by owner. Public utility transformer stations Conservation areas. Parks and recreation areas. Cemeteries. State licensed residential facilities. Family child care homes. Accessory uses and structures. | <p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)</p> <ol style="list-style-type: none"> Production of fur-bearing animals (6-14) Grain and seed elevators (6-14) Wholesale agricultural product storage. (6-14) Riding stables (6-9) Livestock auction yards. (6-9) Accessory occupations (6-24) Two-family homes (6-12) Second living quarters for family members (6-13) Housing for seasonal labor (6-12) Veterinary clinics (6-6) Kennels (6-6) Correctional Institutions (6-19) Religious, social, and educational institutions (6-5) Institutions for handicapped persons & substance abuse treatment (6-5) Aircraft landing strips; airport. (6-10) Group child care & child care centers (6-6) Communication towers, cable and internet switching site (6-16) Natural resource extraction: sand, gravel & topsoil removal (6-22) Motorized vehicle race tracks (6-11) RV parks and campgrounds (6-15) Golf courses and country clubs (6-5) Driving ranges and miniature golf (6-8) Shooting clubs and ranges (6-5) Wind turbine generators (6-18) Crematories (6-19) Sewage treatment facility (6-10) Ponds (6-21) Wind energy “on site” and “wind site assessment” (6-26) Event Barn (6-27 and 6-28) |
| <p>Minimum Lot Size Area: 43,560 square feet (one acre)</p> <p>Width: 150 feet continuous frontage at the front lot line.</p> | <p>Minimum Setbacks Front: 75 feet / 75 feet from the road right of way Side: 15 feet each side / 15 feet Rear: 40 feet / 15 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Accessory building 30 feet Agricultural operations: 85 feet <i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p> |
| <p>Minimum Floor Area: 1200 square feet for single family dwellings</p> | <p>Off-Street Parking Requirements: See Chapter 7</p> |
| <p>Screening/Buffering Requirement: See Chapter 3</p> | <p>Sign Regulations: See Chapter 8</p> |

Section 504.3

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| <p>B-1 Community Business Zoning District Regulations</p> <p>Intent and Purpose:</p> <p>1. To provide for commercial activities to meet the day-to-day convenience shopping and service needs of both Township residents and residents of surrounding areas</p> | |
| <p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> 1. General retail businesses, including retail food. 2. Offices and professional services. 3. Personal service establishments. 4. Restaurants, including clubs & drinking establishments, but excluding drive-in and drive-thru restaurants 5. Institutions for human care. 6. Commercial schools 7. Veterinary clinics 8. Commercial indoor recreation and amusements. 9. Accessory uses and structures. | <p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)</p> <ol style="list-style-type: none"> 1. Auto service stations (6-7) 2. Car washes (6-7) 3. Automobile repair facility, including body shops (6-7) 4. Vehicle sales facilities (6-23) 5. Outdoor uses, including open-air businesses & temporary outdoor uses (6-11) 6. Hotels & motels (6-14) 7. Warehouses & storage buildings (6-14) 8. Wholesale businesses (6-14) 9. Self-serve storage buildings (“mini-warehouses”) (6-7) 10. Lumber yards & home improvement center yards (6-14) 11. Child care centers (6-6) 12. Religious, social & educational institutions (6-5) 13. Funeral homes & mortuaries (6-6) 14. Bulk fuel dealers (6-7) 15. Drive-in & Drive-thru businesses (6-8) 16. Communication towers, cable and internet switching site (6-16) 17. Adult business (6-20) 18. Event Barn (6-27 and 6-28) |
| <p>Minimum Lot Size Area and Width: Area: 43,560 square feet (one acre) and 150 feet continuous frontage at the front lot line.</p> | <p>Minimum Setbacks Front: 25 feet from the road right of way Side: 10 feet each side if detached; may be attached to another business with approved firewall construction between; 20 feet on any side abutting a residential district. Rear: 20 feet for both principal building and any accessory building(s).</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building 30 feet</p> <p><i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p> |
| <p>Minimum Floor Area: No minimum</p> | <p>Off-Street Parking Requirements: See Chapter 7</p> |
| <p>Screening/Buffering Requirement: See Chapter 3</p> | <p>Sign Regulations: See Chapter 8</p> |

Chapter 6 Special Uses

601. Purpose

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Chapter. An application for a special use permit may be filed by any person who owns or has an interest in the property subject to the application.

602. Application Procedures

An application for a Special Use Permit shall be submitted to the Zoning Administrator no less than **thirty (30) days** prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than **thirty (30) days** prior to such meetings will be delayed until the next scheduled meeting.

Applications must be accompanied by the materials and information described below:

- a. A completed Special Use Permit application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in *Chapter 9, Administration and Enforcement*.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 606.

When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Planning Commission to schedule a public hearing on the application.

603. Notice of Public Hearing

Notice of the public hearing on the special use application must be published in a local newspaper not more than fifteen (15) days and not less than five (5) days before the date of the meeting at which the public hearing will be held.

Notice of the hearing must also be delivered, either by mail or by personal delivery, to the applicant and all owners and occupants of property located within three hundred (300) feet of the property subject to the application for the special use permit.. These notices must describe:

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);

- c. The date, time, and place of the public hearing;
- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.

604. Public Hearing and Review Procedures

The Planning Commission shall hold the public hearing on the proposed special use and shall review the site plan and other materials submitted with the application.

Following the public hearing, the Planning Commission shall make a decision based on whether or not the proposed special use is consistent with the specific standards applicable to the special use described in the Zoning Ordinance. If it is found that the proposed special use is consistent with these standards, the Planning Commission must approve the proposed special use.

If the Planning Commission finds that the proposed special use is not consistent with the standards in the Zoning Ordinance then it may approve the use with conditions, or it may deny the proposed use altogether.

At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before making a decision on the proposed special use. In such cases, the Planning Commission shall table consideration of the application until the applicant provides the amended site plan or additional information.

605. Appeal of Decision

The Township Planning Commission's decision on applications for proposed special uses may be appealed to the State Court System, beginning with the Circuit Court.

606. General Standards for Approval of Special Uses

Prior to approving, approving with conditions, or denying an application under the provisions of this Chapter, the Planning Commission must find that a proposed special use complies with the standards listed in this section:

- a. The property subject to the application is located in a zoning district in which the proposed special use may be established.
- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.

- c. The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.
- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- f. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- g. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

607. Basis for Determination

In rendering its decision on a proposed special use, the Planning Commission shall make specific reference to the standards in Section 606, Section 611, and the basis in fact for any conditions attached to the approval of a special use.

608. Performance Guarantee

The Planning Commission may require a performance guarantee **in accordance with Chapter 9, Section 902(4)**.

609. Compliance With Conditions of Special Use Permit Required

An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Planning Commission.

If the functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

610. Terms of Permit

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.

611. Specific Standards, Requirements, and Conditions for Special Land Use Permits

The following charts in *Section 612* specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

- a. The granting of a Special Use Permit requires Site Plan Review and a public hearing.
- b. A Special Use Permit is a privilege granted by the Township when certain conditions are met. A Special Use is *not* allowed “by right”.
- c. The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.
- d. Each Special Use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.
- e. This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards take precedence of the District Regulations.
- f. The Planning Commission may, at its discretion, attach additional conditions to the approval of a special use. These conditions shall be reasonably related to the general standards specified in Section 606.

Section 612 (a) Special Land Use Requirements

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|---|---|--|---|--|
| Institutional Uses: Hospitals and Nursing Homes; Churches & Religious Institutions; Public & Private Schools | County primary road | 1. Hospitals: 10 acres 2. All others: One (1) acre | Same as Zoning District where the proposed Special use is located. | 35 feet from all property lines and road right-of-way lines | Ambulance and delivery areas shall be screened from adjacent residential properties by a six (6) foot high solid masonry wall. |
| Golf courses, country clubs and shooting clubs | Same as Zoning District where the proposed Special use is located | Fifty (50) acres in area | 1,000 feet | 1. 200 feet from road right-of-way. 2. 100 feet from adjacent property lines. 3. Shooting clubs shall provide a 200 foot wide wooded buffer between the perimeter of the site and all shooting areas. | For golf course or country club, six (6) foot high visual screen required on any side abutting residential property. |
| Mobile Home Park | County primary road | Twenty (20) acres in area | 750 feet | 1. 60 feet from street right-of-way. 2. 60 feet from adjacent property lines. | 1. Mobile home park must be licensed by the State of Michigan. 2. Park must comply with all requirements of the Michigan Mobile Home Commission and its Administrative Rules. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (b) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|-------------------------------------|---|---|--|---|--|
| Group Day Care & Child Care Centers | Same as Zoning District where the proposed Special use is located | Same as Zoning District where the proposed Special use is located | Same as Zoning District where the proposed Special use is located | Same as zoning District | <ol style="list-style-type: none"> 1. Must be licensed by Michigan Family Independence Agency. 2. Must provide adequate off-street parking for all employees. 3. All outdoor play areas shall be enclosed by a fence at least 6 feet in height. |
| Funeral Homes and Mortuaries | County primary road | One acre in area | 150 feet | Front, side & rear yards shall be at least 40 feet on all sides adjacent to residential districts or uses; at least 20 feet on all sides adjacent to non-residential districts. | <ol style="list-style-type: none"> 1. All yard areas shall be landscaped with trees, shrubs, and grass. 2. No parking areas shall be permitted within required front and side yards. |
| Veterinary Clinics & Kennels | Same as Zoning District where the proposed Special use is located | Two (2) acres in area | Same as Zoning District where the proposed Special Use is located. | All buildings and structures shall be set back at least 100 feet from all property and street lines. | If the site abuts property in residential district, the required 100 foot setback described above shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (c) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|-------------------------------------|---|----------------------|--|---|
| Automobile service facility, including repair, car wash & oil change facilities, excluding vehicle sales area. | County primary road | Same as Zoning District where the proposed Special use is located | 150 feet | Buildings, canopies, fuel pump islands & service drives shall conform to requirements for the district in which the site is located, but shall be no closer than 50 feet to any property line of a residential district or use, unless separated by a public street. | <ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 35 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way. |
| Bulk Fuel Dealer | County primary road | 43,560 square feet (one acre) | 150 feet | <ol style="list-style-type: none"> 1. 100 feet from road right-of-way. 2. 100 feet from adjacent property lines. | |
| Self-serve storage buildings (mini-warehouses) | County primary road | 43,560 square feet (one acre) | 150 feet | Same as Zoning District where the proposed Special Use is located. | <ol style="list-style-type: none"> 1. Facility shall be enclosed by a fence that is at least six (6) feet in height. 2. All storage shall be completely enclosed within storage units. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (d) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|---|---|----------------------|---|---|
| Drive-in and drive-thru businesses | Site must have at least one property line on a paved road & provide its main access point from that road. | Same as Zoning District where the proposed Special use is located | 150 feet | <ol style="list-style-type: none"> 1. 50 feet from all road right-of-way lines. 2. 100 feet from residence or residential zoning district; otherwise 50 feet from adjacent property lines. | <ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 35 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or use. 6. Site must provide a staging area for at least 4 vehicles to wait off any public right-of-way. |
| Commercial outdoor recreation uses not otherwise listed, such as miniature golf, driving ranges, batting cages | Site must have at least one property line on a paved road & provide its main access point from that road. | Fifteen (15) acres for driving range, ten (10) acres for other uses in category | 500 feet | <ol style="list-style-type: none"> 1. All uses, structures and operations shall be set back at least 100 feet from any public road used for access purposes. 2. All uses, structures and operations shall be set back at least 100 feet from all adjacent property lines. | If the site abuts a residential or agricultural district, a buffer area at least 200 feet wide must be established between all structures and operations and the property within the residential or agricultural district. The buffer shall consist of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (e) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|------------------------------|-------------------------------------|--------------------------------|---|--|--|
| Riding Stables | Same as Zoning District | Ten (10) acres | Same as Zoning District where the proposed Special use is located | All buildings and structures shall be set back at least 200 feet from all property and street lines. | If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively scree the site from adjacent areas. |
| Livestock Auction Yards | County primary road | Ten (10) acres | Same as Zoning District where the proposed Special use is located | All buildings and structures shall be set back at least 200 feet from all property and street lines. | If site abuts property in residential district, the required 200 foot setback shall include a landscape buffer consisting of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively scree the site from adjacent areas. |
| Junk Yards and Salvage Yards | County primary road | Ten (10) acres | Same as Zoning District where the proposed Special use is located | All salvage, storage & any other active work areas shall be set back at least 100 feet from all adjacent property lines and road right-of-way lines. | <ol style="list-style-type: none"> 1. All salvage, storage & any other active work areas shall be enclosed by a solid wall or fence at least eight (8) feet in height. 2. All activities shall be confined to the fenced-in area. No material may be stored above the height of the wall or fence, except that mobile equipment may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced area. 3. If site abuts property a residential or agricultural district, a buffer area of at least 200 feet wide must be established between the fenced area and the property within the within the residential or agricultural district. The buffer shall consist of of trees, shrubs, grass & structural screens of a type to be approved by the Planning Commission in order to effectively scree the site from adjacent areas. 4. Must be licensed by the State of Michigan. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (f) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|--|--|---|---|---|
| Sewage Treatment and Disposal Facility | County primary road or access by construction of one-half mile or less of new road | Twenty (20) acres | Same as Zoning District where the proposed Special use is located | 1. All buildings and structures shall be set back at least 200 feet from all property and street lines. | 1. Site should be selected where operation will not cause detrimental levels of air or noise pollution impacts, or create other nuisance factors that would be detrimental to adjacent uses or property. 2. All operations shall be completely enclosed by a chain link fence not less than six (6) feet high. 3. The required 200 foot setback shall be designed as a buffer to minimize the appearance of the facility and any odors. The buffer strip shall contain grass, plant materials, and structural screens that are placed in a manner that is subject to the approval of the Planning Commission. |
| Private Aircraft Landing Strips | Site shall have at least one property line abutting a public road | 1. Site dimensions shall be at least 2,640 feet by 500 feet. 2. All landing strips shall have a minimum length of 1,500 feet with a 500 foot clearance at each end. | See parcel size requirements. | 1. At least 50 feet from adjacent property lines and road right-of-way lines. | 1. Facility shall comply with all applicable Federal and State requirements. 2. Landing strip shall be for the exclusive use of the property owner and shall be situated entirely within the confines of his or her property. 3. No commercial aviation or other commercial activity shall be situated with the landing strip. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (g) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---|---|---|---|--|---|
| <p>Motorized Race Tracks for Motorcycles, Off-Road Vehicles, and Similar Uses</p> | <ol style="list-style-type: none"> 1. Access shall be from an improved county road, with all vehicle entry and exit from that road. 2. All vehicle entrance and exit points shall be no closer than 200 feet from the intersection of any two roads. 3. Acceleration and deceleration lanes shall be provided at points of entry and exit to the site. 4. Entrances and exits shall be designed so that all vehicles within 100 feet of a public road have clear vertical and horizontal sight distances of 500 feet in either direction along the public road. | <p>40 acres</p> | <p>Same as Zoning District where the proposed Special use is located.</p> | <p>All structures, including fences, shall be set back at least 100 feet from any public road. This yard shall be landscaped in accordance with plans approved by the Planning Commission.</p> | <ol style="list-style-type: none"> 1. Entire periphery of site shall be enclosed with a solid fence at least eight (8) feet in height. Fences shall be painted or otherwise finished attractively and inconspicuously. 2. If the site abuts property within a residential or agricultural zoning district, a buffer strip at least 200 feet wide shall be provided between all operations and structures and the residential or agricultural property. Trees, shrubs, grass and similar plant materials, and structural screens shall be placed with the buffer strip according to plans approved by the Planning Commission. |
| <p>Outdoor Uses, including open-air businesses & temporary uses such as carnivals, flea markets, and other outdoor sales, Christmas tree sales, and revival tents</p> | <ol style="list-style-type: none"> 1. Access shall be from an improved county road, with all vehicle entry and exit from that road. | <p>Same as Zoning District where the proposed Special use is located.</p> | <p>Same as Zoning District where the proposed Special use is located.</p> | <p>All activity areas, including parking areas, shall be set back a minimum of 50 feet from all road and adjacent property lines.</p> | <ol style="list-style-type: none"> 1. Zoning Administrator shall determine parking needs for the proposed use. 2. Planning Commission may impose other reasonable conditions that are designed to minimize adverse impacts on surrounding areas. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (h) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|-----------------------------|--|--|--|--|--|
| Two-Family Homes (Duplexes) | Same as Zoning District where the proposed Special use is located. | Same as Zoning District where the proposed Special use is located. | Same as Zoning District where the proposed Special use is located. | 40 feet each in front and rear yards; 12 feet on each side. | None. Site plan review and a public hearing are required, in addition to the basic district requirements. |
| Model Homes | Same as Zoning District where the proposed Special use is located. | Same as Zoning District where the proposed Special use is located. | Same as Zoning District where the proposed Special use is located. | Same as Zoning District where the proposed Special use is located. | <ol style="list-style-type: none"> 1. Site plan review and a public hearing are required, in addition to the basic district requirements. 2. Permit shall be for one (1) year and may be renewed annually. 3. Mobile home sales are excluded from this provision. |
| Housing for Seasonal Labor | Same as Zoning District where the proposed Special use is located. | Seasonal housing may be located on same parcel as main dwelling. | Same as Zoning District where the proposed Special use is located. | Seasonal housing must meet all district requirements for setbacks from roads and adjoining properties. | None. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (h) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---|--|---|--|--|--|
| <p>Second Living Quarters for Family Member</p> | <p>Same as Zoning District where the proposed Special use is located</p> | <ol style="list-style-type: none"> 1. Same as Zoning District where the proposed Special use is located. 2. Mobile home to serve as second living quarters may be located on same lot as main dwelling. | <p>Same as Zoning District where the proposed Special use is located</p> | <ol style="list-style-type: none"> 1. Second living quarters must meet all district requirements for side yard setbacks. 2. Second living quarters may not be located in front yard of main dwelling and must be a minimum of 10 feet from the main dwelling. 3. Second living quarters shall have a minimum floor area of 720 square feet. 4. Second living quarters floor area shall not exceed the ground floor area of the main dwelling | <ol style="list-style-type: none"> 1. Restricted to situation where a mobile home may be used as a second living quarters for a member (or members) of the property owner’s family who requires frequent care or living assistance due to a medical condition or disability, as verified by a medical professional. 2. A Zoning Permit, valid for one (1) year, must be obtained from the Township Zoning Administrator to establish a second living quarters. The permit may be renewed for successive one-year periods if compliance with these provisions is maintained, as verified by the Zoning Administrator and the Planning Commission. 3. Second living quarters shall not be rented or sold to a non-family member. If living quarters ceases to be occupied by a family member in accordance with terms of permit, it shall be considered abandoned and it shall be removed from the lot within ninety (90) days of such abandonment. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (i) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---|---|--|---|--|---|
| Grain & Seed Elevators, Wholesale agricultural product storage. Production of fur-bearing animals. | County primary road | Twenty (20) acres for elevators & product storage; ten (10) for fur-bearing animals. | 500 feet | <ol style="list-style-type: none"> 1. 100 feet from street right-of-way. 2. 100 feet from adjacent property lines. | Six (6) foot high visual screen required on any side abutting residential property. |
| Warehousing, Storage, and Wholesale Businesses, including building supply, lumber yard, and home improvement store. | Same as Zoning District where the proposed Special use is located | Site shall be a minimum of five (5) acres in size. | Same as Zoning District | All buildings, fences, walls or other structures shall be located at least 50 feet from any property line. | <ol style="list-style-type: none"> 1. No manufacturing operations of any kind may be conducted inside or outside of a building. 2. No hazardous, toxic, or refrigerated products may be warehoused or stored inside or outside the building. 3. Outside storage areas must be enclosed by a solid wall or fence at least 10 feet high with no storage visible above the fence or wall. |
| Hotels and motels | County primary road | Two (2) acres in area. | Same as Zoning District where the proposed Special use is located | All buildings shall be set back at least 50 feet from any property line or road right-of-way. | Each guest unit shall have a minimum floor area of 250 square feet. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (j) Special Land Use Requirements, continued

| Special Use | Site Access Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|-----------------------|--------------------------|---|----------------------------------|---|---|
| RV Park or Campground | County primary road | <ol style="list-style-type: none"> 1. Twenty (20) acres in area. 2. Individual camp sites or RV sites shall be a minimum of 2,000 square feet. 3. Each site shall include designated parking area of at least 400 square feet. | Same as Zoning District minimum. | <ol style="list-style-type: none"> 1. 60 feet from street right-of-way. 2. 60 feet from adjacent property lines. 3. Individual camp sites shall be at least 75 feet from street right-of-way or neighboring property line. | <ol style="list-style-type: none"> 1. Spaces may be used only for temporary occupancy. 2. Facility shall be supervised by a resident manager who shall be accessible to park tenants at all times when spaces are rented. Manager’s residence may include business office for the park and living space for the manager’s family. 3. Must maintain compliance with all regulations of the Saginaw County Health Department and the State of Michigan that apply to such facilities. 4. Perimeter shall be enclosed by fence at least four (4) feet high. 5. Park shall be served by not more than one access point to each abutting road. Access points and roads within the park shall be designed to facilitate the safe movement of vehicles and trailers, including adequate clear vision areas. Roadways shall be at least 24 feet wide for two-way traffic and 12 feet wide for one-way traffic. 6. Park shall provide at least one public telephone for each 40 sites. 7. Park or campground shall include restroom and bathing facilities in heated, all-weather structures. 8. At least 15% of site shall be devoted to shared open space uses such as playgrounds, picnic areas, field sports, and natural areas. This shall not include parking & vehicle circulation areas. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (k) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|--|-------------------------------------|--|---|---|-----------------------------------|--------------------|
| Communication Towers, cable and internet switching stations | Same as Zoning District | Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line. | Same as Zoning District where the proposed Special Use is located | <ol style="list-style-type: none"> 1. No portion of any tower, including any guy wires and support structures, shall be located closer than fifty (50) feet to any property line. 2. All structures shall be located at least two hundred (200) feet from any dwelling. | 35 % | <i>See below</i> |
| <p>Other Requirements:</p> <ol style="list-style-type: none"> 1. It is the policy of the Township to encourage the use of existing structures for communication facilities. 2. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission. 3. Tower height must comply with any Airport Zoning Regulations that are in effect. The tower height shall not exceed one hundred seventy five (175) feet. 4. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer. 5. Towers shall not be artificially lighted unless required by the Federal Aviation Administration. 6. Towers shall not display advertising or identification of any kind, except as required for emergency purposes. 7. The Township may require a performance bond to ensure the proper construction and maintenance of a tower. | | | | | | |

Section 612(k) is continued on next page

Section 612 (k) Special Land Use Requirements, continued

Other Requirements or Communication Towers, continued from previous page:

8. The applicant or owner must provide written statements to certify the following to the Township:
 - a. That the owner will notify the Township of any change in ownership or control of the tower.
 - b. That the owner will notify the Township of any change in operation of the tower, to including the cessation of operations
 - c. That if the tower is not operated for a continuous period of 12 months, it shall be considered abandoned, and the owner shall remove the tower within 90 days of notification of such abandonment by the Township. If the owner fails to remove the tower within 90 days, the Township may remove the tower at the owner's expense
9. Construction of a new tower that is authorized under a Special use Permit shall be completed within one year of the date of the permit, or the permit shall become void.

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Section 612 (l) Special Land Use Requirements, continued

| Special Use | Site Access Requirements | Minimum Parcel Size | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---------------------------------|--------------------------|--|----------------------|--|---|
| Wind Turbine Generators (WTG's) | Same as Zoning District | Five (5) acres per WTG tower proposed. | 150 feet | Each WTG tower must be set back from all adjacent property lines and road right-of-way lines a minimum distance equal to the height of the new tower, including the top of the blade in its vertical position. | <ol style="list-style-type: none"> 1. Towers shall be secured to prohibit access by unauthorized persons; Planning Commission may require security fence. 2. Maximum noise level generated by any WTG shall not exceed 60 decibels, measured at the property line, including downwind from the installation. Applicant shall provide certification that noise level is not exceeded, both before and after construction. 3. WTG shall not cause human detectable vibration at the property line. 4. The lowest point of the arc created by rotating blades on any WTG tower shall be at least twenty (20) feet above ground level. 5. If towers are to be lighted, applicant must apply to Federal Aviation Administration (FAA) for lighting that meets the following standards: <ol style="list-style-type: none"> (a) Lighting used shall be the lowest intensity allowable. (b) Shall avoid strobe lighting or other intermittent white lighting fixtures. (c) May utilize a green or red top light that does not pulsate or blink. (d) All lighting shall comply with the minimum FAA requirements. A written FAA report shall be submitted to verify lighting requirements. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (m) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---|---|--------------------------------|----------------------|--|--|
| Crematory | Same as Zoning District where the proposed Special use is located | Two (2) acres | 250 feet | 200 feet from adjacent property lines and road right-of-way lines. | Must obtain and verify compliance with all required state permits, including those pertaining to air quality and emissions. |
| Correctional Institution (Incarceration Facility) | County primary road | Forty (40) acres in area | 1250 feet | <ol style="list-style-type: none"> 1. 200 feet from street right-of-way. 2. 200 feet from adjacent property lines. | <ol style="list-style-type: none"> 1. Site shall not be located within one (1) mile of a residential subdivision with officially filed plats. 2. Ambulance & delivery areas shall be obscured from view by a solid masonry wall at least six (6) feet high. 3. Applicable state guidelines for siting & construction of facilities shall be followed for any proposed facility. 4. Planning Commission may specify additional fencing & screening that it deems appropriate for the type of facility and the nature of the site. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (n) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|---|-------------------------------------|---|----------------------|---------------------------|--|
| Adult Entertainment Business of “Adults Only” oriented business | Paved road | <i>A proposed Special Use in this category must meet the minimum lot area, width, and setback requirements for the district in which it is located.</i> | | | <ol style="list-style-type: none"> 1. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel containing a residence. 2. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel containing a church, school, or public park. 3. No adult entertainment business may be established on a parcel that is within 1,500 feet of any parcel that contains another adult entertainment business. 4. Window displays, signs, decorative, or structural elements shall not include or convey any specific examples of adult entertainment uses. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|-------------------------------------|---|-------------------------|---|--------------------------|
| Ponds | Same as Zoning District | A minimum parcel size of five (5) acres is required for the construction of a pond. | Same as Zoning District | Excavated areas shall be a minimum of fifty (50) feet from all adjacent property lines. | <i>See listing below</i> |
| <p>Other Requirements:</p> <ol style="list-style-type: none"> 1. An applicant shall obtain all necessary state permits, or provide verification to the Township that state permits are not required. 2. An applicant must obtain a Soil Erosion and Sedimentation Control Act permit from Saginaw County if a project will disturb more than one acre or is located within five hundred (500) feet of a lake or stream. 3. The excavation of a pond shall not change surface aquifers in a manner that adversely affects adjacent properties and land uses. 4. The pond banks shall have a slope that does not exceed one (1) foot vertical rise in three (3) feet of horizontal run, extending to a depth of at least eight (8) feet. 5. Excavated material that is not removed from the site shall be spread to a depth that does not exceed three (3) feet above the original surface with the top of the fill graded to a continuous slope that does not exceed one (1) foot vertical to three (3) feet horizontal, and slopes away from any water body. 6. As an alternative to #5, the material may be shaped into berms that assume a natural angle of repose and that blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water of a pond formed by the excavation. 7. At the end of construction, the completed portion of any excavated area shall be landscaped and seeded with appropriate grass types. The landscaping shall not interfere with natural waterways or have an adverse effect on drainage of surrounding properties. 8. No machinery or equipment should operate, and no trucks, trailers or other conveyances should arrive at any excavation sites before 7:00 a.m. or after 8:00 p.m. 9. Appropriate measures shall be taken to minimize levels of noise, dust, and flying rock while excavation takes place. | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (o) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|---|--|--------------------------------|----------------------|---|-----------------------------------|--|
| Natural Resource Extraction: Sand, gravel, and topsoil removal. | Must be within ½ mile of an all-season road, as designated by the County Road Commission | Ten (10) acres in area | 500 feet | <ol style="list-style-type: none"> 1. All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line. 2. No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line. | Same as Zoning District | <ol style="list-style-type: none"> 1. Owner or agent must obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347). 2. Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development. 3. Excavated areas shall be restored so that no finished grade is greater than one foot of vertical rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act. 4. As part of Site Plan Review, Planning Commission may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards. 5. Applicant shall provide a date for completing the mining operation, based on the volume of materials to be extracted and the average annual extraction rates. The Special Use Permit shall expire upon that date. Any extension of operations beyond that date shall require the issuance of a new Special Use Permit. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (p) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|--|-------------------------------------|--|----------------------|---|--|
| <p>Vehicle sales lot for outdoor display of new and used vehicles, including cars, trucks, recreational vehicles, boats, trailers, and farm machinery.</p> | <p>County primary road</p> | <p>Same as Zoning District where the proposed Special use is located</p> | <p>150 feet</p> | <p>Buildings shall conform to requirements for the district in which the site is located, but shall be no closer than 50 feet to any property line or a residential district or use, unless separated by a public street.</p> | <ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. The maximum width of each driveway shall not exceed 35 feet at the property line. 3. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 4. There shall be no more than two (2) driveway openings per road frontage. 5. No driveway or curb cut for a driveway shall be located within 10 feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within a residential district or that contains a residential use. 6. Parking space for inventory shall be not less than 10 feet by 20 feet for each vehicle. 7. Site shall contain a permanent structure of at least 200 square feet for use as a business or sales office. Temporary structures are not permitted. 8. Devices for transmission or broadcasting of voice or music shall be prohibited outside of any building. 9. Outdoor lighting shall be shielded from all adjacent residential areas. 10. Applicant shall furnish proof that he or she possesses a valid State of Michigan used car dealer's license. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Other Requirements |
|----------------------|---|---|---|---|--|
| Accessory Occupation | Same as Zoning District where the proposed Special use is located | Same as Zoning District where the proposed Special use is located | Same as Zoning District where the proposed Special Use is located | The building that houses the accessory occupation shall conform to all setback requirements for accessory buildings in the district in which the site is located. | <ol style="list-style-type: none"> 1. The accessory occupation must be conducted entirely within an accessory building that is permitted within the Zoning District where the use is located. 2. There shall be no exterior evidence of the accessory occupation, except for signs as permitted by this Ordinance. 3. Accessory occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use. 4. There may be not more than one (1) employee who is not a resident of the premises. |

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Section 612 (r) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|--|-------------------------------------|--|----------------------|---------------------------|-----------------------------------|--------------------|
| Solar Panel Farm | Same as Zoning District | As identified in Ordinance 2018-01: Solar Panel Farm Ordinance. | | | | <i>See below</i> |
| <p>Other Requirements:</p> <p>See Ordinance 2018-01 Solar Panel Farm Ordinance for detailed requirements.</p> | | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Section 612 (s) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|---|-------------------------------------|---|----------------------|---------------------------|-----------------------------------|--------------------|
| Wind Farm | Same as Zoning District | As identified in Ordinance 2021-01: Wind Energy Amendment. | | | | <i>See below</i> |
| <p>Other Requirements:</p> <p>See Ordinance 2021-01 Wind Energy Amendment for detailed requirements.</p> | | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Section 612 (t) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|-------------|-------------------------------------|--------------------------------|-------------------------|---------------------------|-----------------------------------|--------------------|
| Event Barns | Same as Zoning District | Same as Zoning District | Same as Zoning District | Same as Zoning District | Same as Zoning District | <i>See below</i> |

Other Requirements:

1. **Intent.** The intent of this section is to promote the preservation and viable use of existing structures of recognized agricultural heritage on a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.
2. **Use of Event Barn.** Anyone granted a special use permit for the operation of an Event Barn shall strictly adhere to, and shall require all persons using the property to strictly adhere to, the following provisions:
 - a. **Use of Dwelling.** No dwelling on the property shall be used for events. All such dwellings shall continue to be used for single family occupancy purposes.
 - b. **Attendance.** No event shall involve the presence of more than 250 persons or more than allowed by the adopted Building Code of the Township, whichever is less.
 - c. **Number of Events.** During each calendar year, not more than thirty five (35) events shall be conducted. Every day in which any part of an event occurs at an Event Barn shall be considered a separate event, except for weddings held over a weekend only where the wedding shall consist of (i) a pre-wedding rehearsal dinner on Friday (ii) a wedding and wedding reception on Saturday, and (iii) wedding cleanup on Sunday.
 - d. **Hours of Operation.** Every event shall conclude by no later than 10:00 p.m. on Sunday through Thursday evenings, and by no later than 11:00 p.m. each Friday and Saturday evening; and no event shall commence or continue at an Event Barn earlier than 8:00 a.m. each Sunday through Saturday.
 - e. **Food Service.** There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Saginaw County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.
 - f. **Safety and Security.** At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance. All Event Barns shall have proper emergency exits, fire extinguishers, smoke detectors, and meet all requirements of applicable Fire or Building Codes related to emergency exits and fire protection and safety. The Township may require review and comment of any Event Barn by an applicable fire protection agency prior to granting any permit.

Section 612(t) is continued on next page

Section 612 (t) Special Land Use Requirements, continued

- g. *Alcoholic Beverages.* Where an entity intends to sell or provide alcohol or alcoholic beverages at an Event Barn event, the Event Barn permit holder must provide an event insurance policy, naming the Township as an additional insured, and must comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages unless duly licensed.
- h. *Use of Outdoor Areas.* All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.
- i. *Lighting.* There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time for conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.
- j. *Trash.* The Event Barn permit holder shall require that trash is removed associated with an event immediately after the conclusion of the event..
- k. *Parking.* There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the “parking lot” on the Site Plan. The parking lot shown on the approved Site Plan shall be gravel, or gravel-type material only, and not paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.
- l. *Temporary Structures; Bathroom Facilities.* No temporary structures or tents shall be permitted in connection with any event unless they are removed within 24 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.
- m. *Retail Sales.* Retail sales facilities shall be prohibited at Event Barns, unless conducted exclusively by the renter of an Event Barn or the person(s) or entity responsible for hosting, operating, facilitating, organizing, or supervising an event at an Event Barn. Any such sales must terminate immediately after the conclusion of the event.
- n. *Insurance.* Event Barn permit holders shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township’s Zoning Administrator annually or more frequently on request.
- o. *Permits from Review Authorities.* It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property.
- p. *Special Use Permit, Site Plan, and Landscape Design.* An applicant for an Event Barn special use permit shall attach a proposed Site Plan to the special use permit application. The Site Plan shall comply with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination improvements, outdoor activity areas, landscaping and plantings.

Note: Be sure to read section 611 for important information that applies to all special use permit applications.

Chapter 7

Off-Street Parking and Loading Space Requirements

701. Purpose

Before any building or use is occupied, or is enlarged or increased in capacity, off-street parking spaces for motor vehicles must be provided and maintained as described in this Chapter.

702. General Requirements

- a. If the use of a building or premises changes, the parking requirements applicable to the new use shall apply. If a building or use is enlarged, the parking requirements shall apply to the total area of the structure or premises. A structure or premises shall not be used or enlarged unless the required parking is provided.
- b. In any Residential Zoning District, no parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

703. Parking Surface Requirements

- a. **Gravel Surface.** As a minimum requirement, parking areas shall be surfaced with a material that provides a durable, smooth and dustless surface that shall be graded to drain and dispose of all collected surface water within a reasonable time.
- b. **Paved Surface (Optional).** Parking areas that are to be paved shall be paved with concrete, plant mixed asphalt or similar materials. All parking areas shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period time. Paving shall conform to either of the following:
 - (1) Six (6") inches of cement concrete; or
 - (2) Two (2") inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6") inches.

704. Parking for Uses Not Specifically Mentioned

In the case of uses that are not specifically mentioned in this Chapter, the requirements for a use that is mentioned and to which the proposed use is similar in character in terms of parking demand shall apply. The Zoning Administrator is authorized to determine the parking requirements for a use that is not specifically mentioned.

705. Mixed Uses in the Same Building

In the case of mixed uses in the same building which each occupy at least twenty (20) percent of the floor area, the total required number of parking spaces for the building shall be reduced to ninety (90) percent of the sum of parking spaces required for the individual uses when computed separately.

706. Reduction in Required Parking for Public Benefits

a. Joint Provision of Parking

Where two or more abutting parcels in any Business Zoning District provide vehicular access between parking areas in a manner which allows travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%), in addition to reductions allowed by other provisions of this Chapter.

b. Further Reductions for Public Benefits

In any Business Zoning District, uses on parcels fronting on county primary roads or state highways, except limited access freeways, may reduce the required number of off-street parking spaces by ten percent (10%) if at least three (3) of the following conditions are met. This shall be in addition to reductions allowed by other provisions of this Chapter.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) The principal building is set back at least one hundred (100) feet from the major road right-of-way.
- (4) A portion of the parcel equal to at least thirty-five (35) percent of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
- (5) Sidewalks are provided along the full length of the parcel's frontage on the major road, with curb cuts to provide barrier-free non-motorized travel.

707. Additions or Expansions to Buildings and Uses

Additional parking shall be provided in proportion to any increase in floor area, change in use, or expansion of a building's use capacity.

708. Driveway Spacing Requirements

Each parcel in a Business Zoning District shall have no more than one driveway entrance and exit opening to a public road for each three hundred (300) feet of frontage or fraction thereof. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line, or within fifty (50) feet of a street intersection.

709. Parking Space Dimensions

Each parking space (also known as a "parking stall") shall be a minimum of ten (10) feet wide and twenty (20) feet long. Barrier free parking spaces shall be a minimum of twelve (12) feet wide and twenty (20) feet long. Barrier free spaces shall also comply with all requirements of the State of Michigan Barrier Free Code.

710. Driveway and Aisle Configurations

Driveways and aisles for any off-street parking area built to accommodate more than twenty (20) vehicles shall comply with the following requirements:

- a. *Aisle Width.* Aisles in off-street parking areas shall be at least twenty (20) feet wide.
- b. *Driveway Configuration.* Each driveway shall be a minimum of fifteen (15) and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area equivalent to five (5) percent of the total number of spaces in the parking area. The stacking area shall not function as an access aisle for parking spaces. The driveway shall intersect the abutting street at a ninety (90) degree angle.
- c. *Deceleration Lane.* Where the posted speed limit for a public thoroughfare is greater than thirty (30) miles per hour, a driveway opening onto the thoroughfare shall be served by a right turn deceleration lane that is at least two hundred (200) feet long in advance of the driveway.

711. Setbacks Required

Parking and loading areas shall conform to a twenty (20) foot front yard setback from any street right-of-way line and to the side yard setback requirements for accessory buildings. Off-street parking areas shall be no closer than five (5) feet to any principal building. Bumper guards or curbs shall be installed to prevent yard encroachment.

712. Permit Required.

No parking area shall be constructed unless and until a Building Permit has been issued.

713. Table of Off-Street Parking Requirements

The number of off-street parking spaces for specific uses is shown in Table 7-1, "Table of Off-Street Parking Requirements," which appears at the end of this Chapter.

Recommended parking area surfaces are also indicated in the table.

714. Off-Street Loading Spaces

Off-street loading spaces shall be provided and maintained for buildings (including additions to existing buildings) that are occupied by uses that require the receipt or

distribution of goods and materials in commercial vehicles. The number of loading spaces required shall be based on the gross floor area of a building or addition as follows:

- a. **Retail Uses.** Buildings used for retail sales or eating and drinking establishments shall include one (1) off-street loading space for every six thousand (6,000) square feet of public area or fraction thereof.
- b. **Wholesale, warehouse, and industrial uses:**
 - (1) Buildings up to and including twenty thousand (20,000) square feet of gross floor area shall provide at least one (1) space.
 - (2) Buildings more than twenty thousand (20,000) square feet in area, but less than fifty thousand (50,000) square feet shall provide a minimum of two (2) spaces.
 - (3) Buildings fifty thousand (50,000) square feet and greater shall provide three (3) spaces plus one (1) space for each additional fifty thousand (50,000) square feet or fraction thereof.

715. Other Loading Space Requirements

- a. **Hard Surface Required.** Loading spaces must be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
- b. **Dimensions of Loading Spaces.** Each loading space must be at least ten (10) feet wide and twenty-five (25) feet long. If roofed, a loading space must have at least fifteen (15) feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis or requires that semi-trailers will be parked in the space for more than one hour at any time, the loading space must be at least sixty (60) feet long.
- c. **Location of Loading Spaces.** Loading spaces must be located within or immediately adjacent to the building to be served, and they must be arranged so that maneuvering of trucks using the space does not take place on a public street.

Table 7-1. Off-Street Parking Requirements

| Land Use | Paving Recommended? | Number of Parking Spaces Required |
|--|---------------------|---|
| 1. Automobile sales facilities | Yes | One (1) customer parking space for each 500 square feet of floor area. |
| 2. Automobile & other vehicle service facilities. | Yes | Two (2) spaces for each service stall plus two (2) spaces for each employee. |
| 3. Barber & Beauty shops | No | Three (3) spaces for each chair or booth. |
| 4. Bowling Alleys | No | Six (6) spaces for each lane. |
| 5. Churches | No | One (1) space for each three (3) seats in the main area of worship. |
| 6. Commercial outdoor recreation | No | Twenty-five (25) percent of the total lot area shall be reserved for parking, but there shall be at least ten (10) spaces. |
| 7. Assembly hall, dance hall, or exhibition hall without fixed seats. | No | One (1) space for each one hundred (100) square feet of floor area. |
| 8. Drive-in & drive-thru facilities (in addition to required parking for indoor facilities and employees). | Yes | Two (2) spaces for each drive-in window plus four (4) stacking spaces for each drive-in window. |
| 9. Dwellings | No | Two (2) spaces per dwelling unit. |
| 10. Funeral homes & mortuaries | Yes | One (1) space for each twenty-five (25) square feet of floor area in service parlors and chapels, plus one (1) space for each funeral vehicle maintained on the premises. |
| 11. Furniture sales (retail) | Yes | One (1) space for each five hundred (500) square feet of floor area. |
| 12. Hospitals, nursing homes, & related health care facilities. | Yes | One (1) space for each two (2) beds plus one (1) space for each employee, including doctors. |
| 13. Hotels & Motels | Yes | One (1) space for each lodging room plus one (1) space for each full-time employee. |

| Land Use | Paving Recommended? | Number of Parking Spaces Required |
|--|---------------------|---|
| 14. Libraries, museums & government administration buildings. | Yes | One (1) space for each one hundred (100) square feet of floor area. |
| 15. Manufacturing & industrial uses | Yes | Two (2) spaces for each employee on the largest shift. If there is only one shift, there shall be one (1) space for each employee. |
| 16. Medical offices & clinics, including veterinary clinics. | Yes | Six (6) spaces for each doctor plus one (1) space for each additional employee. |
| 17. Office buildings (for business & professional offices), banks, and financial institutions. | Yes | One space for each two hundred (200) square feet of floor area. |
| 18. Retail sales & personal services. | Yes | One (1) space for each one hundred (100) square feet of floor area. |
| 19. Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities). | No | One (1) space for each three (3) seats provided for patrons plus one (1) space for each employee. |
| 20. Medical offices & clinics, including veterinary clinics. | Yes | Six (6) spaces for each doctor plus one (1) space for each additional employee. |
| 21. Office buildings (for business & professional offices), banks, and financial institutions. | Yes | One space for each two hundred (200) square feet of floor area. |
| 22. Retail sales & personal services. | No | One (1) space for each one hundred (100) square feet of floor area. |
| 23. Restaurants, taverns, and similar establishments (exclusive of drive-in or drive-thru facilities). | No | One (1) space for each three (3) seats provided for patrons plus one (1) space for each employee. |
| 24. Schools: Elementary, Middle, and Junior High Schools. | Yes | Two (2) spaces for each three (3) employees plus one (1) space for each eight (8) auditorium seats. |
| 25. Schools: Senior High Schools & colleges, including vocational & trade schools. | Yes | One (1) space for each employee plus one (1) space for each two (2) students enrolled, plus parking as required for gymnasiums and sports facilities. |

Table 7-1. Off-Street Parking Requirements, Continued

| Land Use | Paving Recommended? | Number of Parking Spaces Required |
|--|---------------------|---|
| 26. Stadiums, gymnasiums, and sports facilities. | Yes | One (1) space for each three (3) seats or six (6) feet of bench seating. |
| 27. Theaters and auditoriums (not incidental to schools). | Yes | One (1) space for each four (4) seats plus one (1) space for each two (2) employees. |
| 28. Warehouses, storage buildings, lumber & building supply facilities, and wholesale outlets. | Yes | One (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each employee. |

Chapter 8

Sign Regulations

801. Intent and Purpose

The intent of this article is to regulate the type, number, physical dimensions, erection and placement of signs in Fremont Township. The purpose of these regulations is to:

- a. Promote the public health, safety, and welfare of residents and visitors;
- b. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
- c. Protect commercial districts from visual clutter and chaos;
- d. Protect property values;
- e. Protect the rural character and natural beauty of Fremont Township.

802. Definitions

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign:** A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business.
- c. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- d. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining the sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

- e. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- f. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- g. **Freestanding Sign:** A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs. Freestanding signs include billboards.
- h. **Ground Sign:** A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also commonly referred to as "monument" signs.
- i. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- l. **Temporary sign:** A sign that is intended to be displayed for a limited period of time and not permanently affixed to a building or the ground.
- k. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

803. Billboards Prohibited

Billboards, as defined by this Ordinance, are prohibited in Fremont Township after the effective date of this ordinance.

804. Zoning or Building Permit Required

Unless a sign is exempt from permit requirements as specified in Section 805, a Zoning or building Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

805. Signs and Activities Exempt from Permit

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance.

- a. **Temporary signs:**
Temporary signs which are unlit and under 5' in height and not over 32 sq ft in area total per parcel.
- b. **Public Signs or Notices:**
Public signs or notices of Fremont Township, Saginaw County, the State of Michigan, or the United States of America may be erected as deemed necessary and appropriate by the unit of government.
- c. **Name Plates:**
One (1) nameplate sign per premises not to exceed four (4) square feet in sign area.
- d. **Home Occupation Signs:**
One sign per dwelling unit not to exceed six (6) square feet in sign area.
- e. **Retail Fuel Pricing Signs:**
Retail fuel pricing signs typically and historically displayed by service stations and convenience stores with fuel sales which indicate the per gallon and/or per liter price of fuel.
- f. **Historic Sites:**
Signs designating sites recognized by the State Historical Commission.
- g. **Miscellaneous Signs:**
Placards posted to control or prohibit hunting or trespassing on public or private property, and signs that identify crop varieties.
- h. **Replacement of Copy:**
The replacement or changing of copy on an approved sign does not require a Zoning Permit. However, if the replacement creates a sign that violates the provisions of this Chapter, it shall be deemed a violation of this Ordinance and any Zoning Permit issued for the sign shall be invalidated.
- i. **Maintenance:**
Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit.

806. Prohibited Signs

Signs listed in this section are prohibited in all zoning districts.

- a. Billboards as stated in Section 803
- b. Abandoned signs or signs in disrepair that have become safety hazards.

- c. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a genuine, non-commercial, public message may be permitted subject to Planning Commission approval.
- d. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic.
- e. Signs that do not comply with the Building and Safety Codes of Fremont Township.
- f. Signs, other than public signs or notices, placed in a designated public right of way unless permission to authorize such placement has been given, in writing, by the public agency having jurisdiction over said right of way. A copy of such written permission shall be provided to the Township prior to placement of such sign.
- g. Signs imitating or resembling official traffic or government signs or signals.
- h. Signs that by their location and character cause a hazard to air traffic.

807. General Sign Standards

- a. Illumination, if permitted, shall be by a non-flashing reflective light. The source of illumination shall be shielded from direct view of adjacent properties.
- b. All signs shall be subject to the Building and Safety Codes of Fremont Township.
- c. All signs shall be set back a minimum of ten (10) feet from all side lot lines and three (3) feet from all road right-of-way lines, except where otherwise required by this Ordinance.
- d. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance; provided, however, that ground mounted signs shall not exceed six (6) feet in height.
- e. No signs shall be placed in required clear vision areas.
- f. No person shall erect or relocate or cause to be erected, any sign without first obtaining a Building Permit.
- h. No person shall repair or alter, or cause to be repaired or altered, any sign without obtaining a Building Permit if one-half (1/2) of the replacement value of the sign will be exceeded.

808. Agricultural and Low-Density Residential Zoning Districts (A-1 and A-2 Districts)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One (1) on premise, non-illuminated, ground sign not more than six (6) feet in height and not more than sixteen (16) square feet advertising a permitted non-residential use or an authorized special use.
- b. One (1) on-premise, non-illuminated, ground-mounted sign not more than six (6) feet in height and displayed on a seasonal basis advertising the sale of farm produce to the general public. The sign shall not exceed thirty-two (32) square feet in sign area and shall be displayed only during the seasonal period of time which sales occur. The sign shall be removed within fourteen (14) days of the closure of the public sales.
- c. One portable sign not to exceed thirty-two (32) square feet provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all Township Building and Safety codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
 - (4) The length of the display period shall be limited to thirty (30) days within a twelve (12) month period.

809. Business Zoning Districts (B-1 District)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One freestanding (pole-mounted) sign per establishment use, not exceeding one hundred (100) square feet in area per face, nor more than twenty-five (25) in height, as measured from the grade level to the highest point of the sign. The lowest point of freestanding signs shall not be less than ten (10) feet above ground level. No portion of a freestanding sign shall be located closer than ten (10) feet to any property line.
- b. Wall signs, provided that such signs do not exceed ten percent (10%) of the area of the wall face upon which the sign or signs are attached or painted, or one hundred (100) square feet, whichever is greater. Wall signs shall be attached and parallel to the face of the building wall.

- c. Signs may be attached to or painted on a marquee or canopy, provided that such signs are at least ten (10) feet above grade.
- d. No sign shall project above the roof line of the building to which it is attached.
- e. One portable sign not to exceed thirty-two (32) square feet, provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all Township Building and Safety Codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
 - (4) The length of the display period shall be limited to thirty (30) days within a twelve (12) month period.
- f. Pennants and banners may be displayed on commercial property of a retail sales nature provided that they shall be securely anchored.
- g. Ground signs not exceeding thirty-two (32) square feet in area nor six (6) feet in height.
- h. Illumination of signs is permitted in the B-1 districts, provided that it complies with the standards specified in Section 811.

810. Illumination

- a. The light from any illuminated sign shall be shaded, shielded, and directed in such a manner so that the light intensity or brightness will not be objectionable to surrounding areas.
- b. No sign shall have blinking, flashing or fluttering lights, or other illuminating devices that have a changing light intensity, brightness, or color. Beacon lights are not permitted.
- c. No colored lights shall be used at any location or in any manner that imitates or might be confused with traffic control devices.
- d. Neither direct nor reflected light from primary light sources shall create a traffic hazard to motor vehicle operators on public roads.
- e. No exposed reflective type bulbs and no strobe light or incandescent lamp that exceeds fifteen (15) watts shall be used on the exterior surface of any sign in a manner that would expose the face of the bulb, light, or lamp to any public road or adjacent property.

811. Non-Conforming Signs

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Article may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter *shall not*:

- a. Be changed to another non-conforming sign;
- b. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign;
- c. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer; or
- d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

Chapter 9

Administration and Enforcement

901. Responsibilities in The Zoning Process.

The provisions of this ordinance shall be carried out by the Fremont Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with the Township Rural Zoning Act (P.A.184 of 1943, as amended).

- (1) **ZONING ADMINISTRATOR.** The Fremont Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out the day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- (A) **APPLICATIONS AND PERMITS.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits.
- (B) **WRITTEN DENIAL.** When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (C) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notices as required by this Ordinance.
- (D) **INSPECTIONS.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce this Ordinance.
- (E) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 4, Section 404.
- (F) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all

Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 6.

- (G) **RECORD VARIANCES, ADMINISTRATIVE REVIEWS, AND INTERPRETATIONS.** The Zoning Administrator shall maintain a concise record of all variances, administrative reviews, and interpretations of this Ordinance rendered by the Zoning Board of Appeals under Section 904. This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
 - (H) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance: Public awareness and acceptance of this Ordinance should help to maintain compliance with it.
 - (I) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
 - (J) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
 - (K) **PUBLICIZE AMENDMENTS.** The Zoning Administrator shall file copies of all amendments to this Ordinance with the Township Clerk and publish notices of all amendments as required by Section 905.
- (2) **PLANNING COMMISSION.** The Fremont Township Board has previously designated the Township's Planning Commission as the organization to function in the capacity of the Zoning Commission identified in Act 184 of 1943, the Township Rural Zoning Act. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.
- (A) **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval, or denial of same as provided by Section 907.
 - (B) **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 502(6):
 - (C) **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 903. Following a public hearing, the Planning Commission shall

make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.

- (D) **PLAT REVIEW.** The Planning Commission shall review proposed plats and land divisions as provided by Section 908.

(3) ZONING BOARD OF APPEALS.

- (A) **CONTINUATION OF CURRENT BOARD.** The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals (ZBA). Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof.

(B) MEMBERSHIP

- (i) **REGULAR MEMBERS.** The Fremont Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be the chairperson of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the ZBA shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (ii) **ALTERNATE MEMBERS.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as 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 shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- (C) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the

preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- (D) **PER DIEM OR EXPENSES.** The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.
- (E) **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.
- (F) **MEETINGS.** Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- (G) **RECORDS.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- (H) **MAJORITY VOTE REQUIRED.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- (I) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of a request or appeal, unless a further time is agreed upon by the applicant. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of three (3) working days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
- (J) **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (K) **DUTIES.** The Fremont Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined herein. The ZBA shall *not* have the power to alter or change the Zoning District classification of any property, or to change the terms or intent of this Ordinance.

- (i) **VARIANCES.** The Zoning Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance. See Section 903(1) and Section 903(5).
 - (ii) **ADMINISTRATIVE REVIEW.** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or denial made by the Zoning Administrator. See Section 903(2) and Section 903(5).
 - (iii) **INTERPRETATION.** Upon request, the ZBA shall have the power to interpret the provisions of this Ordinance so as to carry out its intent and purpose. See Section 903(3) and Section 903(5).
- (4) **TOWNSHIP BOARD.** On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may take other actions related to this Ordinance, as follows:
- (A) **AMEND.** The Township Board, upon the advice of the Planning **Commission**, may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning), according to the procedures defined in Section 905.
 - (B) **SET FEES.** The Township Board shall, by resolution, set fees to be charged to applicants for various actions to be conducted under this Ordinance. These fees shall apply to Zoning Permit applications, Special Use Permits, rezoning applications, Site Plan Reviews, text amendments, actions by the Zoning Board of Appeals, and any other actions the Township Board sees fit to add.
 - (C) **WAIVE FEES.** By resolution, the Township Board may waive the fee for any application requesting one or more of the actions listed above.

902. Administrative Processes.

- (1) **ZONING PERMIT REQUIRED.** The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place:
 - (A) Occupancy and use of vacant land (including parking lot construction).
 - (B) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit. A Zoning Permit must be obtained before a Building Permit may be issued. When erected at the same time as the principal building, accessory structures shall not require a separate Zoning Permit. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.

- (C) Any use of a parcel or a building that is identified as a Special Use by the Table of District Regulations in Chapter 3 for the Zoning District in which the parcel is located.
 - (D) Any change of a nonconforming use or building.
- (2) **APPLICATION FOR ZONING PERMIT.** Application for a Zoning Permit shall be made at least ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. The application package may be submitted by the property owner, or by any other person with the owner's signed permission. A permit fee in the amount established by the Township Board shall accompany the application package. The application shall consist of the following material:
- (A) **APPLICATION FORM.** Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
 - (B) **SUBMISSION WITH BUILDING PERMIT APPLICATION.** When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Township Building Inspector also acts as the Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplication on the Zoning Permit application form.
 - (C) **PROPERTY INFORMATION.** The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records that are sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence of a change in ownership must also be submitted.
 - (D) **PLOT PLAN.** The Zoning Application Form must also be accompanied by a plot plan drawn at a size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.
- (3) **APPLICATION REVIEW PROCESS.** On submission of an application for a Zoning Permit, the Zoning Administrator shall review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any requirement prohibits the issuance of a permit, the problem shall be identified, and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
- (4) **PERFORMANCE GUARANTEE.**
- (A) **AUTHORIZATION AND INTENT.** The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money be deposited with the

Township Treasurer, payable by check or money order, as a guarantee of performance for any conditions attached to approval of Zoning Permits that come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned. The Treasurer shall hold this sum in escrow in the name of the Township, the applicant, and any other party providing the funds.

- (B) **AMOUNT.** The Planning Commission or Zoning Board of Appeals shall specify the amount of any required cash deposit and the conditions for which a deposit is required in the resolution granting conditional approval with the required guarantee. The amount should be sufficient to enforce compliance with the specified condition.
- (C) **USE OF ESCROWED FUNDS.** If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. ***ESCROWED FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE FREMONT TOWNSHIP BOARD.*** Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.
- (D) **RETURN OF CASH DEPOSIT.** The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
- (5) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Zoning Permit that has been submitted, including the disposition of each one. This record shall be a public record and open for inspection upon request.
- (6) **VALIDITY OF ZONING PERMIT.** A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended not more than once by the Zoning Administrator, for a period not to exceed one (1) additional year. An extension must be requested in writing by the permit holder before the expiration of the

initial permit period.

- (7) **VOIDING OF ZONING PERMIT.** If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township that were to be covered by the guarantee. If any amount of the guarantee remains after the costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

- (8) **RE-ISSUANCE OF PERMIT.** Re-issuance of a Zoning Permit that has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and fully processed.
- (9) **REVIEW PROCESS TABLE.** Table 9-2 summarizes the review process for Zoning Permit applications. It is located at the end of this chapter.

903. Authority of The Zoning Board of Appeals.

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

- (1) **VARIANCE.** Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.
- (2) **APPEALS OF ADMINISTRATIVE ACTIONS.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.
- (A) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any aggrieved person, or by any officer, department, or board of local, county, or state government. Any such request must be made in writing not more than ten (10) days after the date of the decision being appealed. The **request** shall be filed with the Zoning Administrator and shall identify the applicant, the proposed activity, the action being appealed, and the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which

the action being reviewed was taken.

- (B) **STAY.** An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after an appeal has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
- (3) **INTERPRETATION.** The Zoning Board of Appeals (ZBA) may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises that has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
- (A) **DISTRICT BOUNDARIES.** The ZBA may determine the precise location of the boundary lines between zoning districts.
- (B) **ACTIVITY CLASSIFICATION.** The ZBA may classify any activity which is not specifically mentioned in the Table of District Regulations in Chapter 3 for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
- (C) **PARKING AND LOADING SPACES.** The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
- (D) **CLARIFICATION.** The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- (4) **FEES.** A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.
- (5) **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**
- (A) **PUBLIC HEARING.** The Zoning Board of Appeals must hold a public hearing before making a decision on a variance, appeal, or interpretation. Mailed notice, as specified by Section 906, shall be given not less than five (5) nor more than fifteen (15) days before the date of the hearing. At the hearing, a party may appear in person or may be represented by an agent or attorney.
- (B) **INTENT.** Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.

- (C) **USE VARIANCE PROHIBITED.** No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only classify a use which is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must apply, and not vary, the terms of the Zoning Ordinance.
- (D) **CONSIDER PROPERTY VALUES.** In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.
- (E) **SINGLE PARCEL.** Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for ZBA action.
- (F) **PROFIT IS NOT A MOTIVE.** No approval shall be granted by the ZBA simply to prevent an economic loss. The improvement of an owner's opportunity to profit from the sale of a parcel is *not* an objective of this Ordinance.
- (G) **RESUBMISSION.** Any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the ZBA may elect to rehear a case.
- (H) **CONDITIONS.** The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 902(4).
- (I) **PRACTICAL DIFFICULTY.** A variance may only be granted upon a showing of practical difficulties by the applicant that prevent carrying out the strict letter of this Ordinance. These practical difficulties are to be evaluated in terms of the applicants's ability to physically locate a permitted use on the particular parcel of land. They must not have resulted from any act of the applicant or property owner.
- (J) **ISSUANCE OF PERMIT.** A variance or site plan approval granted under he provisions of this Section becomes a condition of the Zoning Permit granted pursuant to such action. If the Zoning Permit expires as defined by Section 902(6), any rights granted by the Zoning Board of Appeals expire together with the Zoning Permit.
- (K) **REQUIRED RECORDS.** The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any conditions

that may be attached to issuance of a Zoning Permit.

- (L) **RECURRENT ISSUES.** If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the ZBA shall suggest a general regulation for such conditions to be considered by the Planning Commission.

904. Enforcement.

- (1) **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this **Ordinance** are declared to be a nuisance *per se*. Any and all building or land use **activities** which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official **or** **employee**, shall be reported to the Zoning Administrator.
 - (A) **INSPECTION AND ORDER.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - (B) **CORRECTION PERIOD.** Orders to correct violations shall allow a correction period of not less than thirty (30) days nor more than sixty (60) days, as the Zoning Administrator deems necessary.
 - (C) **PENALTIES.** Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be in violation of the Fremont Township Civil Infraction Ordinance. All penalties for violations shall be determined by the Township Civil Infraction Ordinance.
 - (D) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern, *provided* also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

905. Amendment.

- (1) **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in

accordance with the applicable enabling legislation of the State.

- (2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- (3) **AMENDMENT PROCEDURE.**
 - (A) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - (B) **PUBLIC HEARING.** Before voting on any proposed amendment to the Zoning Ordinance, the Planning Commission must conduct a public hearing with notice given by the Zoning Administrator as specified in the Michigan Zoning Enabling Act or successor state law.
 - (C) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - (D) **SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION.** Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless the Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
 - (E) **TOWNSHIP BOARD ACTION.** Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township **Board shall review said recommendation and** that of the Township . Planning Commission. The Township Board may deny or adopt the amendment with or without changes by a majority vote of its membership, following its standard procedures for the adoption of ordinances. The Township Board may also refer the amendment back to the Township Planning Commission for further changes or clarification.
 - (1) **ADDITIONAL PUBLIC HEARING.** The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the

Township Board. The Planning Commission shall be notified of the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.

- (2) NOTICE. Notice of the hearing, including all information required by Section 906(1), shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of the hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- (F) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (G) RE-SUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

906. Notice Requirements for Public Hearings.

- (1) **CONTENT.** Each public hearing notice required by this Ordinance shall include the following information:
 - (A) Identification of the applicant, if any.
 - (B) Identification of all parcels that are the subject of the request.
 - (C) Nature of the matter to be considered.
 - (D) Identification of the public body conducting the hearing and deciding on the matter.
 - (E) The date, time, and place of the public hearing.
 - (F) The places and times at which any proposed text and/or map amendments may be examined and copies purchased.
 - (G) A statement of where and when both written and verbal comments will be received concerning the request.

- (2) **AFFIDAVIT OF MAILING.** An affidavit of mailing that identifies all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is to be held.
- (3) **MAILED NOTICE.** Whenever this Ordinance requires mailed notice of a public hearing, the mailing list shall be compiled from the following sources:
 - (A) The owner(s) of the parcel(s) in question.
 - (B) All persons to whom real property is assessed in Fremont Township or any adjoining governmental unit, where any part of their parcel lies within three hundred feet (300') of the parcel that is the subject of the hearing.
 - (C) The occupants of all buildings on parcels within three hundred (300') of the parcel that is the subject of the hearing. Each dwelling unit or tenant in such buildings shall receive one (1) notice of the hearing. If the name of an occupant is not known, the term "occupant" may be used in the address. For any building containing more than four (4) dwelling units, the notice may be mailed to the manager or the owner of the building who shall be requested to post the notice at the building's primary entrance.
- (4) **NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES.** Not less than 20 days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by certified mail to each public utility or railroad company serving Fremont Township, at the mailing address identified by each company that registers with the Township for the purpose of receiving such notices.

907. Site Plan Review

The various provisions of this Ordinance require review of site plans before certain approvals may be granted. The Township Zoning Administrator conducts a review of site plans for each Zoning Permit issued. The Zoning Board of Appeals conducts such reviews before granting various types of requests. For certain activities, however, a more formal Site Plan Review before the Township Planning Commission is required to insure conformance with the intent and objectives of this Ordinance. This section defines the procedures and standards to be used for formal Site Plan Review.

- (1) **SITUATIONS THAT REQUIRE SITE PLAN REVIEW.** Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements. Site plan review and approval is required:
 - (A) For all non-residential land uses permitted in all zoning districts, except home occupations and farming operations.

- (B) For all special uses. A site plan shall be submitted at the time application is made for a Special Use Permit. Review of the site plan shall be concurrent with deliberations on the application for a Special Use Permit.
 - (C) For all Planned Unit Developments (PUD's), if permitted elsewhere in this Ordinance. A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.
 - (D) All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).
- (2) **SITE PLAN REVIEW NOT REQUIRED FOR REZONING.** Site Plan Review shall not be required as part of the decision process for a rezoning application. The decision to rezone property is based on consideration of its effect on the long-range development of the Township, especially in regard to all the potential uses that the rezoning would permit on the subject parcel. In contrast, the scope of site plan review is limited to the specific use that is proposed. Also, conditions may be attached to site plan approval. Conditions **may not be** attached to the rezoning of property.
- (3) **THE SITE PLAN REVIEW PROCESS.**
- (A) **APPLICATION DEADLINE.** If a Zoning Permit application requires a Site Plan Review pursuant to Section 907(1), the complete application package must be received at least fifteen (15) days before the Planning Commission meeting at which the application is to be considered. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application deadline for the specific process will apply.
 - (B) **APPLICATION MATERIAL.** The application package for a Site Plan Review must meet the requirements of Section 902(2) and be accompanied by a Site Plan Review fee as established by the Township Board and at least four (4) copies of a site plan that meets the requirements of Section 907(3)(C) as described below. The application will not be reviewed until all the listed items have been received.
 - (C) **SITE PLAN REQUIREMENTS.** Any details depicted in the site plan will be relied upon by the Planning Commission in its review. Therefore, these details become conditions for approval of the site plan. Failure to abide by such conditions is a violation of the terms of any Zoning Permit issued pursuant to site plan approval, and is subject to enforcement under Section 904 of this Ordinance. The site plan shall show the following information:
 - (1) Scale and north arrow. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for parcels three (3) acres or more in size.

- (2) Name, address, and phone number of the applicant(s). Name, address, and phone number of the person or firm that prepared the site plan.
- (3) The date on which the site plan was prepared. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.
- (4) Tax identification number of the property subject to the application.
- (5) Name and address (or approximate location) of the proposed land use or land development project.
- (6) Size of the property in acres and square feet.
- (7) Area in square feet to be occupied by buildings, parking areas, **roadways**, landscaped areas, and unimproved open space.
- (8) A small-scale map (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.
- (9) The exterior property lines (boundaries) of the property subject to the application.
- (10) The zoning classification of the property subject to review, as well as that of adjoining properties.
- (11) The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of way that adjoin or cross the property.
- (12) The location, name, pavement width, and right-of-way width of existing and proposed private roadways.
- (13) The location, width, and purpose of other existing and proposed easements or rights-of-way.
- (14) Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings, and existing and proposed setbacks from property lines must be indicated in feet.
- (15) Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively

numbered.

- (16) The location of existing and proposed stormwater management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.
 - (17) The location and height of existing fences or walls, including the type of fencing proposed.
 - (18) The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may require that applicants submit a separate landscaping plan.
 - (19) The location and type of existing natural features on the site, including but not limited to, wetlands, watercourses, floodplains, ponds, wooded areas, major topographic features, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.
 - (20) The location, height, and design of existing and proposed signs and exterior lighting fixtures.
- (D) **STAFF REVIEW OF SITE PLAN.** Within two (2) working days of receipt of a site plan for review by the Planning Commission, the Zoning Administrator shall notify all Township departments that it has been received. Any interested department may comment on the site plan in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. Reviewers shall address the considerations identified in Section 907 (4) and any applicable Special Use Permit Standards listed in Chapter 6. After reviewing such comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- (E) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall conduct their Site Plan Review at a public meeting. A public hearing on the site plan will be held only if any party submits a written request for a hearing to the Township Clerk prior to the Planning Commission meeting. In such cases, the public will be heard before the Planning Commission acts on the site plan. However, a Site Plan Review conducted pursuant to Section 907(1) does not require special notification of any party. The staff's review findings and any public comments shall be considered by the Planning Commission, but they are not binding on it in any way. The Planning Commission should take one of the following actions at the meeting that considers the Site Plan:
- (1) **APPROVAL.** An affirmative vote by a majority of the Planning Commission is necessary to approve a site plan. An approved site plan becomes a condition of any resulting Zoning Permit. Deviations from the site plan are permitted only as specified by Section 907(3)(F).

- (2) **CONDITIONAL APPROVAL.** The Planning Commission may attach conditions to approval of a site plan as justified by the requirements of this Ordinance, or other local, state, or federal laws. These conditions and their justification must be identified in **the motion** for site plan approval **and communicated to the** applicant in writing. The conditions then become part of the site plan, just as if they were part of the original submission, and they shall be reflected in any resulting Zoning Permit. Deviations from **the conditions** are permitted only as described by Section 907(2)(F). Approval of any site plan that must also be approved by other public agencies shall be conditioned upon the granting of the other agency approvals, including variances from the Zoning Board of Appeals. Approval of a variance that specifies conditions different from those depicted on the site plan or identified in a conditional approval does not require an additional Site Plan **Review**.
- (3) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the standards listed in Section 907(4) is the only justification for denial of a site plan. A majority vote of the Planning Commission is required to deny a site plan. The motion to deny must state which Review Standards were not met by the site plan, and it failed to meet them. The applicant shall be notified in writing of the denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- (4) **TABLE TO SPECIFIED MEETING.** The Planning Commission may choose to delay its decision for any specified reason by tabling the action to another meeting. The date, time, and place of the meeting shall be identified in the motion to table and clearly stated for the benefit of any persons in attendance.
- (F) **ACCEPTABLE DEVIATIONS FROM APPROVED SITE PLAN.** Unforeseen circumstances can cause changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review standards have been met. These deviations shall be documented as described in Section 907(2)(H).
- (G) **UNACCEPTABLE DEVIATIONS FROM SITE PLAN.** If the Zoning Administrator finds that a deviation from an approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder, the Township Building Inspector, and the Planning Commission in writing that the site plan approval has been suspended. The notice to the permit holder shall be sent by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector with respect to that portion of the project that is not in compliance with the Site Plan Review Standards. Once site plan approval has been suspended, the permit holder may change the project plans to conform to the Review Standards, or restart the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice of this to the permit holder, the Township Building Inspector, and the Planning Commission.

This provision shall not prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and the approved site plan.

- (H) **RECORD TO BE MAINTAINED.** The Zoning Administrator shall maintain the record relating to any approved site plan with the records pertaining to the Zoning Permit for the project. This record shall include an official copy of the site plan as approved by the Planning Commission. The official copy shall be signed and dated by the permit holder, the Planning Commission Chair, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval, evidence that these conditions have been satisfied, and documentation of any allowed deviations from the approved site plan. If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Zoning Permit may be fully refunded.
- (4) **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to determine whether a site plan should be approved or denied. No off-site improvements can be required as conditions for site plan approval, unless the applicant volunteers to construct such improvements as documented by the site plan drawings. If the lack of such off-site improvements will create conditions that are contrary to the intent and objectives of this Ordinance, this lack is sufficient justification for denial of the site plan.
- (A) There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.
- (B) Proposed driveway entrances and exits, parking areas, service drives, and other internal circulation routes must be located and arranged so as to assure the safety and convenience of pedestrian and vehicular traffic.
- (C) All buildings, structures, driveways, internal circulation routes, parking areas, and storage areas must be designed and located so as to minimize potential adverse impacts on adjacent and nearby properties.
- (D) As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the soil and the discharge of water. Reasonable buffer and open space areas may be required.
- (E) The site shall be improved with a storm drainage system that maintains **stormwater runoff** at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.

- (F) Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.
- (G) The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.
- (H) All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year. Particular attention shall be paid to site access in the event of fire or other emergency.
- (I) The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

908. Review of Subdivision Plats and Land Divisions

(1) **ZONING.** All plats and land divisions shall be subject to the provisions of the Zoning District in which they are located. Any Zoning District changes that may be necessary to accommodate a proposed plat or land division shall be made according to the amendment procedure specified in Section 905. After the effective date of this Ordinance, no proposed plat of a new or redesigned subdivision or any other land division shall be approved unless the proposed lots equal or exceed the minimum lot area and dimensional requirements for the applicable Zoning District.

(2) PLAT APPROVAL PROCESS

- (A) **SUBMISSION OF PLAT.** When a preliminary of final plat has been submitted to the Fremont Township Board for approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the plat within ninety (90) days of submission, the Zoning Administrator and Planning Commission Chair shall convene a special meeting of the Planning Commission, if necessary, to provide a recommendation to the Township Board.
- (B) **PLANNING COMMISSION REVIEW AND RECOMMENDATION.** The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance, and any other applicable Township ordinances, at an open public meeting. A public hearing is not required. However, any person who wishes to address the Planning Commission shall be permitted to do so. If all standards are met, the Planning Commission shall recommend approval of the plat to the Township Board. If all standards are not met, the Planning Commission shall recommend denial of the plat, noting which standards were not met.

909. Actions Summary Table

Table 9-1 on the following page is a summary of the basic requirements for the various administrative actions to be carried out under this Zoning Ordinance. It supplements the preceding text, but it is not a substitute for it. Note that a fee, as established by the Township Board, is required for each of the actions listed. However, as previously described in Sec. 901(4)(C), the Township Board may waive any of these fees at its discretion.

**Table 9-1. Zoning Ordinance Actions Table
Summary of Procedural Requirements for Zoning Decisions**

| Type of Action | Who May Initiate Action? | What Body Makes the Decision? | Is a Public Hearing Required? | Published Notices - Number of Days Before Hearing | Mailed Notice to All Owners and Occupants Within 300 feet – Days Before Hearing | Where Can Applicant Appeal a Denial? |
|--|--|--|---|---|---|---|
| Variance | Applicant or Zoning Admin. | Zoning Board of Appeals | Yes | Not required | Not less than 5 days | Circuit Court |
| Interpretation | Applicant or Zoning Admin. | Zoning Board of Appeals | Yes | Not required | Not less than 5 days, if required ¹ | Circuit Court |
| Administrative Review, including appeal Any of Zoning Administrator's Decision | Any aggrieved party ² | Zoning Board of Appeals | Yes | Not required | Not less than 5 days, if required ¹ | Circuit Court |
| Site Plan Review (See Sec. 907(1) for when this is required) | Applicant or Zoning Admin. | Planning Commission | If requested by any party | Not required | Not required | Circuit Court |
| Special Use Permit | Applicant or Zoning Admin. | Planning Commission | Yes | Not more than 15 days or less than 5 | Not more than 15 days or less than 5 | Circuit Court |
| Text or Map Amendment (Rezoning) | Applicant, Zoning Admin., Planning Commission, or Township Board | Step 1: Planning Commission recommends to Twp. Board | Yes | Not Less than 15 Days ³ | Not less than 8, if required ¹ | No appeal until after Twp Board action |
| | | Step 2: Twp. Board acts on amendment | If requested by any party up to one week before meeting | Not more than 15 or less than 5 | Not required | Circuit Court or may resubmit to Twp after one year |
| Fee Waiver | Applicant | Township Board | No | Not required | Not required | None |

- Notes: 1. Mailed notice required only if an action relates to a single parcel or group of contiguous parcels.
 2. Includes any state, county, or township officer, board, bureau, or department.
 3. Time periods inconsistent with the Michigan Zoning Enabling Act or successor state law shall have no force or effect.

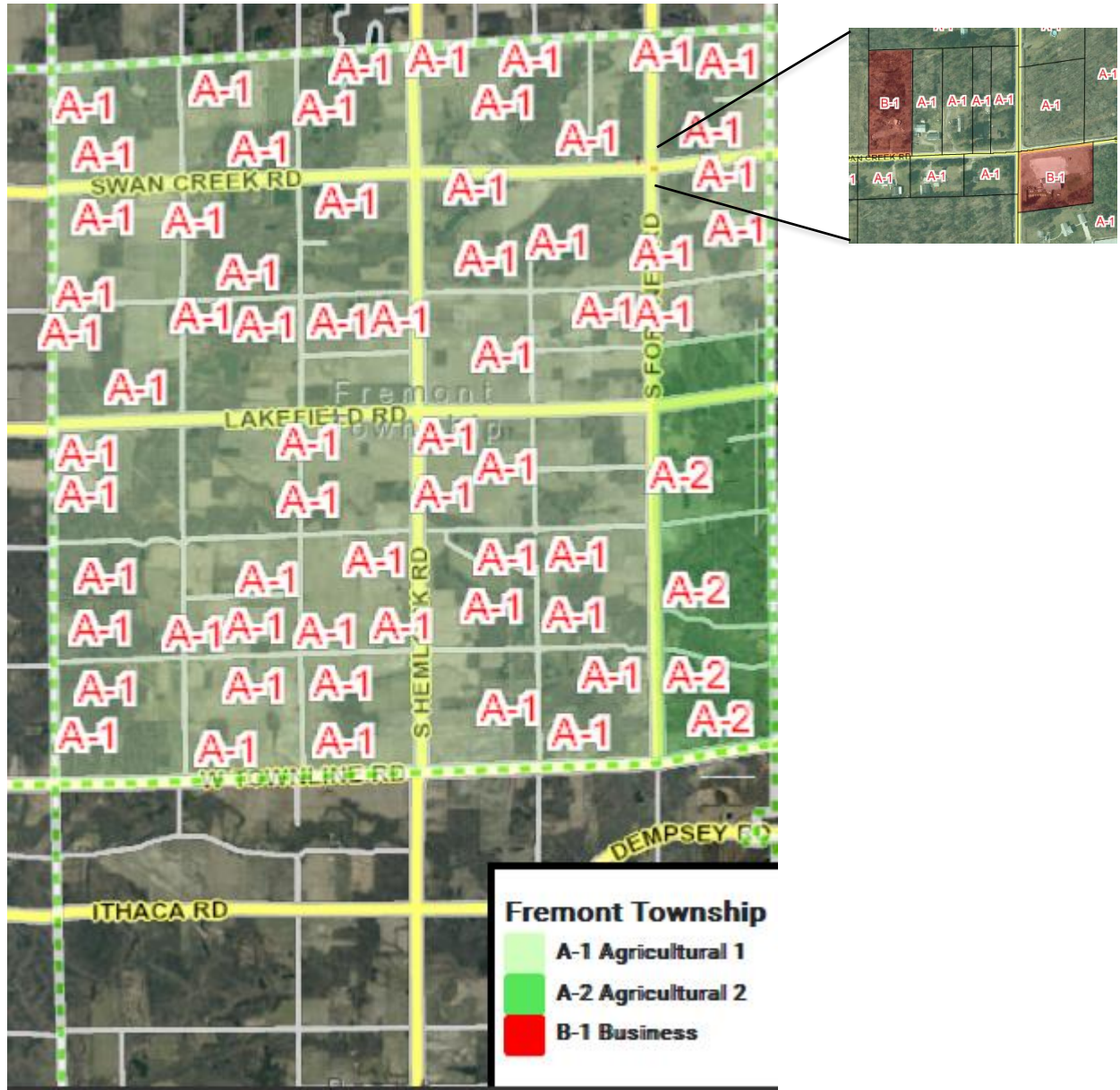
Table 9-2. Review Process for Zoning Permit Applications

| Question | Refer to | If all standards are met, go to next step | If any standards are not met | | |
|---|---|---|--|---|---|
| | | | Situation | Applicant's Options | Next Step |
| <p>#1 Is the proposed activity permitted in this Zoning District?</p> | <p>Chapter 5, District Regulations tables</p> | <p>Activity is permitted by right, go to Question #2 Or Activity is a Special Use, go to Actions Table: Special Use Permit</p> | Activity is permitted in a different Zoning District | Request a rezoning | <i>See Actions Table: Rezoning</i> |
| | | | Activity is not listed in any Zoning District | Request an interpretation from ZBA | <i>See Actions Table: Interpretation</i> |
| | | | Applicant disagrees with Zoning Official's finding. | Request an administrative appeal | <i>See Actions Table: Administrative Appeal</i> |
| | | | Any situation | Withdraw application | <i>Issue denial letter</i> |
| <p>#2 Does the parcel meet the standards for area, width, depth, etc. for this Zoning District?</p> | <p>Chapter 5, District Regulations tables</p> | <p>Go to Question #3</p> | Any situation | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Withdraw application | <i>Issue denial letter</i> |
| | | | Applicant disagrees with Zoning Official's finding. | Request an administrative appeal | <i>See Actions Table: Administrative Appeal</i> |
| <p>#3 Does the existing or proposed structure or building meet yard (setback) and area standards?</p> | <p>Chapter 5, District Regulations tables</p> | <p>Go to Question #4</p> | Existing facility violates standards | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Continue with process "as-is" | <i>See Chapter 4: Non-Conforming Uses</i> |
| | | | Proposed facility will violate standards | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Amend application & Plans to meet standards | <i>Go to Question #4</i> |
| | | | Applicant disagrees with Zoning Official's finding. | Request an administrative appeal | <i>See Actions Table: Administrative Appeal</i> |
| | | | Any situation | Withdraw application | <i>Issue denial letter</i> |

Table 9-2. Review Process for Zoning Permit Applications, Continued

| Question | Refer to | If all standards are met, go to next step | If any standards are not met | | |
|---|--|---|--|---|---|
| | | | Situation | Applicant's Options | Next Step |
| #4 Will the proposed activity meet the parking requirements? | Chapter 7, Off-Street Parking Requirements | Go to Question #5 | Existing facility violates standards | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Continue with process "as-is" | <i>See Chapter 4: Non-Conforming Uses</i> |
| | | | Proposed facility will violate standards | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Amend application & Plans to meet standards | <i>Go to Question #5</i> |
| | | | | Withdraw application | <i>Issue denial letter</i> |
| Applicant disagrees with Zoning Official's finding. | Request an administrative appeal | <i>See Actions Table: Administrative Appeal</i> | | | |
| #5 Will the proposed activity meet all General Requirements & Supplementary Regulations? | Chapter 3, General Requirements | Go to Question #6 | Proposed activity will violate dimensional standards (those that can be measured & expressed in numbers) | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Withdraw application | <i>Issue denial letter</i> |
| | | | Proposed activity will violate non-dimensional standards | Request a variance | <i>See Actions Table: Variance</i> |
| | | | | Amend application & Plans to meet standards | <i>Go to Question #6</i> |
| | | | | Withdraw application | <i>Issue denial letter</i> |
| Applicant disagrees with Zoning Official's finding. | Request an administrative appeal | <i>See Actions Table: Administrative Appeal</i> | | | |
| #6 Has permit fee been paid? | Township Fee Schedule (set by Board) | Issue Permit | Applicant claims financial hardship | Request a fee waiver | <i>See Actions Table: Fee Waiver</i> |
| | | | | Withdraw application | <i>Issue denial letter</i> |

Fremont Township Zoning Map



ORDINANCE 2018-01

SOLAR PANEL FARM ORDINANCE

(Amendment to the Fremont Township Zoning Ordinance)

Chapter 2, Section 202, Definitions

Solar Energy System: Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal, electrical, or other energy.

Solar Energy Systems Accessory: A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Accessory Use Chapter 5-3, 5-4, and 5-5.

Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of the wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as solar-electric (photovoltaic) arrays that provide retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the Solar Energy System. A community solar system may be either an accessory or principal use.

Chapter 5, Section 504.1, 504.2 and 504.3-Table of Uses

Solar Farms: Permitted by Special Use Permit in A-1 Agricultural District and meet requirements of this ordinance amendment.

Chapter 6, Section 612, Special Land Use Requirements, continued

Intent and Purpose: To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for Solar Farms subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for Solar Farms, while promoting a renewable energy source in a safe, effective and efficient manner.

Minimum Lot Size: There is no minimum lot size. Each Solar Farm is permitted as a special land use which review will consider its compatibility with the surrounding area.

Height Restrictions: All photovoltaic panels and support structures located in a Solar Farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.

Setbacks: All fenced Solar Farm improvements shall be setback a minimum of seventy-five (75) feet from a side or rear property line unless a property line is between two or more properties where a developer has sufficient land rights with all adjacent property owners to build improvements and a minimum of one hundred (100) feet from any road right-of way. All facilities shall also be

setback at least to the limit of any established county drain right-of-way or easement unless special provisions are formally agreed to with the Saginaw County Public Works Commissioner so as not to impede/obstruct access along the county drain. In addition to the setback area required above, an additional distance of twenty-five (25) feet may be required between the setback area and the Required Fencing for the addition of Landscaping, where landscaping is necessary as described below.

Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the Solar Farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Noise: No Solar Farm facilities shall exceed sixty (60) dBA as measured at the property line of a non-participating property.

Glare: Solar Farms shall be located or placed so that unreasonable solar glare will not be directed toward or onto nearby properties or roadways at any time of the day.

1. All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
2. Solar facilities should be sited and designed properly to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, or other highly sensitive viewing locations, or to reduce them to the lowest achievable levels. The applicant will provide a glint and glare study which accurately assesses and quantifies potential glint and glare effects and to determine the potential health, safety, and visual impacts associated with proposed project.
3. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/or traffic control operations.
4. If the design of the project produces light or glare on neighboring homes or businesses, the owner shall mitigate that glare.

Landscaping: The perimeter of all visible Solar Farm improvements shall be screened and buffered by required installed evergreen or native vegetative plantings located outside of the

required fencing whenever existing natural forest vegetation or berming does not otherwise continuously obscure Solar Farm improvements from adjacent parcels (unless two parcels hosting Solar Farm improvements will be enclosed in one fenced area), subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen or native vegetative buffer installed pursuant to this Section, a continuous evergreen or native vegetative buffer shall be installed and maintained at all times at the perimeter of all Solar Farm improvements, including without limitation, between such Solar Farms and adjacent residential or agricultural areas and/or public highways or streets (unless two parcels hosting Solar Farm improvements will be enclosed in one fenced area). Nothing contained herein shall be construed to prevent reasonable access to any approved Solar Farm.
2. The required evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center, and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of the Zoning Ordinance and is grounds for revocation of any applicable project zoning approvals including special use permits and site plan approvals.
3. All plant materials for the required evergreen or native vegetative buffer shall be installed between March 15 and November 15. If an applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety bond, or cash deposit for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
4. The required landscaping buffer for Solar Farms must be 25 feet in width. Lands from the edge of a required landscaping buffer to a road right-of-way or adjacent property line (the setback area) must be mowed three times per year or be maintained by some other method acceptable to the Township to maintain a neat and orderly appearance of the setback area.

5. In its discretion, Township may waive any and all landscaping requirements in this section should it find that an applicant proposed an adequate alternative method to screen the Solar Farm from adjacent properties and roadways.

Local, State and Federal Permits: Solar Farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Saginaw County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

Additional Site Plan Requirements

The applicant shall submit a site plan in full compliance with the Zoning Ordinance for each Solar Farm and other solar energy appurtenances. Additional requirements for a Solar Farm site plan are as follows:

1. The project area boundaries.
2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
4. Existing topography.
5. Water bodies, waterways, wetlands, drainage channels, and drain easements.
6. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.
7. All comments from the Saginaw County Public Works Commissioner's office and Saginaw County Road Commission pertaining to the proposed Solar Farm shall be submitted to the Planning Commission.
8. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
9. Identification of a construction/set-up/laydown area.
10. Project design and layout will ensure any structures or other improved areas located within the fenced/improved area shall be located a minimum of one-hundred (100) feet from any residential structure, church, school, family or group child day-care home, and bed and breakfast establishments.

11. No portion of the Solar Farm shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the Solar Energy System provided they comply with the prevailing sign regulation.
12. Documentation that demonstrates the Solar Farm will not cause unreasonable impacts to public or private drainage systems on properties hosting improvements or properties adjacent or nearby to a proposed Solar Farm. This documentation must include maps of all known private drain tile on lands that will host Solar Farm improvements and a detailed plan to restore impacted private drain tile at the time of decommissioning the Solar Farm.
13. Any additional information deemed relevant to the Township to ensure compliance with the Zoning Ordinance.

Additional Special Use Criteria

In addition to the special land use (and site plan) requirements contained in Chapter 6 and Chapter 9, the applicant shall address the following topics in the application for solar farm facilities:

1. **Project Description and Rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. **Analysis of On-Site Traffic:** Estimated construction jobs and estimated permanent jobs associated with the development.
3. **Visual Impacts:** Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. **Environmental Analysis:** Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
5. **Waste:** Identify any solid or hazardous waste generated by the project.
6. **Lighting:** Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of this ordinance and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. **Transportation Plan:** Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent

roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.

8. **Public Safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
9. **Sound Limitations:** Provide a post-construction sound model which identifies noise levels at the property lines of the project when completed and operational.
10. **Telecommunications Interference:** Identify any electromagnetic fields and communications interference that may be generated by the project.
11. **Life of the Project and Final Reclamation:** Applicants must describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of a Solar Farm. This includes: (1) supplying evidence of an agreement with the underlying property owner(s) that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project; (2) providing the Township a narrative outlining the expected useful life of a project before decommissioning; and (3) supplying an estimate of decommissioning and restoration costs associated with a project which does not credit the value of any salvage materials or re-sale credits of Solar Farm components such as solar panels and is prepared by a professional engineer.

To ensure proper removal of project improvements upon abandonment/termination of a project, applicants must enter into a decommissioning agreement in a form acceptable to the Township Board outlining when project components must be decommissioned. Applicants must also post with the Township a financial security guaranteeing removal of project improvements which must be posted before construction of any Solar Farm improvements. The financial security may be in the form of cash, bond, irrevocable letter of credit, or other financial instrument in a form approved by the Township Board. The amount of financial instrument shall be no less than the estimated cost of removal of all project improvements (without crediting any amount for salvage value of removal of improvements) and must either be increased at least every five (5) years by following an inflationary index acceptable to the Township or by determining the actual costs to decommission a project. The required financial security for decommissioning a project must be maintained by the applicant or successor owner or operator of a project for as long as the project has improvements within the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned, or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

12. **Township Review:** Because of the ever-changing technical capabilities of photovoltaic

solar panels and of new technology in general, the Township Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.

13. Insurance: Proof of the applicant's public liability insurance with at least \$3,000,000 per occurrence to cover the Solar Farm, the Township, and the landowner.
14. Emergency Services: The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
15. Fee: An applicant shall remit an application fee and an escrow deposit, in the amount specified by the Township schedule of Fees for Zoning Action. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.
16. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within ten (10) days of receipt of such complaint and the Township Supervisor shall also be notified of each complaint. The process shall use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
 - a. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
 - b. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.
17. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit by the applicant prior to the commencement of construction of any Solar Farm and shall be maintained by the Solar Farm owner or operator until the Solar Farm has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of the Zoning Ordinance and the terms of a special use permit and any zoning approvals which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township

Engineer, as well as costs for any consultants, reports, or studies that the Township determines are reasonably related to enforcement of the Zoning Ordinance and related zoning approvals. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

- a. Continuing Obligations: Failure to keep any required financial security or continuing compliance and enforcement cash amount in full force and effect at all times while a Solar Farm exists or is in place shall constitute a material and significant violation of a special use permit and the Zoning Ordinance, and will subject the Solar Farm applicant, owner and/or operator to all remedies available to the Township, including enforcement actions and revocation of a special use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this Section.
18. Required Fencing: Areas that host visible Solar Farm improvements (e.g., ground mounted solar panels) shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter and the fencing must utilize fabric screening or other acceptable methods to the Township to screen the improvements from visibility. The required fencing cannot utilize barbed or razor wire. Moreover, the required fencing must be in between the required Solar Farm landscaping and Solar Farm improvements.
 19. Concrete Foundations: Solar Farm improvements (e.g., panels) may not utilize concrete foundations unless an applicant prepares a plan and demonstrates how such foundations will be removed and the land will be restored to a substantially-similar condition as its initial condition after the useful life of a project.

ORDINANCE 2021-01**WIND ENERGY AMENDMENT TO THE FREMONT TOWNSHIP ZONING ORDINANCE,
WHICH WAS ADOPTED JANUARY 2006, AS AMENDED**

STATEMENT OF INTENT – Due to the passage of PA 342 of 2016, known as the Clean and Renewable Energy and Energy Waste Reduction Act, which requires Michigan electric providers to supply renewable energy sources, Fremont Township felt a need to address wind energy in the Township. The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the Fremont Township community.

Regulation of the siting, installation and operation of wind energy facilities is necessary to ensure compatible land uses. Further, regulation of wind energy facilities meets the Township Master Plan goal that states, “Preserve rural community character.” The regulations provide for the designation of property suitable for the location, construction and operation of wind energy facilities in the Township.

Chapter 2 Section 202: Definitions**DEFINITIONS**

- 1) Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- 2) ANSI: American National Standards Institute.
- 3) A-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, a method for weighting the frequency spectrum to mimic the human ear. Expressed as dB(A) or dBA.
- 4) Background Sound shall mean the all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9 Part 3.
- 5) Continuous Background Sound shall mean background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9 Part 3.
- 6) dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- 7) Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- 8) Decommission: To remove or retire from active service.
- 9) Equivalent A-weighted Continuous Sound Level shall mean the level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as Leq A, and expressed as dBA.

- 10) Frequency shall mean the number of oscillations or cycles per unit of time, expressed as Hertz (Hz).
- 11) Hertz means the frequency of sound expressed by cycles per second.
- 12) Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade.
- 13) Hub Height shall mean the distance from ground level to the center of the turbine hub or horizontal rotor shaft.
- 14) IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- 15) Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
- 16) ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- 17) Michigan Tall Structures Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.
- 18) MET Tower, Meteorological Tower, or Anemometer Tower: A temporary tower used to measure wind speed and direction. (Also known as a SCADA tower).
- 19) Noise Sensitive Facility means an inhabited structure, school, hospital, church, public library, or other areas designated by the Planning Commission.
- 20) Octave Band shall mean the frequency interval where the upper frequency is twice the lower frequency.
- 21) One-Third Octave Band shall mean the frequency interval where the upper frequency is the lower frequency times the cube root of two.
- 22) On Site Use Wind Energy Systems: An On-Site Use wind energy system is intended to primarily serve the needs of the consumer.
- 23) Participating Parcel: A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a wind energy conversion facility.
- 24) Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- 25) SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

- 26) Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at an inhabited structure.
- 27) Sound Power shall mean the rate per unit time at which sound energy is radiated, expressed as watts (W).
- 28) Sound Power Level shall mean ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).
- 29) Sound Pressure shall mean the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).
- 30) Sound Pressure Level shall mean twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Note that, unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement.
- 31) Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
- 32) Wind Energy System: A wind energy conversion system which converts wind energy into electricity using a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
- 33) Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Chapter 5 Section 504: Table of Uses

Wind Energy "On Site" and "Wind Site Assessment": Permitted by Special Use Permit in A-1 Agricultural and A-2 Agricultural and Low Density Residential and meet the requirements of this ordinance amendment.

Wind Energy Utility Grid Energy Systems: Permitted by Special Use Permit in A-1 Agricultural and meet the requirements of this ordinance amendment.

Chapter 6 Section 612s: Special Land Use Requirements

Assessment

- a. On site Use or Wind Site Assessment for Wind Energy Systems: Prior to the installation of an On-Site Use wind energy system or a MET Tower with a tower higher than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:
 - applicant identification,
 - a site plan,

- documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met.
 - a copy of that portion of the applicant's lease with the landowner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
 - proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- 1) Property Set-back: All setbacks shall be measured from the center of the turbine.
 - a) The distance between an On-Site Use wind energy system and the owner's property lines shall be at least 1½ times the height of the wind energy system tower including the top of the blade in its vertical position.
 - b) The distance between an anemometer tower and the owner's property lines shall be at least 1½ times the height of the tower.
 - c) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
 - 2) Sound Pressure Level: On-Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - 3) Construction Codes, Towers, & Interconnection Standards:
 - a) On-Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - b) On-Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
 - c) An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 - 4) Safety:
 - a) An On-Site Use wind energy system shall have automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding.
 - b) All wind towers shall have lightning protection.
 - c) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

- d) The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- b. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use.
- 1) Procedure: The Planning Commission review of a Special Land Use Permit application for a wind energy conversion facility is a two-step process. The first step is the site plan review process by the Planning Commission as described in Chapter 6. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 6. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
 - 2) Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
 - a) Applicant Identification: Applicant name, address, and contact information.
 - b) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - c) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state-maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements for site plan review are described in section d. below.
 - d) Insurance: Proof of the applicant's public liability insurance.
 - e) Sound Pressure Level: Copy of the modeling and analysis report.
 - f) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
 - g) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 - h) Environmental Impact: Copy of the Environmental Impact analysis.
 - i) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 - j) Shadow Flicker: Copy of the Shadow Flicker analysis.

- k) Manufacturers' Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - l) Decommissioning: Copy of the decommissioning plan.
 - m) Complaint Resolution: Description of the complaint resolution process.
 - n) Fire suppression plan
 - o) Maintenance Schedule: Description of operations, including anticipated regular and unscheduled maintenance.
- 3) Application Fee, Township Costs and Escrow. With its application, an applicant shall remit an application fee. The applicant shall further be responsible for the Township's cost and expenses in review and action on the application, including the retention of engineers and other professionals engaged by the Township. An estimate of those cost shall be paid to the Township with the application fee and thereafter held in escrow as security for payment of the Township's cost and expenses. The amount of the deposit to be paid with the application shall be specified by the Planning Commission in a schedule it establishes. This schedule shall be based on the cost of the application review and may be adjusted from time to time.
- c. A detailed site plan shall be provided for the site plan review. The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
- 1) The project area boundaries, including all lot lines and dimensions.
 - 2) Names and parcel identification number of each parcel within the utility grid wind energy system.
 - 3) The location, elevation, height, and dimensions of all existing and proposed structures, and fencing, utility easements, land use, zoning district, and ownership of property
 - 4) The location, grades, composition, dimensions, and proposed maintenance of all temporary and permanent on-site and access roads from the nearest county or state-maintained road,
 - 5) Existing topography,
 - 6) Water bodies, waterways, wetlands, and drainage channels, and
 - 7) All new infrastructure above and below ground related to the project, including proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures.
 - 8) Lighting plan
 - 9) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the

repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.

- 10) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of six feet.
 - 11) Anticipated construction schedule
 - 12) Description of operations, including anticipated regular and unscheduled maintenance.
- d. The Utility Grid wind energy system project shall meet the following standards and requirements:
- 1) Property Set-Back: Please note that all setbacks shall be measured from the center of the turbine.
 - a) The distance between a Utility grid wind energy system and an inhabited structure shall be at least 1,500'.
 - b) The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties shall be at least 2,300'.
 - c) The distance between a Utility Grid wind energy system and the centerline of a public roadway shall be at least 1.5 times the overall height of the turbine.
 - d) Each Utility Grid wind energy system shall be set back from active public utility corridors such as natural gas lines, oil lines, telecommunication towers, any overhead lines including electric, telephone, internet, or cable tv at a distance no less than 1.5 times its overall height, determined from the boundary line of the corridor.
 - e) Each Utility Grid wind energy system shall be set back from the centerline of a stream, or river by at least 1.0 times the overall height of the turbine. Each utility Grid wind energy system shall be set back from a drain easement at least 1.0 times the overall height of the turbine and in no case shall it be set back by less than 1.0 times the overall height of the turbine from the top of the bank of the drain that is closest to the turbine location.
 - g) An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. h) Overhead transmission lines and power poles that are part of the Utility Grid Wind Energy System shall be on leased land and shall comply with the set-back requirements applicable to public utilities.
 - 2) Utility Grid Wind energy systems are limited to a height of 499' above the existing grade.
 - 3) Underground power lines within the Utility Grid Wind energy system shall be placed a minimum of five feet below grade and below any drainage tile on the property.
 - 4) Sound Pressure Level:
 - c) For participating parcels, the audible sound from a Utility Grid Wind Energy System at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous

Sound Level (Leq) limits set forth in Table 1, measured in accordance with the methodology described in Sections e) and f).

| Table 1 –Equivalent A-weighted Continuous Sound Level (Leq) Limits Participating Parcels | | |
|---|-------------------|---|
| Zone | Time | Equivalent A-weighted Continuous Sound Level (dBA) |
| Participating parcel | 7 a.m. to 10 p.m. | 50 |
| | 10 p.m. to 7 a.m. | 45 |

For non-participating parcels, the audible sound from a Utility Grid Wind Energy System at a parcel line may not exceed the Lmax levels shown in Table 2.

| Table 2 –Equivalent A-weighted Maximum Sound Level L_{max} Limits Non-Participating Parcels | | |
|--|-------------------|--|
| Zone | Time | Equivalent A-weighted Maximum Sound Level (dBA) |
| Non-participating parcel | 7 a.m. to 10 p.m. | 45 |
| | 10 p.m. to 7 a.m. | 35 |

- d) In the event audible noise from the operation of the Utility Grid Wind Energy System contains a prominent discrete tone, the limits set forth in Table 1 shall be reduced by five (5) dBA. For a prominent discrete tone to be identified as present, the equivalent-continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent-continuous sound pressure level for the two adjacent one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above, by eight (8) dB for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB for center frequencies between twenty five (25) and one hundred and twenty-five (125) Hz as specified by ANSI S12.9 Part 3, Annex B.
- e) Any noise level falling between two whole decibels shall be rounded to the nearest whole number.
- f) Sound Modeling Study – The applicant shall provide a predictive sound modeling study of all turbine noise for a Utility Grid Wind Energy System to verify that ordinance requirements can be met for the Equivalent A-weighted Continuous Sound Level limits in Table 1. The sound modeling must follow International Standard, ISO 9613-2 “Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.” The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground

($G=0.5$) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all Noise Sensitive Facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30-dBA sound contour line, at 5 dBA intervals from the center of the proposed Utility Grid Wind Energy System.

- g) Post Construction Sound Survey – The applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sections a) and b) above. The measurements and the reporting of the data shall be conducted as described below. The survey shall address noise complaints on file with the Township and may require additional measurement locations as deemed necessary by the Planning Commission. Should the sound survey indicate a non-compliant measurement, the owner of the Utility Grid Wind Energy System will be required to obtain compliance through mitigation or other measures.

(1) Methodology

- (a) Refer to Section g) for measurement personnel and instrumentation requirements.
- (b) A calibration check shall be performed and recorded before and after each measurement period.
- (c) The nighttime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. For participating parcels, sound level data shall be aggregated in 10-minute measurement intervals within the nighttime compliance measurement period (nighttime: 10:00 pm to 7:00 am).
- (d) The daytime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. For participating parcels, sound level data shall be aggregated in 10-minute measurement intervals within the daytime compliance measurement period (daytime: 7:00 am to 10:00 pm). Because compliance with nighttime noise limits presumes compliance with the less stringent daytime noise limits, this requirement may be waived by the Planning Commission.
- (e) For participating parcels, compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of every twelve representative 10-minute measurement interval is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in Sections a) and b) of this section. For non-participating parcels, compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of each two-hour measurement interval is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in Sections a) and b) of this section. Representative intervals are defined as:
- (i) Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the

direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.

- (ii) Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
- (iii) Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).
- (f) The sound level measured in each measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.

(2) Measurement Locations

- (a) The specific measurement locations shall be chosen by the developers' Measurement Personnel and by the Planning Commission prior to the Post Construction Sound Survey.
- (b) The measurement locations shall be performed at Noise Sensitive Facilities for participating parcels and at parcel boundary lines for non-participating parcels. The locations shall be in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits identified in Table 1. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of eight measurement locations. The measurement locations shall include, but are not limited to, the following:
 - (i) A minimum of four measurements of different non-participating parcels. The measurement location shall be at the parcel boundary line nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (ii) A minimum of two measurements of different participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (iii) Any measurement location determined necessary by the Measurement Personnel and Planning Commission. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
- (c) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
- (d) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
- (e) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other

- structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
- (f) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - (g) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (3) Reporting of Measurement Data - Reports shall be submitted to the Planning Commission within 45 days of completion of the post-construction sound survey and shall include, at a minimum, the following:
- (a) A narrative description of the sound from the Utility Grid Wind Energy System for the compliance measurement period result.
 - (b) A narrative description of the sound measurements collected.
 - (c) A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 - (d) The dates, days of the week and hours of the day when measurements were made.
 - (e) The wind direction and speed, temperature, precipitation, and sky condition for each measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the Utility Grid Wind Energy System from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each interval shall be reported.
 - (f) The wind energy output for each measurement interval for the closest wind turbine.
 - (g) Identification of all measurement equipment by make, model and serial number.
 - (h) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 - (i) All A-weighted equivalent sound levels for each measurement interval.
 - (j) All 1/3 octave band linear equivalent sound levels for each measurement interval and identification of tonal periods.
 - (k) All attendant's notes and observations.
 - (l) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.

- (m) All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
 - (n) All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.
 - (o) All other information determined necessary by the Planning Commission.
- h) Measurement of the Sound from Routine Operation of the Developments – Measurements of the sound from routine operation of completed Utility Grid Wind Energy Systems are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the development, for validation of an applicant's calculated sound levels when requested by the Planning Commission, or for enforcement by the Department. The applicant shall be able to determine compliance with the Equivalent A-weighted sound level limits set forth in Sections a) and b). The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a non-compliant measurement, the owner of the Utility Grid Wind Energy System will be required to obtain compliance through mitigation or other measures.
- (1) Methodology - Refer to Section g)
 - (2) Measurement Locations
 - (a) Measurement locations shall be conducted at the property of the complainant and chosen by the Measurement Personnel and by the Planning Commission beforehand. The measurement locations shall include, but are not limited to, the following representative locations:
 - (i) For participating parcels, a minimum of one measurement location at the Noise Sensitive Facility of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.
 - (ii) For non-participating parcels, a minimum of one measurement location at the parcel boundary line of the complainant nearest the closes wind turbine of the Utility Grid Wind Energy System.
 - (iii) Any measurement location determined necessary by the Measurement Personnel and Planning Commission.
 - (b) The microphone shall be positioned at a height of 5 feet ± 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
 - (c) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.

- (d) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - (e) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - (f) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (3) Reporting of Measurement Data Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include as indicated in e) 3.
- i) General Sound Survey Methodology
- (1) All sound studies will be completed by an independent third party that is hired by the township. Fees for such studies shall be paid for from the escrow fund described in Section c. 3 above.
 - (2) Measurement Personnel. Measurements shall be supervised by personnel who are independent of the Utility Grid Wind Energy System, well qualified by training and experience in measurement and evaluation of environmental sound and are Board Certified members of the Institute of Noise Control Engineering (INCE).
 - (3) Measurement Instrumentation. Measurement devices shall comply with the following requirements:
 - (a) A sound level meter or alternative sound level measurement system used shall meet all the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - (b) An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - (c) A filter for determining the existence of tonal sounds shall meet all the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - (d) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - (e) A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.

- (f) The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
 - (g) The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
 - (h) Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.
 - (i) Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
 - (j) Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
 - (k) A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.
- 5) Construction Codes, Towers, and Interconnection Standards:
- c) Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - d) Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- 6) Lighting:
- c) Utility Grid wind energy system towers shall not be illuminated unless required by the FAA.
 - d) When illumination is required by the FAA, Utility Grid wind energy system are required to use Aircraft Detection Lighting Systems (ADLS). No other illumination or tower lighting will be approved by Fremont Township.
 - e) All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. Continuous nighttime lighting systems are not allowed.
- 7) Safety:
- c) All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

- d) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
 - e) A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information.
 - f) Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - g) The minimum vertical blade tip clearance from grade shall be 50 feet for a wind energy system employing a horizontal axis rotor.
 - h) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.
- 8) Visual Impact:
- c) Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
 - d) A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
 - e) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - f) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
- 9) Environmental Impact:
- c) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
 - d) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
 - e) The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

10) Avian and Wildlife Impact:

- c) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- d) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- e) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- f) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

11) Electromagnetic Interference:

- c) No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system.
- d) No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

12) Shadow Flicker:

- c) Shadow Flicker Analysis: The applicant shall conduct an analysis on potential shadow flicker at inhabited structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted 30 hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures.

- d) The shadow flicker analysis shall include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate shadow flicker that occurs beyond the levels set herein. Mitigation measures may be allowed on participating parcels.
 - e) All turbines that may cause shadow flicker on inhabited structures in non-participating parcels shall be outfitted with curtailment software.
 - f) Any shadow flicker complaint shall be addressed by the applicant and be mitigated or eliminated based upon the standards herein.
 - g) Shadow flicker will be measured at the nearest external wall or walls of inhabited structures.
 - h) Shadow flicker at participating parcels shall be limited to a maximum of 30 hours per year.
 - i) Shadow flicker at non-participating parcels is not allowed.
- 13) Decommissioning:
- c) The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) the anticipated life of the project,
 - (2) the estimated decommissioning costs net of salvage value in current dollars,
 - (3) the method of ensuring that funds will be available for decommissioning and restoration,
 - (4) the anticipated manner in which the project will be decommissioned, and the site restored.
 - (5) A provision to give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning may be required.
 - (6) The standard for inactivity shall be 12 months. Inactivity means that the utility grid wind energy system has ceased to generate electric power.
 - d) Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official and the Zoning Administrator.
 - e) Removal of the structure and its accessory use facilities shall include removing the caisson and all other components to a depth of no less than six feet below the original grade (prior to installation of the turbine) as indicated on the approved site plan. This area shall then be appropriately drained. It shall be filled with like soil that was removed, including topsoil, and restored to a state compatible with the surrounding land. Restoration must be completed within 90 days of abandonment.
 - f) To ensure proper removal of the structure when it is abandoned, any application for approval of a structure shall include a description of the financial security to be posted at the time of receiving a special use permit. The security shall be in the form

- of 1) cash deposit; 2) irrevocable bank letter of credit or 3) performance bond in a form approved by the Township Attorney, establishing the obligation of the applicant to remove the structure in a timely manner. The amount of such guarantee shall be no less than 110% of the estimated cost of removal. Salvage value shall not be considered in the estimated cost of removal. The estimate shall be prepared by the engineer for the developer and approved by the Township Board. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences. Such financial security shall be kept in full force and effect during the entire time that the structure exists. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the structure) for at least thirty (30) years from the date of the special land use approval or for the life of the turbine, whichever is longer. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval. The applicant shall be responsible for the payment of any attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed, and the Township must enforce removal.
- g) In the event that the Owner/Operator defaults on any or all the previously outlined decommissioning requirements, the landowner upon which any Utility Grid wind energy system facilities are located shall be responsible and liable for the removal of any structures. Failure of the landowner's compliance to the removal and decommissioning guidelines would result in the Township having the structure(s) removed at the expense of the landowner. If funding is not available to cover the costs of removal by the landowner, legal action to pursue the seizure of property(s) will take place to cover such costs.
- 14) Complaint Resolution
- c) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
- d) The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- e) A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

ORDINANCE 2022-01

GENERAL AMENDMENT TO THE FREMONT TOWNSHIP, SAGINAW COUNTY, MICHIGAN ZONING ORDINANCE, WHICH WAS ADOPTED JANUARY 2006, AS AMENDED

STATEMENT OF INTENT – This amendment was prompted by the necessity to remove references to Residential Districts and update Fencing Requirements in Chapter 3, to list Cable and Internet Switching Sites, Wind Energy, and Solar Farms as Special Uses in Section 504 of Chapter 5, to add Cable and Internet Switching Sites to Table 612 (k), to create Table 612 (r) supporting Solar Farm Amendment special use requirements (adopted in 2018) and to create Table 612 (s) supporting Wind Energy Amendment special use requirements (adopted in 2021) in Section 612 of Chapter 6, to create content neutral text for sign regulations in Chapter 8, and clerical updates reflecting these amendments on the Cover Page and in the Table of Contents.

The amendment to the existing ordinance follows on the subsequent pages. Amended text in the Ordinance is highlighted in yellow.

Fremont Township Zoning Ordinance

Fremont Township, Saginaw County, Michigan

January 2006
As Amended

Prepared by the
Fremont Township Planning Commission

With the assistance of the
Saginaw County Metropolitan Planning Commission

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Chapter 3

General Requirements

Section 301. Scope of Regulations

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

Section 302. Supplementary Use Regulations

- (1) **Building Permits Required.** A building permit must be obtained prior to the construction of any structure that is greater than 200 square feet in area, or any accessory structure that is attached to a main structure.
- (2) **Prior Building Permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, *provided* that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **Buildings to be Moved.** No building shall be moved into or within the Township until a permit has been secured for the building to be moved.
- (4) **Temporary Occupancy Permit.** A temporary occupancy permit may be issued for a period of up to six (6) months, and may be renewed once for the same period.
- (5) **Health Department Approval Required.** Permits shall not be issued for the construction or establishment of buildings or uses requiring water or wastewater systems unless and until an applicant provides copies of the appropriate well and septic permits issued by the Saginaw County Health Department.
- (6) **Accessory Uses.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - (a) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreation area.
 - (b) Buildings or structures necessary for provision of essential services.
 - (c) Gardens, garden ornaments, and usual landscape features within a required yard space.

- (d) Retaining walls.
 - (e) Public playgrounds.
 - (f) Off-street parking for licensed motor vehicles as specified in Chapter 7.
 - (g) Accessory Occupations, permitted by Special Use Permit.
 - (h) Home Occupations.
 - (i) Use of premises as a voting place.
- (7) **Inoperative or Dismantled Vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, within any Zoning District is expressly prohibited *unless*:
- (a) The vehicles are contained within a licensed junkyard or an enclosed structure; or
 - (b) Provided that the storage period does not exceed one (1) week. The storage period may be extended with written permission of the Zoning Administrator or Code Enforcement Officer.
- (8) **Garbage, Rubbish and Junk.** All parcels must be kept free of all garbage, rubbish and junk/salvage, as defined in this Ordinance. Garbage, rubbish and junk in containers specifically designed for storage of these materials may be stored on a parcel until the next available collection date.
- (9) **Parking of Recreational Vehicles and Heavy Vehicles.** The parking of recreational vehicles and equipment, including travel trailers, campers, snowmobiles, boats and similar recreational equipment in any Zoning District must conform to the required setbacks for accessory structures and to overall limitations for lot coverage.

Section 303. Supplementary Dwelling Regulations

- (1) **Must Comply With Code Requirements.** Every dwelling must comply with all pertinent housing, fire, and construction codes in addition to the requirements of this Ordinance. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If a dwelling is a mobile home, all construction, insulation, plumbing, and electrical apparatus shall conform to the “Mobile Home Construction and Safety Standards” of the U.S. Department of Housing and Urban Development.
- (2) **Mobile Home Installation.** In the event that a dwelling is a mobile home located in a mobile home park, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device that complies with the Michigan Building/Residential Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a

perimeter wall or skirting that has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage, or chassis exposed.

- (3) **One Single Family Dwelling Per Parcel.** No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, farm laborers, as permitted by special use permit in Chapter 6 of this Ordinance.
- (4) **Structures to be of Uniform Quality.** Any additions, rooms, or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms, or other areas must be permanently attached to the principal structure, and they must be supported by a foundation as required herein.
- (5) **Roof.** All single-family and two-family dwellings, other than mobile homes located in mobile home parks, must have a pitched roof where the principal portion has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project not less than six (6) inches beyond the walls.
- (6) **Steps and Porches.** All dwellings must contain steps and porches that are connected to exterior door areas where a difference in elevation requires them.
- (7) **Maintenance.** All dwellings must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, resurfacing, coating, and any other necessary protective measures.
- (8) **Use of Mobile Home for Temporary Dwelling.** A temporary use may be authorized to house family members as provided in Section 303 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to an extent that it cannot be occupied.

Any mobile home intended for use as a temporary dwelling must meet the standards of this Ordinance and the Michigan Building/Residential Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling purposes unless a temporary permit is authorized by the Planning Commission and issued in accordance with Section 302. A temporary dwelling may not be occupied by more than one family.

- (9) **Storage Area.** Every dwelling unit must contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. The storage area shall be located in a basement under the dwelling, an attic area, closet areas, or in a separate structure that meets all requirements of the Michigan Building Code.
- (10) **Foundation.** All single family dwellings, except mobile homes located in licensed mobile home parks, must be firmly attached to a permanent foundation that meets the

Michigan Building Code requirements for such dwellings. The foundation walls shall have the same perimeter dimensions as the dwelling.

- (11) **Dimensions.** All single family dwellings, except mobile homes located in licensed mobile home parks, must have a minimum width across all front, side, and rear elevations of twenty-four (24) feet and must comply in all respects with the Michigan Building, including minimum heights for habitable rooms.
- (12) **Exterior Doors.** Every single family dwelling must have exterior doors on not less than two sides with steps and/or porches connected to the doors where required due to a difference in elevation.
- (13) **Garage and Yard Sales.** Sales of used material from a single-family dwelling may occur twice a year for a period not to exceed three (3) days for each occurrence.
- (14) **Accessory Building Not for Dwelling Use.** No portion of an accessory building in any Zoning District may be used as a dwelling.
- (15) **State Licensed Residential Facility.** No State Licensed Residential Facility for six (6) persons or less shall be located within fifteen hundred (1500) feet of another State Licensed Residential Facility.
- (16) **Home Occupations.** Home occupations are permitted, subject to the following standards:
 - (a) The home occupation must be operated within the principal dwelling. There shall be no separate entrance from outside the building. No storage of goods, materials, equipment, or products associated with a home occupation shall be permitted in any building, structure, attached or detached garage, or open area other than within the principal dwelling.
 - (b) The home occupation must be clearly incidental and subordinate to the use of the dwelling for dwelling purposes.
 - (c) The dwelling containing the home occupation shall have no exterior evidence that it is being used for any purpose other than as a dwelling, except for signs as permitted by this Ordinance.
 - (d) Home occupations shall not involve any activity or process that would constitute a nuisance or annoyance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, exterior lighting, or the creation of vehicular traffic not normally associated with a residential use.
 - (e) There may be not more than one (1) employee not living at the dwelling.

- (f) A home occupation shall not utilize a vehicle in the operation of the business that has a rated capacity of greater than one (1) ton.

Section 304. Supplementary Parcel Regulations

- (1) **Minimum Lot Frontage.** The front lot lines of all parcels shall abut a public road or private road that has been permitted by this Ordinance, and shall have a continuous permanent frontage at the lot line for the width that is required by the zoning district where the lot is located. "Flag lots" are not permitted.
- (2) **Access to a Street.** Any parcel created after the effective date of this ordinance shall have access to a public road or private road that has been permitted by this Ordinance.
- (3) **Space Used Once.** Any yard or other open space that is provided with any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure, except where one is to be demolished upon completion of the other.
- (4) **Approval of Land Divisions.** All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Michigan Land Division Act (Act 591 P.A. 1996, as amended) and the Fremont Township Land Division Ordinance. All land divisions created after the effective date of this Ordinance shall also comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such land divisions are located.

(5) **Fencing Requirements: All Zoning Districts**

- (a) **Standards:** No fence greater than six feet (6') in height shall be erected. No fence shall be erected within any front yard setback unless meeting the following standards for construction:
- (1) Picket fences shall be allowed having a minimum of two inch (2") and maximum of six inch (6") spacing between each vertical piece of fencing. Maximum of thirty six inch (36") in height.
 - (2) Split Rail fences with two (2) horizontal rails not to exceed six inches (6") in width are allowed within a residential front yard area, not to exceed thirty six inches (36") in height.
 - (3) Chain link fences that are transparent are allowed within a residential front yard area, not to exceed forty eight inches (48") in height.
 - (4) All fences must be constructed so that the finished side faces the adjacent property if installed within fifty (50) feet of the property line.

- (5) All structural members must be hidden or on the inside of a fence if installed within fifty (50) feet of the property line.
- (6) No razor wire or barbed wire may be used for residential uses.
- (b) **Location Prohibitions:** No fence shall be constructed within any road or highway right of way.
- (c) Exception: A fence keeping farm animals inside may be constructed to a greater height if made of transparent wire fencing.

Section 305. Supplementary Structure Regulations

- (1) **Permitted Yard Encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into *side* and *rear* yards that are required for the principal building. Setbacks for accessory structures, as defined in Chapter 5, District Regulations, must be adhered to, as well as any requirements listed in this section.
 - (a) Open porches, paved terraces, and patios, with the following restrictions. Enclosed porches are considered to be part of the principal building and subject to all yard, setback, and area requirements.
 - (1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - (2) If a porch is roofed, the porch must be unenclosed and the roof shall be no higher than one (1) story.
 - (3) If paved areas or porches are unroofed, they may have non-continuous windbreaks or walls that are not over six (6) feet high and that do not enclose more than one-half (1/2) the perimeter of the paved area or porch.
 - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features that project a maximum of two and one-half (2.5) feet.
 - (c) Fire escapes, outside stairways and balconies that are of open construction and that project a maximum of five (5) feet.
 - (d) Signs, subject to the provisions of Chapter 8.
- (2) **Permitted Height Exceptions.** The following exceptions shall be permitted to the height limitations specified in Chapter 5, District Regulations. These permitted exceptions shall not be used for human occupancy or dwelling purposes. For each one (1) foot that a structure exceeds the zoning district height limit, the front, side, and rear setbacks shall

each be increased by one (1) foot. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.

- (a) Appurtenances to mechanical or structural elements such as elevator and stairway penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55) feet in any Business Zoning District.
 - (b) Special structures such as chimneys, smoke stacks, water towers, and standpipes shall be permitted to a maximum height of one hundred seventy-five (175) feet in any Zoning District.
 - (c) Tower structures such as radio or transmitting towers, microwave relay towers, or cellular phone towers are subject to the Special Use Permit requirements specified in Chapter 6.
 - (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45) feet in any Zoning District. However, in no case shall the height of such an antenna or flagpole exceed the height of the roof peak by more than fifteen (15) feet.
 - (e) Structures for agricultural operations are permitted up to eighty-five (85) feet.
 - (f) Flagpoles in any Business Zoning District are permitted to a maximum height of sixty (60) feet.
- (3) **Screening Requirements.** Screening shall be constructed and maintained whenever a non-residential use or multi-family housing is established on land adjacent to a single family or two-family residential use. Screening shall be provided by one of the following:
- (a) **Wall or Fence.** A solid wall or fence at least six(6) feet in height with a finished surface fronting on the residential district or use. Open spaces within such walls or fences shall not exceed one (1) foot square in area.
 - (b) **Berm.** A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

Section 306. Accessory Structure Regulations.

(1) Required Yards

- (a) **Front Yard:** No accessory building, attached or detached, shall project into a required front yard.

- (b) **Rear Yard:** No accessory building shall be closer than fifteen (15) feet to the rear lot line.
 - (c) **Corner Lot:** An accessory building on a corner lot shall maintain a minimum setback of thirty (30) feet from the side street lot, as measured from the road right-of-way line. Where the rear lot line of a corner lot coincides with the side lot line of an adjoining lot in a residential district, an accessory building shall not be closer than fifteen (15) feet to the common lot line.
- (2) **Garage Entrances.** The entrance to a garage shall be no less than thirty (30) feet from a street right-of-way line.
 - (3) **Detached Carports, Canopies, and Similar Structures.** Detached carports, canopies, awnings and similar structures that are intended to serve as shelters for vehicles are considered accessory structures and must comply with the minimum setbacks and all other requirements of this ordinance that pertain to accessory structures. This provision shall apply regardless of whether such a structure is erected on temporary or permanent basis.
 - (4) **Permitted Accessory Buildings.** A mobile home, semi-trailer, vehicle, junk object, or any similar item shall not be used as an accessory building or storage structure. This provision shall not apply to tool sheds or similar storage structures that are utilized pursuant to the construction of a building under a building permit that has been issued by the Township.

Section 307. Open Space Preservation Provisions.

- (1) **Purpose.** The purpose of this provision is as follows:
 - (a) To provide optional open space preservation provisions for residential development, as required by Act 177 (P.A. 2001).
 - (b) To encourage greater flexibility and efficiency in the design of single-family residential developments.
 - (c) To conserve open space and other important elements of the Township's rural character. Examples of these elements include important farmlands, woodlots, wildlife areas, historic sites and structures, unique landforms, and scenic areas.
- (2) **Applicability.** These provisions shall apply to the following situations:
 - (a) All lots created after the effective date of this ordinance in the following zoning districts where residences are permitted by right at a density of two (2) dwellings

units per acre of less: A-1 and A-2 Zoning Districts.

- (3) **Submission Requirements.** An applicant who wishes to utilize the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 9, Section 907, and the following additional requirements:
- (a) **Density Concept.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to the lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
 - (b) **Open Space Concept.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan. “Undeveloped state” shall have the same meaning as specified in Act 177 (PA 2001); that is, a natural state preserving the natural resources, natural features, or scenic or wooded conditions, agricultural use; open space, or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or liner park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
 - (c) **Project Narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan. The narrative shall clearly indicate the proposed project densities and how they were calculated.
- (4) **Approval Standards.** Prior to approving an Open Space Development, the Zoning Administrator must find, with the concurrence of a majority of the Planning Commission, that the proposed development complies with the following requirements:
- (a) The proposed development will comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.

- (b) The proposed development will comply with all requirements of the Land Division Act and the Township Land Division Ordinance.
- (c) At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land that is acceptable to the Township.

Section 308. Keeping Farm Animals.

On parcels less than ten (10) acres in size in the A-1 and A-2 districts, farm animals may be kept subject to the following restrictions:"

- (1) Raising and keeping horses and similar large animals weighing over five hundred (500) pounds shall be allowed, provided that the minimum area upon which one horse or similar animal may be kept is five (5) acres. One additional horse or similar animal may be kept on each additional one (1) acre, up to a maximum of six (6) such animals for each ten (10) acres of land.
- (2) Raising and keeping large animals weighing five hundred (500) pounds or less (such as sheep and goats) shall be allowed, provided that the minimum area upon which one animal may be kept is two (2) acres. One additional such animal may be kept on each additional one (1) acre, up to a maximum of nine (9) such animals for each ten (10) acres of land.
- (3) No storage of manure or odor producing or dust producing materials shall be permitted within one hundred (100) feet of any adjacent property line.

Section 309. Private Road Regulations.

- (1) **Required Dimensions and Specifications.** Any driveway or private road serving or intended to serve more than one (1) parcel or unit of ownership shall consist of an easement and right-of-way that is not less than sixty-six (66) feet in width. This width shall include not less than twenty (20) feet of improved roadbed width with not less than three (3) feet of shoulder width on each side with adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters for the road area. The road bed shall be improved with not less than six (6) inches of surface material that is of equal or superior quality to processed and stabilized gravel over a base of six (6) inches of granular soil. The private road shall have a grade of not more than seven percent (7%). If dead-ended, the private road shall end in a cul-de-sac with a radius of not less than fifty (50) feet of improved roadbed width to accommodate emergency, commercial, and other vehicles.
- (2) **Construction Plans and Permits.** Prior to construction of a private road, detailed plans for the road, including survey drawings showing the road location and easement, shall be

submitted to the Township for review and approval. The construction of a private road shall not be approved unless the plans demonstrate satisfactory compliance with the requirements of section 309 (1) above. Approval of the plans shall be indicated by the issuance of a preliminary permit by the Township. Within sixty (6) days of the satisfactory completion of construction of a private road, the Township shall issue a final permit. The Township shall establish and assess reasonable fees for necessary inspections and issuance of permits.

- (3) **Easement and Maintenance Agreement.** For each private road to be established in accordance with this section, a document shall be prepared that is acceptable to the Township and that specifies the legal descriptions of the easement, right-of-way, and each parcel or unit of ownership served by the private road. This document shall be recorded with the County Register of Deeds and filed with the Township Zoning Administrator. This document shall run with the land and bind each of the parcels or units of ownership served by the private road. The document shall also set forth an agreement between the owners of the properties served by the private road with respect to improvement and maintenance of the road, including snow removal. The agreement shall provide for the apportionment of costs for such items, and may provide for voting rights of property owners with respect to decision on such matters. The agreement shall also provide the Township with the right to access and maintain the private road and to charge the owners in accordance with their agreement for apportionment of costs incurred, plus a twenty-five percent (25%) administrative fee, in the event that the property owners fail to perform the agreed-upon duties.
- (4) **Clear Vision Area.** Any intersection between public and private roads shall contain a clear vision area that consists of a triangular area that consists of not less than twenty (20) feet along each right-of-way line as measured from the point of intersection of the right-of-way lines.
- (5) **Maximum Length.** No driveway or private road that serves or is intended to serve more than one (1) parcel or unit of ownership shall extend for more than 2,640 feet from a public road. In order to extend a private road to more than 2,640 feet, it must first be dedicated for public use and accepted as a public road by the County Road Commission.
- (6) **Parcel Limitations.** No driveway or private road shall serve more than thirty (30) parcels. In order for a private road to serve more than thirty (30) parcels, it must first be dedicated for public use and accepted as a public road by the County Road Commission.

Chapter 5 Zoning Districts

501. Division of the Township

For the purposes of this Ordinance, Fremont Township, Saginaw County, Michigan, is divided into the following zoning districts:

- A-1 Agricultural
- A-2 Agricultural and Low Density Residential
- B -1 Commercial Business

502. Official Zoning Map

The boundaries of these zoning districts are hereby defined and established on a map entitled, "Zoning District Map of Fremont Township," which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by the Township Clerk.

503. Interpretation of Zoning District Boundaries

The following rules shall be used in interpreting the boundaries shown on the Official Zoning Map:

- a. Boundaries that appear to follow the centerline of a street or highway shall be interpreted to follow that centerline.
- b. Boundaries that appear to follow a Township boundary line shall be interpreted to follow that boundary line.
- c. Boundaries that appear to follow the exterior property lines of a platted subdivision shall be interpreted to follow those property lines.
- d. Boundaries that appear to follow platted property lines shall be interpreted to follow those property lines.
- e. Boundaries that appear to follow the exterior property lines of a Planned Unit Development shall be interpreted to follow those exterior property lines.
- f. Boundaries that appear to follow the centerline of a stream or the ordinary high water mark of a lake shall be interpreted to follow that centerline or ordinary high water mark.
- g. Boundaries that appear to follow property lines, or interior or exterior section lines, shall be interpreted as following those property or section lines.

If the Zoning Administrator finds these standards to be inadequate for the purpose of interpreting the location of a zoning district boundary in any case, or if a property owner wishes to dispute the Zoning Administrator's interpretation of the location of a district boundary, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Chapter 9.

504. District Regulations

The following charts identify the intent and purpose, uses permitted by right, uses permitted by special use permit, and the dimensional requirements for each zoning district of James Township as described in Section 501.

Section 504.1

A-1 General Agricultural Zoning District Regulations

Intent and Purpose:

1. To preserve and promote the use of land for food and fiber production.
2. To permit limited residential development and other rural land uses.

Permitted Uses

1. Forestry
2. Farms and general farming operations, including field crops, fruit orchards, truck farming, horticulture, aviaries, hatcheries, apiaries, sod farms, and vineyards
3. Raising and keeping large farm animals and livestock, subject to requirements of Section 308.
4. Plant nurseries and greenhouses.
5. Raising and keeping small animals
6. Single family dwellings.
7. Roadside stands for sale of produce grown by owner.
8. Public utility transformer stations
9. Conservation areas.
10. Public parks and recreation areas.
11. Cemeteries.
12. State licensed residential facilities.
13. Family child care homes.
14. Accessory uses and structures.

Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)

1. Production of fur-bearing animals (6-14)
2. Grain and seed elevators (6-14)
3. Wholesale agricultural product storage. (6-14)
4. Riding stables (6-9)
5. Livestock auction yards. (6-9)
6. Accessory occupations (6-24)
7. Two-family homes (6-12)
8. Second living quarters for family members (6-13)
9. Housing for seasonal labor (6-12)
10. Veterinary clinics (6-6)
11. Kennels (6-6)
12. Correctional Institutions (6-19)
13. Religious, social, and educational institutions (6-5)
14. Institutions for handicapped persons & substance abuse treatment (6-5)
15. Aircraft landing strips; airport. (6-10)
16. Group child care & child care centers (6-6)
17. Communication towers, cable and internet switching site (6-16)
18. Natural resource extraction: sand, gravel & topsoil removal (6-22)
19. Motorized vehicle race tracks (6-11)
20. RV parks and campgrounds (6-15)
21. Golf courses and country clubs (6-5)
22. Driving ranges and miniature golf (6-8)
23. Shooting clubs and ranges (6-5)
24. Wind turbine generators (6-18)
25. Crematories (6-19)
26. Sewage treatment facility (6-10)
27. Ponds (6-21)
28. Solar Panel Farm (Section 6-12 r)
29. Wind energy "on site" and "wind site assessment" (Section 6-12 s)
30. Wind energy utility grid energy systems (Section 6-12 s)

Minimum Lot Size

Area: 43,560 square feet (one acre)

Width: 150 feet continuous frontage at the front lot line.

Minimum Setbacks (Main Bldg/Accessory bldg.)

Front: 75 feet / 75 feet from the road right of way

Side: 15 feet each side / 15 feet

Rear: 40 feet / 15 feet

Maximum building height (see note below):

Principal building: 2.5 stories, 35 feet

Accessory building 30 feet

Agricultural operations: 85 feet

Note: Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.

Minimum Floor Area:

1200 square feet for single-family dwelling units

Off-Street Parking Requirements:

See Chapter 7

Screening/Buffering Requirement:

See Chapter 3

Sign Regulations:

See Chapter 8

Section 504.2

| | |
|--|---|
| <p>A-2 Agricultural and Low Density Residential Zoning District Regulations</p> <p>Intent and Purpose:</p> <ol style="list-style-type: none"> To encourage low-density residential development on individual lots. To permit a controlled mixture of residential and agricultural uses in a rural environment. | |
| <p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> Forestry Farms and general farming operations, including field crops, fruit orchards, truck farming, horticulture, aviaries, hatcheries, apiaries Raising and keeping large farm animals and livestock, subject to requirements of Section 308. Plant nurseries and greenhouses. Raising and keeping small animals Single family dwellings. Roadside stands for sale of produce grown by owner. Public utility transformer stations Conservation areas. Parks and recreation areas. Cemeteries. State licensed residential facilities. Family child care homes. Accessory uses and structures. | <p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)</p> <ol style="list-style-type: none"> Production of fur-bearing animals (6-14) Grain and seed elevators (6-14) Wholesale agricultural product storage. (6-14) Riding stables (6-9) Livestock auction yards. (6-9) Accessory occupations (6-24) Two-family homes (6-12) Second living quarters for family members (6-13) Housing for seasonal labor (6-12) Veterinary clinics (6-6) Kennels (6-6) Correctional Institutions (6-19) Religious, social, and educational institutions (6-5) Institutions for handicapped persons & substance abuse treatment (6-5) Aircraft landing strips; airport. (6-10) Group child care & child care centers (6-6) Communication towers, cable and internet switching site (6-16) Natural resource extraction: sand, gravel & topsoil removal (6-22) Motorized vehicle race tracks (6-11) RV parks and campgrounds (6-15) Golf courses and country clubs (6-5) Driving ranges and miniature golf (6-8) Shooting clubs and ranges (6-5) Wind turbine generators (6-18) Crematories (6-19) Sewage treatment facility (6-10) Ponds (6-21) Wind energy "on site" and "wind site assessment" (Section 6-12 s) |
| <p>Minimum Lot Size Area: 43,560 square feet (one acre)</p> <p>Width: 150 feet continuous frontage at the front lot line.</p> | <p>Minimum Setbacks Front: 75 feet / 75 feet from the road right of way Side: 15 feet each side / 15 feet Rear: 40 feet / 15 feet</p> <p>Maximum building height (see note below): Principal building: 2.5 stories, 35 feet Accessory building 30 feet Agricultural operations: 85 feet</p> <p><i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p> |
| <p>Minimum Floor Area: 1200 square feet for single family dwellings</p> | <p>Off-Street Parking Requirements: See Chapter 7</p> |
| <p>Screening/Buffering Requirement: See Chapter 3</p> | <p>Sign Regulations: See Chapter 8</p> |

Section 504.3

B-1 Community Business Zoning District Regulations

Intent and Purpose:

1. To provide for commercial activities to meet the day-to-day convenience shopping and service needs of both Township residents and residents of surrounding areas

| | |
|--|--|
| <p style="text-align: center;">Permitted Uses</p> <ol style="list-style-type: none"> 1. General retail businesses, including retail food. 2. Offices and professional services. 3. Personal service establishments. 4. Restaurants, including clubs & drinking establishments, but excluding drive-in and drive-thru restaurants 5. Institutions for human care. 6. Commercial schools 7. Veterinary clinics 8. Commercial indoor recreation and amusements. 9. Accessory uses and structures. | <p style="text-align: center;">Special Uses Subject to Review and Approval as Specified in Chapter 6 (Page #)</p> <ol style="list-style-type: none"> 1. Auto service stations (6-7) 2. Car washes (6-7) 3. Automobile repair facility, including body shops (6-7) 4. Vehicle sales facilities (6-23) 5. Outdoor uses, including open-air businesses & temporary outdoor uses (6-11) 6. Hotels & motels (6-14) 7. Warehouses & storage buildings (6-14) 8. Wholesale businesses (6-14) 9. Self-serve storage buildings (“mini-warehouses”) (6-7) 10. Lumber yards & home improvement center yards (6-14) 11. Child care centers (6-6) 12. Religious, social & educational institutions (6-5) 13. Funeral homes & mortuaries (6-6) 14. Bulk fuel dealers (6-7) 15. Drive-in & Drive-thru businesses (6-8) 16. Communication towers, cable and internet switching site (6-16) 17. Adult business (6-20) |
| <p>Minimum Lot Size Area and Width: Area: 43,560 square feet (one acre) and 150 feet continuous frontage at the front lot line.</p> | <p>Minimum Setbacks Front: 25 feet from the road right of way Side: 10 feet each side if detached; may be attached to another business with approved firewall construction between; 20 feet on any side abutting a residential district. Rear: 20 feet for both principal building and any accessory building(s).</p> <p>Maximum building height (see note below): Principal building: 3.0 stories, 40 feet Accessory building 30 feet</p> <p><i>Note:</i> Permitted non-residential structures may increase maximum height if front, side, and rear setbacks are increased one (1) foot for each one (1) foot increase in building height.</p> |
| <p>Minimum Floor Area: No minimum</p> | <p>Off-Street Parking Requirements: See Chapter 7</p> |
| <p>Screening/Buffering Requirement: See Chapter 3</p> | <p>Sign Regulations: See Chapter 8</p> |

Section 612 (k) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|---|-------------------------------------|---|--|---|---|-------------------------|
| <p>Communication Towers, cable and internet switching stations</p> | <p>Same as Zoning District</p> | <p>Any tower structure must be centrally located on a parcel having dimensions not less than the height of the tower, as measured from the base of the tower to all points on each property line.</p> | <p>Same as Zoning District where the proposed Special Use is located</p> | <ol style="list-style-type: none"> 1. No portion of any tower, including any guy wires and support structures, shall be located closer than fifty (50) feet to any property line. 2. All structures shall be located at least two hundred (200) feet from any dwelling. | <ol style="list-style-type: none"> 1. 35 % | <p><i>See below</i></p> |
| <p>Other Requirements:</p> <ol style="list-style-type: none"> 1. It is the policy of the Township to encourage the use of existing structures for communication facilities. 2. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission. 3. Tower height must comply with any Airport Zoning Regulations that are in effect. The tower height shall not exceed one hundred seventy five (175) feet. 4. All towers shall be constructed in compliance with all applicable local statutes, regulations, and standards, including design requirements for withstanding wind loading and grounding for lightning strike protection. Compliance with these items shall be verified by a licensed professional structural engineer. 5. Towers shall not be artificially lighted unless required by the Federal Aviation Administration. 6. Towers shall not display advertising or identification of any kind, except as required for emergency purposes. 7. The Township may require a performance bond to ensure the proper construction and maintenance of a tower. 8. The applicant or owner must provide written statements to certify the following to the Township: <ol style="list-style-type: none"> a. That the owner will notify the Township of any change in ownership or control of the tower. b. That the owner will notify the Township of any change in operation of the tower, to including the cessation of operations c. That if the tower is not operated for a continuous period of 12 months, it shall be considered abandoned, and the owner shall remove the tower within 90 days of notification of such abandonment by the Township. If the owner fails to remove the tower within 90 days, the Township may remove the tower at the owner's expense 9. Construction of a new tower that is authorized under a Special use Permit shall be completed within one year of the date of the permit, or the permit shall become void. | | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Section 612 (r) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|--|-------------------------------------|---|----------------------|---------------------------|-----------------------------------|--------------------|
| Solar Panel Farm | Same as Zoning District | As identified in Ordinance 2018-01: Solar Panel Farm Ordinance. | | | | <i>See below</i> |
| <p>Other Requirements:</p> <p>See Ordinance 2018-01 Solar Panel Farm Ordinance for detailed requirements.</p> | | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Section 612 (s) Special Land Use Requirements, continued

| Special Use | Site Access & Location Requirements | Minimum Parcel Size (Lot Area) | Minimum Parcel Width | Minimum Building Setbacks | Maximum Lot Coverage by Buildings | Other Requirements |
|--|-------------------------------------|--|----------------------|---------------------------|-----------------------------------|--------------------|
| Wind Farm | Same as Zoning District | As identified in Ordinance 2021-01: Wind Energy Amendment. | | | | See below |
| Other Requirements: See Ordinance 2021-01 Wind Energy Amendment for detailed requirements. | | | | | | |

Note: Be sure to read section 611 for important information that applies to all special use permit applications

Chapter 8 Sign Regulations

801. Intent and Purpose

The intent of this article is to regulate the type, number, physical dimensions, erection and placement of signs in Fremont Township. The purpose of these regulations is to:

- a. Promote the public health, safety, and welfare of residents and visitors;
- b. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
- c. Protect commercial districts from visual clutter and chaos;
- d. Protect property values;
- e. Protect the rural character and natural beauty of Fremont Township.

802. Definitions

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."
- b. **Sign:** A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business.
- c. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- d. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining the sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

- e. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- f. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- g. **Freestanding Sign:** A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs. Freestanding signs include billboards.
- h. **Ground Sign:** A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also commonly referred to as "monument" signs.
- i. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- l. **Temporary sign:** A sign that is intended to be displayed for a limited period of time and not permanently affixed to a building or the ground.
- k. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

803. Billboards Prohibited

Billboards, as defined by this Ordinance, are prohibited in Fremont Township after the effective date of this ordinance.

804. Zoning or Building Permit Required

Unless a sign is exempt from permit requirements as specified in Section 805, a Zoning or building Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

805. Signs and Activities Exempt from Permit

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance.

- a. **Temporary signs:**
Temporary signs which are unlit and under 5' in height and not over 32 sq ft in area total per parcel.
- b. **Public Signs or Notices:**
Public signs or notices of Fremont Township, Saginaw County, the State of Michigan, or the United States of America may be erected as deemed necessary and appropriate by the unit of government.
- c. **Name Plates:**
One (1) nameplate sign per premises not to exceed four (4) square feet in sign area.
- d. **Home Occupation Signs:**
One sign per dwelling unit not to exceed six (6) square feet in sign area.
- e. **Retail Fuel Pricing Signs:**
Retail fuel pricing signs typically and historically displayed by service stations and convenience stores with fuel sales which indicate the per gallon and/or per liter price of fuel.
- f. **Historic Sites:**
Signs designating sites recognized by the State Historical Commission.
- g. **Miscellaneous Signs:**
Placards posted to control or prohibit hunting or trespassing on public or private property, and signs that identify crop varieties.
- h. **Replacement of Copy:**
The replacement or changing of copy on an approved sign does not require a Zoning Permit. However, if the replacement creates a sign that violates the provisions of this Chapter, it shall be deemed a violation of this Ordinance and any Zoning Permit issued for the sign shall be invalidated.
- i. **Maintenance:**
Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit.

806. Prohibited Signs

Signs listed in this section are prohibited in all zoning districts.

- a. Billboards as stated in Section 803
- b. Abandoned signs or signs in disrepair that have become safety hazards.

- c. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a genuine, non-commercial, public message may be permitted subject to Planning Commission approval.
- d. Signs, that by their location, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic.
- e. Signs that do not comply with the Building and Safety Codes of Fremont Township.
- f. Signs, other than public signs or notices, placed in a designated public right of way unless permission to authorize such placement has been given, in writing, by the public agency having jurisdiction over said right of way. A copy of such written permission shall be provided to the Township prior to placement of such sign.
- g. Signs imitating or resembling official traffic or government signs or signals.
- h. Signs that by their location and character cause a hazard to air traffic.

807. General Sign Standards

- a. Illumination, if permitted, shall be by a non-flashing reflective light. The source of illumination shall be shielded from direct view of adjacent properties.
- b. All signs shall be subject to the Building and Safety Codes of Fremont Township.
- c. All signs shall be set back a minimum of ten (10) feet from all side lot lines and three (3) feet from all road right-of-way lines, except where otherwise required by this Ordinance.
- d. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance; provided, however, that ground mounted signs shall not exceed six (6) feet in height.
- e. No signs shall be placed in required clear vision areas.
- f. No person shall erect or relocate or cause to be erected, any sign without first obtaining a Building Permit.
- h. No person shall repair or alter, or cause to be repaired or altered, any sign without obtaining a Building Permit if one-half (1/2) of the replacement value of the sign will be exceeded.

808. Agricultural and Low-Density Residential Zoning Districts (A-1 and A-2 Districts)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One (1) on premise, non-illuminated, ground sign not more than six (6) feet in height and not more than sixteen (16) square feet advertising a permitted non-residential use or an authorized special use.
- b. One (1) on-premise, non-illuminated, ground-mounted sign not more than six (6) feet in height and displayed on a seasonal basis advertising the sale of farm produce to the general public. The sign shall not exceed thirty-two (32) square feet in sign area and shall be displayed only during the seasonal period of time which sales occur. The sign shall be removed within fourteen (14) days of the closure of the public sales.
- c. One portable sign not to exceed thirty-two (32) square feet provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all Township Building and Safety codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
 - (4) The length of the display period shall be limited to thirty (30) days within a twelve (12) month period.

809. Business Zoning Districts (B-1 District)

Signs as specified in Section 805 are allowed without obtaining a permit. In addition, the following signs are also permitted, provided that a permit is obtained as specified in Section 804.

- a. One freestanding (pole-mounted) sign per establishment use, not exceeding one hundred (100) square feet in area per face, nor more than twenty-five (25) in height, as measured from the grade level to the highest point of the sign. The lowest point of freestanding signs shall not be less than ten (10) feet above ground level. No portion of a freestanding sign shall be located closer than ten (10) feet to any property line.
- b. Wall signs, provided that such signs do not exceed ten percent (10%) of the area of the wall face upon which the sign or signs are attached or painted, or one hundred (100) square feet, whichever is greater. Wall signs shall be attached and parallel to the face of the building wall.

- c. Signs may be attached to or painted on a marquee or canopy, provided that such signs are at least ten (10) feet above grade.
- d. No sign shall project above the roof line of the building to which it is attached.
- e. One portable sign not to exceed thirty-two (32) square feet, provided:
 - (1) The sign must meet required setbacks.
 - (2) The sign shall be properly anchored and wired and shall meet all Township Building and Safety Codes.
 - (3) The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.
 - (4) The length of the display period shall be limited to thirty (30) days within a twelve (12) month period.
- f. Pennants and banners may be displayed on commercial property of a retail sales nature provided that they shall be securely anchored.
- g. Ground signs not exceeding thirty-two (32) square feet in area nor six (6) feet in height.
- h. Illumination of signs is permitted in the B-1 districts, provided that it complies with the standards specified in Section 811.

810. Illumination

- a. The light from any illuminated sign shall be shaded, shielded, and directed in such a manner so that the light intensity or brightness will not be objectionable to surrounding areas.
- b. No sign shall have blinking, flashing or fluttering lights, or other illuminating devices that have a changing light intensity, brightness, or color. Beacon lights are not permitted.
- c. No colored lights shall be used at any location or in any manner that imitates or might be confused with traffic control devices.
- d. Neither direct nor reflected light from primary light sources shall create a traffic hazard to motor vehicle operators on public roads.
- e. No exposed reflective type bulbs and no strobe light or incandescent lamp that exceeds fifteen (15) watts shall be used on the exterior surface of any sign in a manner that would expose the face of the bulb, light, or lamp to any public road or adjacent property.

811. Non-Conforming Signs

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Article may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter *shall not*:

- a. Be changed to another non-conforming sign;
- b. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign;
- c. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer; or
- d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

**FREMONT TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

ORDINANCE 2022-02

**SOLAR FARM, HEARING AND NOTIFICATION TIMEFRAMES, AND EVENT BARN
AMENDMENT TO THE FREMONT TOWNSHIP ZONING ORDINANCE,
WHICH WAS ADOPTED JANUARY 2006, AS AMENDED**

An Ordinance for the public health, safety, and welfare to amend the section of the Fremont Township Zoning Ordinance (“Zoning Ordinance”) regulating Solar Farms to, among other things, add a continuing enforcement escrow requirement, update setback regulations, revise required decommissioning requirements, and to add screening requirements. Such ordinance amendment also amends the Zoning Ordinance to clarify required notices for public hearings to amend the Zoning Ordinance, clarify when the Township must act on special use permit applications, and adds regulations governing a new defined Event Barn use.

FREMONT TOWNSHIP, SAGINAW COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 5 is amended to add a Section “17.” as reflected below:

17. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit by the applicant prior to the commencement of construction of any Solar Farm and shall be maintained by the Solar Farm owner or operator until the Solar Farm has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of the Zoning Ordinance and the terms of a special use permit and any zoning approvals which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as costs for any consultants, reports, or studies that the Township determines are reasonably related to enforcement of the Zoning Ordinance and related zoning approvals. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township’s enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 - a. Continuing Obligations: Failure to keep any required financial security or continuing compliance and enforcement cash amount in full force and effect at all times while a Solar Farm exists or is in place shall constitute a material and significant violation of a special use permit and the Zoning Ordinance, and will subject the Solar Farm applicant, owner and/or operator to all remedies available to the Township, including enforcement actions and revocation of a special use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this Section.

SECTION 2. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 1, Section “Setbacks:” is amended as reflected below:

Setbacks: All fenced Solar Farm improvements shall be setback a minimum of seventy-five (75) feet from a side or rear property line unless a property line is between two or more properties where a developer has sufficient land rights with all adjacent property owners to build improvements and a minimum of one hundred (100) feet from any road right-of way. All facilities shall also be setback at least to the limit of any established county drain right-of-way or easement unless special provisions are formally agreed to with the Saginaw County Public Works Commissioner so as not to impede/obstruct access along the county drain. In addition to the Setback area required above, an additional distance of twenty-five (25) feet may be required between the Setback area and the Required Fencing for the addition of Landscaping, where landscaping is necessary as described below.

SECTION 3. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 5 is amended to add a Section “18.” as reflected below for fencing.

18. Required Fencing: Areas that host visible Solar Farm improvements (e.g., ground mounted solar panels) shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter and the fencing must utilize fabric screening or other acceptable methods to the Township to screen the improvements from visibility. The required fencing cannot utilize barbed or razor wire. Moreover, the required fencing must be in between the required Solar Farm landscaping and Solar Farm improvements.

SECTION 4. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 2, Section “Landscaping:” is amended as reflected below:

Landscaping: The perimeter of all visible Solar Farm improvements shall be screened and buffered by required installed evergreen or native vegetative plantings located outside of the required fencing whenever existing natural forest vegetation or berming does not otherwise continuously obscure Solar Farm improvements from adjacent parcels (unless two parcels hosting Solar Farm improvements will be enclosed in one fenced area), subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen or native vegetative buffer installed pursuant to this Section, a continuous evergreen or native vegetative buffer shall be installed and maintained at all times at the perimeter of all Solar Farm improvements, including without limitation, between such Solar Farms and adjacent residential or agricultural areas and/or public highways or streets (unless two parcels hosting Solar Farm improvements will be enclosed in one fenced area). Nothing contained herein shall be construed to prevent reasonable access to any approved Solar Farm.

2. The required evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center, and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of the Zoning Ordinance and is grounds for revocation of any applicable project zoning approvals including special use permits and site plan approvals.

3. All plant materials for the required evergreen or native vegetative buffer shall be installed between March 15 and November 15. If an applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety bond, or cash deposit for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

4. The required landscaping buffer for Solar Farms must be 25 feet in width. Lands from the edge of a required landscaping buffer to a road right-of-way or adjacent property line (the setback area) must be mowed three times per year or be maintained by some other method acceptable to the Township to maintain a neat and orderly appearance of the setback area.

5. In its discretion, Township may waive any and all landscaping requirements in this section should it find that an applicant proposed an adequate alternative method to screen the Solar Farm from adjacent properties and roadways or if a particular area of a Solar Farm does not require screening due to, among other things, no unreasonable impacts from glare.

SECTION 5. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 4 is amended to modify Section “11.” “Life of the Project and Final Reclamation:” as reflected below:

11. Life of the Project and Final Reclamation: Applicants must describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of a Solar Farm. This includes: (1) supplying evidence of an agreement with the underlying property owner(s) that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project; (2) providing the Township a narrative outlining the expected useful life of a project before decommissioning; and (3) supplying an estimate of decommissioning and restoration costs associated with a project which does not credit the value of any salvage materials and is prepared by a professional engineer.

To ensure proper removal of project improvements upon abandonment/termination of a project, applicants must enter into a decommissioning agreement in a form acceptable to the Township Board outlining when project components must be decommissioned. Applicants must also post with the Township a financial security guaranteeing removal of project improvements which must be posted before construction of any Solar Farm improvements. The financial security may be in the form of cash, bond, irrevocable letter of credit, or other financial instrument in a form approved by the Township Board. The amount of financial instrument shall be no less than the estimated cost of removal of all project improvements (without crediting any amount for salvage value of removal of improvements) and must either be increased at least every five (5) years by following an inflationary index acceptable to the Township or by determining the actual costs to decommission a project. The required financial security for decommissioning a project must be maintained by the applicant or successor owner or operator of a project for as long as the project has improvements within the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned, or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

SECTION 6. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 5 is amended to add Section “19.” “Concrete Foundations:” as reflected below:

19. Concrete Foundations: Solar Farm improvements (e.g., panels) may not utilize concrete foundations unless an applicant prepares a plan and demonstrates how such foundations will be removed and the land will be restored to a substantially-similar condition as its initial condition after the useful life of a project.

SECTION 7. AMENDMENT TO ZONING ORDINANCE AMENDMENT 2018-01 (SOLAR PANEL FARM ORDINANCE): Zoning Ordinance, Amendment 2018-01 at page 3 is amended to add Sections “12” and “13” to Additional Site Plan Requirements as reflected below:

12. Documentation that demonstrates the Solar Farm will not cause unreasonable impacts to public or private drainage systems on properties hosting improvements or properties adjacent or nearby to a proposed Solar Farm.

13. Any additional information deemed relevant to the Township to ensure compliance with the Zoning Ordinance.

SECTION 8. AMENDMENT TO ZONING ORDINANCE, SECTION 905(3)(B) “PUBLIC HEARING.”: Section 905(3)(B) “PUBLIC HEARING” of the Zoning Ordinance is amended remove subsections (1) and (2) and to read as follows (inconsistent time periods in Section 909 Table 9-1 shall have no force or effect):

- (B) PUBLIC HEARING. Before voting on any proposed amendment to the Zoning Ordinance, the Planning Commission must conduct a public hearing with notice given by the Zoning Administrator as specified in the Michigan Zoning Enabling Act or successor state law.

SECTION 9. AMENDMENT TO ZONING ORDINANCE, SECTION 604 “Public Hearing and Review Procedures” Section 604 “Public Hearing and Review Procedures” of the Zoning Ordinance is amended to read as follows:

The Planning Commission shall hold the public hearing on the proposed special use and shall review the site plan and other materials submitted with the application.

Following the public hearing, the Planning Commission shall make a decision based on whether or not the proposed special use is consistent with the specific standards applicable to the special use described in the Zoning Ordinance. If it is found that the proposed special use is consistent with these standards, the Planning Commission must approve the proposed special use.

If the Planning Commission finds that the proposed special use is not consistent with the standards in the Zoning Ordinance then it may approve the use with conditions, or it may deny the proposed use altogether.

At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before making a decision on the proposed special use. In such cases, the Planning Commission shall table consideration of the application until the applicant provides the amended site plan or additional information.

SECTION 10. AMENDMENT TO ZONING ORDINANCE, SECTION 612 “Special Land Use Requirements” Section 612 “Special Land Use Requirements” of the Zoning Ordinance is amended to add an additional Section 612(t) for “Event Barns” as written below.

EVENT BARNs

1. Intent. The intent of this section is to promote the preservation and viable use of existing structures of recognized agricultural heritage on a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.
2. Use of Event Barn. Anyone granted a special use permit for the operation of an Event Barn shall strictly adhere to, and shall require all persons using the property to strictly adhere to, the following provisions:
 - a. *Use of Dwelling*. No dwelling on the property shall be used for events. All such dwellings shall continue to be used for single family occupancy purposes.
 - b. *Attendance*. No event shall involve the presence of more than 250 persons or more than allowed by the adopted Building Code of the Township, whichever is less.
 - c. *Number of Events*. During each calendar year, not more than thirty five (35) events shall be conducted. Every day in which any part of an event occurs at an Event Barn shall be considered a separate event, except for weddings held over a weekend only where the wedding shall consist of (i) a pre-wedding rehearsal dinner on Friday (ii) a wedding and wedding reception on Saturday, and (iii) wedding cleanup on Sunday.

d. *Hours of Operation.* Every event shall conclude by no later than 10:00 p.m. on Sunday through Thursday evenings, and by no later than 11:00 p.m. each Friday and Saturday evening; and no event shall commence or continue at an Event Barn earlier than 8:00 a.m. each Sunday through Saturday.

e. *Food Service.* There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Saginaw County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.

f. *Safety and Security.* At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance. All Event Barns shall have proper emergency exits, fire extinguishers, smoke detectors, and meet all requirements of applicable Fire or Building Codes related to emergency exits and fire protection and safety. The Township may require review and comment of any Event Barn by an applicable fire protection agency prior to granting any permit.

g. *Alcoholic Beverages.* Where an entity intends to sell or provide alcohol or alcoholic beverages at an Event Barn event, the Event Barn permit holder must provide an event insurance policy, naming the Township as an additional insured, and must comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages unless duly licensed.

h. *Use of Outdoor Areas.* All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.

i. *Lighting.* There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time for conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.

j. *Trash.* The Event Barn permit holder shall require that trash is removed associated with an event immediately after the conclusion of the event.

k. *Parking.* There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the “parking lot” on the Site Plan. The parking lot shown on the approved Site Plan shall be gravel, or gravel-type material only, and not paved with blacktop or concrete or any other impervious substance, in keeping with the

rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.

l. *Temporary Structures; Bathroom Facilities.* No temporary structures or tents shall be permitted in connection with any event unless they are removed within 24 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.

m. *Retail Sales.* Retail sales facilities shall be prohibited at Event Barns, unless conducted exclusively by the renter of an Event Barn or the person(s) or entity responsible for hosting, operating, facilitating, organizing, or supervising an event at an Event Barn. Any such sales must terminate immediately after the conclusion of the event.

n. *Insurance.* Event Barn permit holders shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township's Zoning Administrator annually or more frequently on request.

o. *Permits from Review Authorities.* It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property.

p. *Special Use Permit, Site Plan, and Landscape Design.* An applicant for an Event Barn special use permit shall attach a proposed Site Plan to the special use permit application. The Site Plan shall comply with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination improvements, outdoor activity areas, landscaping and plantings.

SECTION 11. AMENDMENT TO ZONING ORDINANCE, SECTION 202. "Definitions" Section 202 "Definitions" of the Zoning Ordinance is amended to add a definition for "Event Barn" as written below. All other terms defined in Section 202 shall remain within the Zoning Ordinance and shall be renumbered corresponding with "Event Barn" as the new definition (64).

(64) Event Barn

A use of accessory agricultural structures, including barns, for organized meeting space for uses including weddings, birthday parties, corporate picnics, and other such events.

SECTION 12. AMENDMENT TO ZONING ORDINANCE, SECTION 504 (All Zoning Districts) Section 504 of the Zoning Ordinance shall be amended to add "Event Barns" as "Special Use Subject to Review and Approval as Specified in Chapter 6 (Section 612(t)) of the Zoning Ordinance for all Zoning Districts.

SECTION 13. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section, or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 14. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication as required by law.

SECTION 15. COMPILATION: Fremont Township may utilize the content of this Zoning Ordinance amendment to be included in a compiled Zoning Ordinance document and such compiled document shall have full force and effect as the Township’s Zoning Ordinance.

SECTION 16. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

NOTICE OF ADOPTION
ZONING ORDINANCE AMENDMENT
Fremont Township
Saginaw County, Michigan
ORDINANCE NO. 2022-02

Please take notice that on July 11, 2022, the Township Board of Fremont Township adopted Ordinance No. 2022-02, which amends the section of the Fremont Township Zoning Ordinance (“Zoning Ordinance”) regulating Solar Farms to, among other things, add a continuing enforcement escrow requirement, update setback regulations, revise required decommissioning requirements, and to add screening requirements. Such ordinance amendment also amends the Zoning Ordinance to clarify required notices for public hearings to amend the Zoning Ordinance, alters the time period for the Township to act on a special use permit application, and defines, allows, and regulates Event Barns within the Township. Copies of the Zoning Ordinance Amendment may be obtained from Ernest Delemeester Jr., Fremont Township Clerk, at 5980 South Hemlock Road, Hemlock, Michigan 48626. Kindly use the number below to coordinate an appointment to obtain any copies.

The Zoning Ordinance Amendment has the following sections, which are summarized below: Section 1: Amends Zoning Ordinance, Amendment 2018-01 at page 5 to add a Section “17.” to require a continuing compliance and enforcement escrow deposit to ensure that Solar Farms continue to meet requirements of the Zoning Ordinance and any zoning approvals through their lifespan; Section 2: Amends Zoning Ordinance, Amendment 2018-01 to adjust setback requirements for Solar Farms; Section 3: Amends Zoning Ordinance, Amendment 2018-01 to add required fencing obligations for Solar Farms; Section 4: Amends Zoning Ordinance, Amendment 2018-01 outlining landscaping requirements for Solar Farms; Section 5: Amends Zoning Ordinance, Amendment 2018-01 to clarify Solar Farm decommissioning requirements; Section 6: Amends Zoning Ordinance, Amendment 2018-01 to add regulations about Solar Farm concrete foundations; Section 7: Amends Zoning Ordinance, Amendment 2018-01 to require applicants to provide information about Solar Farm drainage impacts; Section 8: Amends Section 905(3)(B) of the Zoning Ordinance addressing public hearing notices; Section 9: Amends Section 604 of

the Zoning Ordinance addressing acting on special use permit applications; Section 10: Amends Section 612 of the Zoning Ordinance to add regulations governing Event Barns; Section 11: Amends Zoning Ordinance, Section 202 to define Event Barns; Section 12: Amends Section 504 of the Zoning Ordinance to allow Event Barns as a special use in all Zoning Districts; Section 13: Severability; Section 14: Effective date which is seven days after this publication unless subject to referendum; Section 15: Authorizes the Township to compile all the stated amendments in one Zoning Ordinance document; and Section 16: Repeals any conflicting provisions of the Zoning Ordinance.

Published by Order of the Township Board
Fremont Township, Saginaw County, Michigan
Ernest Delemeester Jr., Township Clerk
(269) 547-0224

**FREMONT TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

ORDINANCE 2023-01

**SOLAR PANEL FARM GLARE, NOISE AND DRAIN TILE AMENDMENT TO THE
FREMONT TOWNSHIP ZONING ORDINANCE,
WHICH WAS ADOPTED JANUARY 2006, AS AMENDED**

STATEMENT OF INTENT – This amendment was prompted by the desire to amend the Solar Panel Farm Amendment of the Fremont Township Zoning Ordinance (“Zoning Ordinance”) to, among other things; simplify the definition of a Solar Energy System; provide consistency within the ordinance by replacing text referring to Solar Farm Facilities and Solar Energy Facilities with the text Solar Farms; clarify nuisance characteristics, evaluation, restrictions, and mitigation of glint and glare effects; add a requirement for documentation of known private drain tile maps and the requirement for a detailed plan to restore drain tile upon decommissioning; specify post-construction sound modeling to identify noise levels; prohibit credits for re-sale of salvage materials to decommissioning cost estimates; and specify that an independent mediator or arbitrator shall be used for complaint resolution.

FREMONT TOWNSHIP, SAGINAW COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO CHAPTER 2, SECTION 202, DEFINITIONS: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 1 is amended as reflected below:

Chapter 2, Section 202, Definitions

Solar Energy System: Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal, electrical, or other energy.

Solar Energy Systems Accessory: A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Accessory Use Chapter 5-3, 5-4, and 5-5.

Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of the wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as solar-electric (photovoltaic) arrays that provide retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the Solar Energy System. A community solar system may be either an accessory or principal use.

SECTION 2. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 is amended as reflected below:

Text referring to “solar farm” (singular, lowercase), “solar farm facilities”, and “Solar Energy Facilities”, is replaced with the text “Solar Farms” throughout Solar Panel Farm Amendment 2018-01.

SECTION 3. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 2, Subsection Noise: is amended as reflected below:

Noise: No Solar Farm facilities shall exceed sixty (60) dBA as measured at the property line of a non-participating property.

SECTION 4. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 2, Subsection Glare: is amended as reflected below:

Glare: Solar Farms shall be located or placed so that unreasonable solar glare will not be directed toward or onto nearby properties or roadways at any time of the day.

1. All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
2. Solar facilities should be sited and designed properly to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, or other highly sensitive viewing locations, or to reduce them to the lowest achievable levels. The applicant will provide a glint and glare study which accurately assesses and quantifies potential glint and glare effects and to determine the potential health, safety, and visual impacts associated with proposed project.
3. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/or traffic control operations.
4. If the design of the project produces light or glare on neighboring homes or businesses, the owner shall mitigate that glare.

SECTION 5. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 3, Subsection Landscaping: Subparagraph 5 is amended as reflected below:

5. In its discretion, Township may waive any and all landscaping requirements in this section should it find that an applicant proposed an adequate alternative method to screen the Solar Farm from adjacent properties and roadways.

SECTION 6. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 4, Subsection Additional Site Plan Requirements: Subparagraph 12 is amended as reflected below:

12. Documentation that demonstrates the Solar Farm will not cause unreasonable impacts to public or private drainage systems on properties hosting improvements or properties adjacent or nearby to a proposed Solar Farm. This documentation must include maps of all known private drain tile on lands that will host Solar Farm improvements and a detailed plan to restore impacted private drain tile at the time of decommissioning the Solar Farm.

SECTION 7. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 5, Subsection Additional Special Use Criteria: Subparagraph 9 is amended as reflected below:

9. Sound Limitations: Provide a post-construction sound model which identifies noise levels at the property lines of the project when completed and operational.

SECTION 8. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 5, Subsection Additional Special Use Criteria: Subparagraph 11 is amended as reflected below (**amended text in bold**):

11. Life of the Project and Final Reclamation: Applicants must describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of a Solar Farm. This includes: (1) supplying evidence of an agreement with the underlying property owner(s) that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project; (2) providing the Township a narrative outlining the expected useful life of a project before decommissioning; and (3) supplying an estimate of decommissioning and restoration costs associated with a project which does not credit the value of any salvage materials **or re-sale credits of Solar Farm components such as solar panels** and is prepared by a professional engineer.

To ensure proper removal of project improvements upon abandonment/termination of a project, applicants must enter into a decommissioning agreement in a form acceptable to the Township Board outlining when project components must be decommissioned. Applicants must also post with the Township a financial security guaranteeing removal of project improvements which must be posted before construction of any Solar Farm improvements. The financial security may be in the form of cash, bond, irrevocable letter of credit, or other financial instrument in a form approved by the Township Board. The amount of financial instrument shall be no less than the estimated cost of removal of all project improvements (without crediting any amount for salvage value of removal of improvements) and must either be increased at least every five (5) years by following an inflationary index acceptable to the Township or by determining the actual costs to decommission a project. The

required financial security for decommissioning a project must be maintained by the applicant or successor owner or operator of a project for as long as the project has improvements within the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned, or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

SECTION 9. AMENDMENT TO CHAPTER 6, SECTION 612, SPECIAL LAND USE REQUIREMENTS, CONTINUED: Zoning Ordinance, Solar Panel Farm Amendment 2018-01 at page 6, Subsection Additional Special Use Criteria: Subparagraph 16 is amended as reflected below (**amended text in bold**):

16. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within ten (10) days of receipt of such complaint and the Township Supervisor shall also be notified of each complaint. The process **shall** use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
 - a. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
 - b. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

**STATE OF MICHIGAN
COUNTY OF SAGINAW**

TOWNSHIP OF FREMONT

ORDINANCE NO. 98-01

ADOPTED: AUGUST 10, 1998

EFFECTIVE: Jan 18, 1999

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Chpt. 7, Section 705, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**TOWNSHIP OF FREMONT
SAGINAW COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Fremont Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Fremont Township Land Division Ordinance 98-01(cont.)

SECTION III

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, and the requirements of other applicable ordinances.
- C. "Exempt split" or Exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 40 acres or the equivalent.
- E. "Governing Body" - the Fremont Township Board.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Planning Commission, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

Fremont Township Land Division Ordinance 98-01(cont.)

- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An application shall file all of the following with the Township Zoning Administrator for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee of \$75.00 to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act. Said \$75.00 shall be charged for each parcel created in excess of the original parcel.

SECTION VI

**PROCEDURE FOR REVIEW OF APPLICATIONS
FOR LAND DIVISION APPROVAL**

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial

Fremont Township Land Division Ordinance 98-01 (cont.)

- B. Any person or entity aggrieved by the decision of the Zoning Administrator may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land division or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII

STANDARDS FOR APPROVAL OF LANDDIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width equal to the lot requirement of the zoning district in which the parcel is located
- B. All such parcels shall contain a minimum area as required by the applicable zoning district standards.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, proposed road right of ways, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way or proposed right of way, which ever is grater to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Fremont Township Land Division Ordinance 98-01(cont.)

SECTION VIII

**CONSEQUENCES OF NONCOMPLIANCE WITH
LAND DIVISION APPROVAL REQUIREMENT**

Any division of land in violation of any provision of the Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall have further authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION X

REPEAL


All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI

EFFECTIVE DATE

This ordinance shall take effect upon publication following its adoption.

TOWNSHIP OF FREMONT



Patricia Kushion, Clerk
Nelson Rd.
St. Charles, Mich. 48655

**LAND DIVISION
FREMONT TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

PLEASE TAKE NOTICE that a regular meeting held on August 10, 1998 the Fremont Township Board adopted Ordinance No. 98-01. The summary of the ordinance appears below.

LAND DIVISION ORDINANCE NO. 98-01

SECTION I - TITLE

This ordinance shall be known and cited as the "FREMONT TOWNSHIP LAND DIVISION ORDINANCE".

SECTION II - PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act, 1967 PA288, as amended, formerly known as the Subdivision Control Act.

SECTION III - DEFINITIONS

This section defines terms and phrases used in this Ordinance.

SECTION IV - PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISIONS

Sets out the requirements for prior review and approval of all land divisions.

SECTION V - APPLICATION FOR LAND DIVISION APPROVAL

Sets out the documents required to be filed along with the application for land division approval.

SECTION VI - PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

Sets out the procedure to be followed when an application for land division approval has been filed, and states that the divisions must be approved or disapproved within 45 days after receipt of such application.

SECTION VII - STANDARDS FOR APPROVAL OF LAND DIVISIONS

States that a proposed land division shall be approved if all criteria in this section are met, i.e. minimum width, minimum depth, minimum area, adequate accessibility.

SECTION VIII - CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS

Any parcel created without compliance with this ordinance shall not be recognized on the assessment roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed.

SECTION IX - SEVERABILITY

Provides that if any portion of this Ordinance is declared invalid, such invalidity shall not effect any other portion of this Ordinance.

SECTION X - REPEAL

Repeals all ordinances or parts of ordinances in conflict herewith.

SECTION XI - EFFECTIVE DATE

This Ordinance shall take effect upon publication after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available for inspection and may be purchased at the Fremont Township Office on the scheduled Fremont Township Board meeting days from the date of this publication.

Approved: August 10, 1998

Published Date: January 18, 1999

Patricia Kushion
Fremont Township Clerk
Nelson Rd.
St. Charles, Mich. 48655

Ordinance 2000-01

~~CHAPTER 8~~

NOISE ABATEMENT

SECTION

- 801:** Short Title
- 802:** Definitions
- 803:** Prohibited Generally
- 804:** Radios, Television Sets, Musical Instruments, Tape Players, Compact Disc Players And Similar Devices
- 805:** Loudspeakers; Public Address Systems
- 806:** Animals And Birds
- 807:** Loading And Unloading
- 808:** Vehicle Or Motorboat Repairs And Testing
- 809:** Explosives, Firearms And Similar Devices
- 810:** Domestic Power Tools And Equipment
- 811:** Exhausts
- 812:** Pile Drivers, Hammers, etc.
- 813:** Blowers And Pumps
- 814:** Operation Of Motor Vehicles
- 815:** Exceptions
- 816:** Sanctions
- 817:** Severability
- 818:** Effective Date

801 SHORT TITLE:

This Ordinance may be cited as the *NOISE ABATEMENT ORDINANCE*.

802 DEFINITIONS:

- COMMERCIAL AREA:** Refers to a parcel of land zoned for or legally used for commercial purposes. A parcel which is zoned commercial by the Township Zoning Ordinance or is legally being devoted to a use which is a principal permitted use in such zoning districts is presumed to be such an area.
- CONTINUOUS NOISE:** Means any noise whose level does not vary during a period of at least five (5) minutes.
- EMERGENCY:** Means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action necessary to protect the public health, safety and welfare.

CHAPTER 8

802: DEFINITIONS (CONTINUED)

| | |
|-------------------------|---|
| IMPULSIVE NOISE: | Means a short burst of sound not exceeding ten (10) seconds in duration. |
| INTERMITTENT NOISE: | Means any noise whose level remains constant which goes on and off during the course of at least ten (10) seconds or goes on and off during a period of at least five (5) minutes, but which exceeds ten (10) seconds in duration each time it is on. |
| NIGHTTIME: | Unless otherwise specifically noted, means the hours from ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M. |
| NOISE: | Refers to any sound occurring on either a continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies. |
| NOISE DISTURBANCE: | Means any sound which endangers or injures the safety or health of humans or animals; annoys sensibilities; and/or endangers or injures personal or real property. |
| REAL PROPERTY BOUNDARY: | Means and imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions. |

803: PROHIBITED GENERALLY:

It shall be unlawful for any person to unreasonably make, continue or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from the operation of this ordinance.

804: RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS, TAPE PLAYERS, COMPACT DISC PLAYERS AND SIMILAR DEVICES:

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound is prohibited as follows:

- A. In such a manner as to create a noise disturbance across a real property boundary.
- B. In such a manner as to create a noise disturbance at fifty feet (50') (15 meters) from such a device, when operated in or on a motor vehicle on a public right of way or public space.

CHAPTER 8

NOISE ABATEMENT

804: RADIOS ETC. (CONTINUED)

- C. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

805: LOUDSPEAKERS; PUBLIC ADDRESS SYSTEMS:

It shall be unlawful to:

- A. Non commercial Use: Use or operate for a noncommercial purpose any loudspeaker, public address system or similar device during the nighttime, so that the sound therefrom creates a noise disturbance across a real property boundary.
- B. Commercial Use: Use or operate for any commercial purpose any loudspeaker, public address system or similar device:
 - 1. When the sound creates a noise disturbance across a real property boundary.
 - 2. During the nighttime or on a public right of way or public space.

806: ANIMALS AND BIRDS:

It shall be unlawful to own, possess or harbor any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a real property boundary.

807: LOADING AND UNLOADING:

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects during the nighttime in such a manner as to cause a noise disturbance across a real property boundary shall be unlawful.

808: VEHICLE OR MOTOR BOAT REPAIRS AND TESTING:

It shall be unlawful to repair, rebuild, modify or test any motor vehicle, motor cycle or motor boat in such a manner as to cause a noise disturbance across property boundary.

809: EXPLOSIVES, FIREARMS AND SIMILAR DEVICES:

The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right of way shall be unlawful except in areas where firing a gun and/or hunting is allowed except during nighttime hours.

CHAPTER 8

NOISE ABATEMENT

810: DOMESTIC POWER TOOLS AND EQUIPMENT:

It shall be unlawful to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, pump or similar device used out doors in residential areas during the nighttime so as to cause a noise disturbance across a real property boundary, except in an emergency.

811: EXHAUSTS:

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom shall be a violation of this chapter.

812: OPERATION OF MOTOR VEHICLES:

- A. The creation of any noise by the speeding up in lower gears of any car, truck, tractor, motor bike or any other motor vehicle beyond what is necessary to increase the speed of the motor vehicle sufficiently to orderly shift into the next higher gear, shall be unlawful.
- B. Any person who operates such a motor vehicle by speeding it up in fast acceleration, shifting quickly from one gear to another and then going only a short distance before slowing down or stopping, or any person who makes successive fast accelerations shifting gears quickly and racing the motor only to slow down soon after and immediately repeat the fast acceleration and shifting of gears, shall be guilty of a violation of this Code.
- C. Any person who races the motor of any such vehicle unnecessarily while the motor vehicle is standing still or is moving but not in gear or with the clutch out, shall be guilty of a violation of this Code.

813: EXCEPTIONS:

This Ordinance shall not apply to the following:

- A. Alarms: The emission of sound or the purpose of alerting persons to the existence of an emergency.
- B. Emergency Work: The emission of sound in the performance of emergency work.
- C. Motor Vehicles And Equipment: Motor vehicles and equipment or which noise levels are regulated by Act No. 73 of the Public Acts of Michigan of 1978 (MCLA 257.707a et seq.), as amended.
- D. Aircraft And Trains: Aircraft and trains.

CHAPTER 8

NOISE ABATEMENT

813: EXCEPTIONS (CONTINUED)

- E. Building, Construction And Demolition: The erection (including excavating) demolition, alteration or repair of any building or structure:
 - 1. Between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. Monday through Saturday and ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. on Sunday; or
 - 2. At any other time if a permit has been secured from a Building Official. Such permit may be issued if the Building Official finds the following facts to exist:
 - a. Issuance of the permit is in the interest of public health or safety.
 - b. The public health and safety will not be impaired.
 - c. The permit is necessary to avoid substantial loss or inconvenience to and interested party.
- F. Domestic Equipment: The operation of domestic tools such as lawnmowers, snow blowers, edgers, etc., when such tools are operated in a manner and frequency that is normal and customary in the community.
- G. Public Functions: Public functions which request and are given specific exemption by the Township Board.
- H. Public Employees: Peace officers, members of any branch of the armed services, public employees, and members of a fire department while in the discharge of their proper duties.

814: SANCTIONS:

- A. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

815: SEVERABILITY:

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

CHAPTER 8
NOISE ABATEMENT

816: EFFECIVE DATE:

That this Ordinance, or a summary thereof, is ordered to be published in the Valley Shopper, a newspaper of general circulation within the Township of Fremont on April 22, 2000, and shall become effective thirty (30) days from the date of said publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

TOWNSHIP OF FREMONT
COUNTY OF SAGINAW, STATE OF MICHIGAN
TOWNSHIP ORDINANCE NO. 01-03

FREMONT TOWNSHIP BLIGHT ORDINANCE

An Ordinance to prohibit the maintenance of blighting conditions and factors and to safeguard structures upon which the public good depends, and to provide for the enforcement thereof and to provide penalties for the violation thereof. This Ordinance shall be referred to as the "Fremont Township Blight Ordinance".

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF FREMONT, SAGINAW COUNTY, MICHIGAN:

Section 1. -- PURPOSE

It is the purpose of this Ordinance to remove, eliminate, repair, rehabilitate such structures, uses and activities which are of a nature to cause blight or blighting conditions and to safeguard structures upon which public good depends.

Section 2. -- CAUSES OF BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors which, if allowed to exist, will result in blighted neighborhoods and will harm the economic structure upon which the public good depends. On and after the effective date of this Ordinance no person, firm, or corporation or any group of any kind shall maintain or permit to be maintained any of these blights or blighting conditions upon any land or premises in the Township of Fremont.

The following activities are expressly prohibited in the Township of Fremont.

1. In any area zoned residential by Ordinance of the Township of Fremont, the existence of any junk motor vehicle, except in a completely enclosed building is expressly prohibited. For the purpose of this Ordinance the term "junk" motor vehicle shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days.

2. In any area zoned residential by said Zoning Ordinance, the out of doors storage upon any premises of building materials unless construction work is being done on said premises under a building permit and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts, or

equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure, provided further, that all construction debris shall be removed from any premises, prior to the issuance of a certificate of occupancy by the Building Inspector.

3. In any area zoned residential by said Zoning Ordinance, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, construction machinery or parts thereof, unused stoves or other appliances stored in the open, metal or any other material or other castoff material of any kind whether or not same could be put to any reasonable use.

4. In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or out-building unless the same is kept securely locked, windows kept glazed or boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.

5. In any area zoned other than residential by said Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of the use lawfully being conducted upon the premises involved.

6. In any area the existence of any structure or part of structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

7. In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the Township of Fremont and unless exterior construction is completed within one year after issuance thereof; unless this time is extended by the Building Inspector.

Section 3. -- ENFORCEMENT AND PENALTIES

1. This Ordinance shall be enforced by the Building Official and/or Ordinance Enforcement Officer of the Township of Fremont.

2. The owner, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by certified, return receipt requested mail. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting are in progress.

3. Failure to comply with such notice within the time allowed the owner and/or occupant shall constitute a violation of this Ordinance. Each day that there is such a failure to comply shall constitute a separate offense.

4. Violation of this Ordinance shall be deemed to be a nuisance per se. Any person or anyone acting on behalf of any such person who shall violate any provisions of this Ordinance, or who shall fail to comply with any of the requirements thereof shall be guilty of a municipal civil infraction as provided in Ordinance No. _____, Fremont Township Municipal Sanctions for Ordinance Violations Ordinance. A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including costs and attorneys' fees.

Section 4. -- SEVERABILITY

This Ordinance and the various parts, sentences and clauses thereof are hereby declared to be severable and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be unconstitutional and invalid.

Section 5. -- REPEAL CLAUSE


All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 6. -- EFFECTIVE DATE

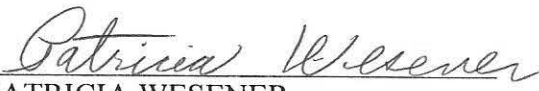
This Ordinance shall take effect and be in force thirty (30) days after its publication.

VOTE ON SAID ORDINANCE

Adopted:
Yeas: 5
Nays: 0



DONALD LaCLAIR,
Township Supervisor



PATRICIA WESENER,
Township Clerk

CERTIFICATION

The above Ordinance is a true copy of the Ordinance made and passed by the Fremont Township Board at a regular meeting of said Board held on the 13th day of August, 2001.

Dated: 9/26/01

Patricia Wesener
PATRICIA WESENER, Township Clerk

The above Ordinance was published in Saginaw Valley Shopper, on the 19th day of August, 2001.

Dated: 9/26/01

Patricia Wesener
PATRICIA WESENER, Township Clerk