

# **FREMONT TOWNSHIP**

## **ZONING ORDINANCE**

### **ORDINANCE NO. 100**

Adopted 12/15/16,  
as Amended through 6/22/21

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**ZONING ORDINANCE**  
**TOWNSHIP OF FREMONT**  
**ORDINANCE NO. 100**

AN ORDINANCE to regulate the use of land within the Township of Fremont, Sanilac County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Pubic Act 110 of the Public Acts of 2006, as amended.

**THE TOWNSHIP OF FREMONT ORDAINS:**

**ARTICLE 1: Title**

Section 1.01

This Ordinance shall be known and cited as the Fremont Township Zoning Ordinance No. 100.

**ARTICLE 2: Activities Covered By Ordinance**

Section 2.01

No building or structure, or part thereof, shall be erected, constructed, reconstructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

**ARTICLE 3: Administration**

Section 3.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 3.02 ZONING PERMITS

A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township. A zoning permit shall not be required for accessory structures containing less than 200 square feet. The term “change in use” shall mean a land use which is new to or different from how the property was previously used. However, a use that is accessory to an existing land use (and which conforms to this Ordinance) is not considered a change in use. Except that, “Home Occupations within Dwellings” and the “Caregiver Cultivation of Marijuana for Medical Use” within residential dwellings shall be deemed changes in use requiring a zoning permit. Additionally, it will be presumed that a change in use occurs when electrical equipment that has an ampacity of more than 200 amperes is to be installed at a residential property. This presumption can be overcome by the Applicant filing a “Accessory Use Affidavit” (in a form to be supplied by the Township, which shall be signed and authorized by the applicant and the property owner) with the Zoning Administrator, which indicates that the purpose for a home occupation or the installation is not for the caregiver cultivation of marijuana for medical use. Township representatives have the right to conduct annual or random inspections to verify compliance.

- A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township and shall include a plot plan of the proposed land use. See “plot plan” definition located in Article 22 for all plot plan requirements.
- B. PERMIT ISSUANCE. A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained. Additionally, a zoning permit will only be issued if the land use, building, and/or structure, subject to the zoning permit application, is in compliance with all other state, county, and local statutes and ordinances.
- C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.
- D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.
- E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.
- F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.
- G. REVOCATION. A zoning permit may be revoked by the Township if the land use, building, and/or structure are no longer in compliance with all state, county, and local statutes and ordinances.

*(Amended by ZOA 100-03, adopted 6/22/21)*

## **ARTICLE 4: Zoning Districts**

### Section 4.01 DISTRICTS

The Township is hereby divided into the following zoning districts:

AR	Agriculture – Residential
R	Residential
AB	Agricultural - Business
MHP	Manufactured Housing Park
C	Commercial
I	Industrial

### Section 4.02 DISTRICT BOUNDARIES AND MAP

The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Fremont Township Zoning Map.

Section 4.03 PRINCIPAL USES PERMITTED

All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval".

Section 4.04 SPECIAL LAND USES

A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

**ARTICLE 5: AR Agriculture - Residential District**

Section 5.01 PRINCIPAL USES PERMITTED

- A. Farms, farm buildings, and farm uses on parcels of land containing two (2) or more acres. The keeping of livestock, poultry and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.
- B. Forestry, conservation areas, game refuges, publicly owned parks, and similar non-commercial uses.
- C. Single-family dwellings (subject to Section 13.05).
- D. Farm roadside stands or sales limited to the selling of produce raised primarily on that farm.
- E. State licensed family day-care homes for children.
- F. State licensed residential facilities for six or fewer residents.
- G. Home Occupations within Dwellings.
  - 1. The home occupation must be conducted entirely within a dwelling, which can include an unattached structure so long as only 600 square feet of the unattached structure is being used for the home occupation.
  - 2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
  - 3. No noise, odor, fire hazard, or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
  - 4. No outdoor storage or display of merchandise or materials shall be allowed.
  - 5. Two employees shall be allowed, other than family members who reside in the home on the property.
  - 6. Permissible home occupations shall include, but not be limited to, crafts and the teaching of fine arts.
- H. Medical marijuana facilities and caregivers, subject to the following:

1. Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana.
  2. Medical marijuana caregivers shall only be allowed to operate within single family dwellings where they reside. No medical marijuana caregiver shall be allowed to operate in any office building, commercial building, industrial building, apartment building or residential apartment.
  3. No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.
  4. Any medical marijuana facility shall be at least one thousand (1,000) feet from any school property line and at least five hundred (500) feet from any church, library, or licensed day-care center.
- I. Beekeeping or apiculture (pursuant to and subject to Section 13.20). *(Amended by ZOA 100-03, adopted 6/22/21)*
  - J. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). *(Amend by ZOA 100-02, adopted 9/21/17)*
  - K. Buildings, structures and uses which are accessory to any of the above-permitted uses. *(Amended by ZOA 100-03, adopted 6/22/21)*

#### Section 5.02 SPECIAL LAND USES

- A. Private parks, recreation facilities and activities, campgrounds, shooting ranges, and golf courses.
  1. Minimum site size shall be twenty (20) acres.
  2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred twenty-five (125) feet from property lines.
  3. Activities shall be adequately screened from abutting property.
  4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
  5. Related accessory commercial uses may be permitted in conjunction with the recreational use when it is clearly incidental to the main recreational character of the property.
- B. Home Occupations Outside of Dwellings.
  1. The home occupation must be conducted entirely within an enclosed building.
  2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.
  3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.



4. No outdoor storage or display of merchandise or materials shall be allowed.
5. There shall be no more than three (3) employees, other than family members who reside in the home on the property.

C. Dog kennels and the raising of fur bearing animals.

1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.
2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
4. For purposes of this section, a dog kennel is defined as any property on which eight (8) or more dogs over the age of six (6) months are kept or harbored.

D. Quarrying or removal of soil, sand, clay, gravel or similar materials.

It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to stockpile, strip any top soil, sand, clay, gravel, stone or similar material; to tunnel, shaft mine or quarry the mining of metals, coal and lignite, minerals, non-metallic minerals or earth resources; to use lands for filling or to expand an existing operation in the AR Zoning District without first submitting an application and securing approval from the Planning Commission and issuance of a permit by the Zoning Administrator.

1. No permits will be required for the following:
  - a) Excavations for building construction purposes, pursuant to duly issued zoning and building permits.
  - b) Minor or incidental grading or leveling of the above materials when used during development, provided no soil erosion conditions result.
  - c) Quarrying of less than five thousand (5,000) cubic yards per year on a single parcel of land.
2. Each application for special approval shall contain the following:
  - a) Names and addresses of property owners and proposed operators of the premises.
  - b) Legal description of the premises.
  - c) Aerial photograph of property as it exists.

- d) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
- e) Detailed statement as to the type of deposit or material proposed for extraction.
- f) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

3. Operational Requirements for Operations.

- a) Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.
- b) The operator shall acquire a haul permit from the Road Commission.
- c) The use of explosives is prohibited.
- d) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs and greenbelts where appropriate.
- e) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard-topping or chemical treatment.
- f) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three-foot horizontal to one foot vertical).
- g) No cut, excavation or stockpiling of material shall be allowed closer than two hundred (200) feet from the centerline of the nearest road right-of-way nor closer than one hundred and fifty (150) feet to the nearest property line. The Planning Commission may prescribe stricter requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.
- h) The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.

- E. State licensed residential facilities for seven or more residents.
- F. State licensed group child day-care homes.
- G. Township and other governmental buildings, structures and facilities.
- H. Schools, churches, and cemeteries.
- I. Bed and breakfast establishments.

- J. Communications and wind generation towers (subject to Section 13.12).
- K. Two family dwellings (subject to Section 13.05).
- L. Veterinary clinics.
- M. Platted subdivisions in compliance with the Michigan Land Division Act.
- N. Site condominium developments.

Single-family detached condominium developments, subject to the following requirements:

1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
  - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
  - b) Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 16 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
  - a) A survey of the condominium subdivision site.
  - b) A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
  - c) The location size, shape, area and width of all condominium units, and the location of all proposed streets.
  - d) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
  - e) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.

- f) A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.
  - g) A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
  4. Streets. All streets for a site condominium project shall conform to the Sanilac County Road Commission standards for subdivision streets and shall be dedicated as a public road.
  5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary storm water run-off across, through, and under the property, including excavating and maintenance of ditches and storm water retention areas.
  6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.
- O. Rooming houses.
  - P. Solar Energy Facilities (pursuant and subject to Section 13.19(B)). *(Amend by ZOA 100-02, adopted 9/21/17)*
  - Q. Caregiver cultivation of marijuana for medical use as an accessory use to Single- and Two-Family Dwellings in accordance with Section 13.17 Caregiver Cultivation of Marijuana for Medical Use. *(Amended by ZOA 100-03, adopted 6/22/21)*

## **ARTICLE 6: R Residential**

### Section 6.01 PRINCIPAL USES PERMITTED

- A. Single and two family dwellings (subject to Section 13.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations with dwellings (subject to the requirements of 5.01.F.)
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.
- G. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). *(Amend by ZOA 100-02, adopted 9/21/17)*

## Section 6.02 SPECIAL LAND USES

- A. Multiple family dwellings on parcels at least five (5) acres in size.
  - 1. There shall be no more than six (6) dwelling units per acre unless the units are served by a municipal sewer system.
  - 2. Each dwelling unit shall contain the minimum number of square feet specified in Section 10.02.
- B. Hospitals, convalescent homes, and assisted living facilities.
- C. Site condominium developments in compliance with the requirements of Section 5.02.N.
- D. Bed and breakfast establishments.
- E. Platted subdivisions in compliance with the Michigan Land Division Act.
- F. State licensed residential facilities for seven or more residents.
- G. State licensed group child day-care homes.
- H. Rooming houses.
- I. Caregiver cultivation of marijuana for medical use as an accessory use to Single, Two-, and Multiple-Family Dwellings in accordance with Section 13.17 Caregiver Cultivation of Marijuana for Medical Use. *(Amended by ZOA 100-03, adopted 6/22/21)*

## **ARTICLE 7: AB Agricultural - Business**

### Section 7.01 PRINCIPAL USES PERMITTED

- A. Single and two family dwellings (subject to Section 13.05).
- B. Agricultural enterprises.
- C. Farm roadside stands or sales limited to the selling of produce raised primarily on that farm.
- D. Home occupations (subject to the requirements of 5.01.F.)
- E. Beekeeping or apiculture (pursuant to and subject to Section 13.20). *(Amended by ZOA 100-03, adopted 6/22/21)*
- F. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). *(Amend by ZOA 100-02, adopted 9/21/17)*
- G. Buildings, structures and uses which are accessory to any of the above-permitted uses. *(Amended by ZOA 100-03, adopted 6/22/21)*

### Section 7.02 SPECIAL LAND USES

- A. Quarrying or removal of soil, sand, clay, gravel or similar materials of less than five thousand (5,000) cubic yards per year on a single parcel of land.

- B. Hospitals, convalescent homes, and assisted living facilities.
- C. Site condominium developments in compliance with the requirements of Section 5.02.N.
- D. Bed and breakfast establishments.
- E. Platted subdivisions in compliance with the Michigan Land Division Act.
- F. State licensed residential facilities for seven or more residents.
- G. State licensed group child day-care homes.
- H. Rooming houses.
- I. Home occupations (subject to the requirements of 5.02.B).
- J. Caregiver cultivation of marijuana for medical use as an accessory use to Single- and Two-Family Dwellings in accordance with Section 13.17 Caregiver Cultivation of Marijuana for Medical Use. *(Amended by ZOA 100-03, adopted 6/22/21)*

### **ARTICLE 8: MHP Manufactured Housing Park**

#### Section 8.01 PRINCIPAL USES PERMITTED

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
  - 1. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
  - 2. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- B. Single family dwellings (subject to Section 13.05).
- C. Crop production.
- D. State licensed family day-care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.
- G. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). *(Amend by ZOA 100-02, adopted 9/21/17)*

#### Section 8.02 SPECIAL LAND USES

- A. Caregiver cultivation of marijuana for medical use as an accessory use to Single-Family Dwellings in accordance with Section 13.17 Caregiver Cultivation of Marijuana for Medical Use. *(Amended by ZOA 100-03, adopted 6/22/21)*

## ARTICLE 9: C Commercial District

### Section 9.01 PRINCIPAL USES PERMITTED

- A. Any retail business which sells or rents merchandise within a completely enclosed building, except those uses specified in Section 9.02.
- B. Personal service establishments which operate within a completely enclosed building such as restaurants (without drive-through services or alcoholic beverages), laundromats, barber shops, beauty shops, photographic studios, bowling alleys, theaters, and dry cleaning establishments.
- C. Repair or service shops for consumer items such as watches, shoes, furniture, and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Mini-storage facilities which provide storage space for personal use.
- H. Schools, churches, and publicly-owned buildings or facilities.
- I. Single-family dwellings (subject to Section 13.05).
- J. Crop production.
- K. Medical, dental or veterinary clinics.
- L. Facilities for electricians, plumbers and similar trades within a completely enclosed building.
- M. Buildings, structures and uses which are accessory to any of the above permitted uses.
- O. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). (*Amend by ZOA 100-02, adopted 9/21/17*)

### Section 9.02 SPECIAL LAND USES

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, building supply operations, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, washing, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Recycling facilities (not including junk yards).
- D. Communications and wind generation towers (pursuant to Section 13.12).

- E. Taverns, bars, clubs, or other facilities serving alcoholic beverages.
- F. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.
  - 1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.
  - 2. No use listed in this subsection shall be located within one thousand (1,000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
  - 3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.
  - 4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include “specified anatomical areas” or “specified sexual activities”.
  - 5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
  - 6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than five (5) foot candle measured at floor level.
- G. Drive-Through Restaurants.
  - 1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
  - 2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.
- H. Wholesale business operations.
  - I. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments which do not serve alcoholic beverages.

**ARTICLE 10: I Industrial District**

**Section 10.01 PRINCIPAL USES PERMITTED**

- A. Factories engaged in manufacturing, assembling, machining, or other industrial or commercial production.



- B. Truck terminals.
- C. Public utility service yards.
- D. Repair facilities.
- E. Laboratories.
- F. Warehousing, storage, or wholesale facilities.
- G. Building material sales operations.
- H. Crop production.
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.
- J. Exempt Solar Energy (pursuant and subject to Section 13.19(A)). *(Amend by ZOA 100-02, adopted 9/21/17)*

Section 10.02 SPECIAL LAND USES

- A. Junk or recycling yards.
  1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
  2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
  3. Any junk yard must be completely enclosed by a wall, berm, or fence at least ten (10) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
  4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.
- B. Recycling facilities.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications or wind generation towers (pursuant to Section 13.12).
- F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- G. Airports.

H. Solar Energy Facilities (pursuant and subject to Section 13.19(B)). *(Amend by ZOA 100-02, adopted 9/21/17)*

**ARTICLE 11: Area, Setback and Height**

**Section 11.01 COMPLIANCE**

A. All lots, structures and ponds shall comply with the area, setback, and height requirements of Section 11.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

**Section 11.02 TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS**

Zoning District	Minimum Lot Area	Minimum Lot Width (In feet) (1)	Minimum Front Yard Setback (In feet) (2)(13)(14)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback (In feet)	Minimum Floor Area Per Dwelling (In Sq. ft.) (6)	Maximum Building Height (In feet)
AR	2 acres	200	125	50 (8)	50 (8)	900 (6)	35 (7)
R	1 acre	200	125 (9)	15	15	900 (6)	35
AB	2 acres	200	125	50 (8)	50 (8)	900 (6)	35 (7)
MHP	(5)	200 (12)	125 (12)	50 (12)	50 (12)	900 (6)	35
C	2 acres	200	125	25	25	900 (6) (10)	35
I	2 acres	200	125	50	50	(11)	35

- (1) Measured at minimum front yard setback line.
- (2) Measured from the center of the road right of way.
- (3) The minimums are reduced to 20,000 square feet lot area and 75 feet lot width if served by a central sewer system or if located within a platted subdivision or a condominium subdivision, providing that all Health Department requirements for sewage systems are complied with. The minimum side yard and rear yard setbacks are reduced to 10 feet on such lots.
- (4) The minimum floor space for multiple-family dwelling units unit shall be:
 

Efficiency	350 Square Feet
One-Bedroom Apartment	500 Square Feet
Two-Bedroom Apartment	700 Square Feet
Three-Bedroom Apartment	800 Square Feet
Four-Bedroom Apartment	900 Square Feet
- (5) Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. The minimum site size of a manufactured housing park shall be 20 acres. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 11.02 for the AR zoning district.
- (6) In no event shall the total floor area of all buildings on a lot or parcel exceed 20% of the total land area of the lot.
- (7) Agricultural structures shall be exempt.
- (8) For accessory buildings only, the Minimum Side and Rear Yard Setbacks are 35 feet, not 50 feet. *(Amended by ZOA 100-03, adopted 6/22/21)*
- (9) For platted lots only, the Minimum Front Yard Setback is 100 feet not 125 feet.
- (10) The Minimum Floor Area per commercial buildings is 480 square feet.

- (11) Dwellings are not permitted, nor are they special land uses, in the Industrial district. The Minimum Floor Area per industrial buildings is 2,000 square feet.
- (12) Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 11.02 for the AR zoning district.
- (13) No pond shall be located any closer than one-hundred (100) feet from the center of road.
- (14) The minimum front yard setback shall not apply to bus stop shelters used by children when waiting for the bus; however, these bus stop shelters cannot be placed within the road right-of-way.

**ARTICLE 12: Parking and Loading Requirements**

**Section 12.01 GENERAL PARKING REQUIREMENTS**

In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. **MINIMUM PARKING SPACE SIZE.** Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. **MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS.** The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. **LOCATION OF PARKING SPACE.** The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. **SEATING.** As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. **SIMILAR USES AND REQUIREMENTS.** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. **EXISTING OFF-STREET PARKING.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. **DRAINAGE.** All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. **ILLUMINATION.** All illumination for such parking areas shall be deflected away from adjacent residential areas.
- I. **HARD SURFACING.** All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.

**Section 12.02 TABLE OF PARKING REQUIREMENTS**

The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, and Theaters	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for each employee.
B. Churches	1	Four seats based upon maximum seating capacity.
C. Automobile Service Stations	1	Each gasoline pump and lubrication stall plus one space for each employee.
D. Banks and Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area plus one space for each employee.
E. Barber Shops and Beauty Parlors	2	Each barber or beauty operator plus one space for each employee.
F. Drive-In Restaurants	1	Twenty-five square feet of usable floor area, plus one space for each employee, with a minimum of twenty parking spaces.
G. Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of four parking spaces per hole on the golf course.
H. Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
I. Residential dwellings	2	Each dwelling unit.
J. Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food	1	One for each two persons at maximum seating capacity, plus one space for each employee.

or refreshments. This shall include private clubs, lodges, and recreational facilities

K. Retail stores and service establishments other than those specified herein	1	Three hundred square feet of useable floor area, plus one space for each employee. There shall be a minimum of four parking spaces.
L. Sanitariums, convalescent homes and hospitals	1	Two beds plus one space for each employee.
M. Hotels, motels, rooming houses and similar establish.	1	Each sleeping unit, plus one space for each employee.
N. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
O. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee. There shall be a minimum of four parking spaces.

For purposes of this section, the term Ausable floor area@ shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms. Also for purposes of this section, references to Aeach employee@ shall mean the maximum number of employees on the premises at any one time.

Section 12.03 OFF-STREET LOADING REQUIREMENTS

On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 12 feet by 40 feet, with minimum 14-foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space

Over 20,000

One space for each  
20,000 square feet

### **ARTICLE 13: General Provisions**

#### **Section 13.01 CONFLICTING REGULATIONS**

Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other ordinance, the provisions of this Ordinance shall govern.

#### **Section 13.02 ROAD FRONTAGE**

Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road or on a private road improved to the standards of the Fremont Township Private Road and Driveway Easement Ordinance or on a private driveway easement at least sixty-six (66) feet in width which is in compliance with the Private Road and Driveway Easement Ordinance.

#### **Section 13.03 DEPTH TO WIDTH RATIO**

No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

#### **Section 13.04 RESIDENTIAL OCCUPANCY IN BUILDINGS OTHER THAN COMPLETED DWELLINGS**

Garages, barns, pole barns, accessory buildings, basements or other structures shall not be occupied as dwellings unless the requirements of Section 13.05 are complied with. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 13.09.

#### **Section 13.05 SINGLE-FAMILY AND TWO-FAMILY DWELLING REQUIREMENTS**

Any single-family or two-family dwelling shall comply with the following minimum standards:

- A. **MINIMUM SIZE.** Each dwelling unit shall contain the minimum number of square feet specified in Section 11.02, prior to any alterations or additions. Replacement of existing mobile homes shall be allowed pursuant to Section 14.02.C.
- B. **MINIMUM WIDTH.** Each dwelling shall be no less than sixteen (16) feet in width in all directions, prior to any additions or alterations.
- C. **FOUNDATION.** Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. **ROOF.** Each dwelling unit shall have a roof with no less than a 4-12 pitch.
- E. **UNIT AGE.** In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.
- F. **STORAGE FACILITIES.** Each dwelling shall have either a basement, garage or storage building containing at least one hundred (100) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling.

- G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 13.06 SIGNS

All signs shall comply with the requirements of this section.

- A. The following signs specified in items 1-7 may be erected in the Township without Planning Commission site plan approval, provided the other requirements of this section are complied with and provided (in the case of signs specified in items 1-5) that the signs are located on the property being advertised:
1. Signs advertising real estate for sale or rent. Such signs may not exceed thirty-six (36) square feet in sign area.
  2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed thirty-six (36) square feet in sign area.
  3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed thirty-six (36) square feet in sign area.
  4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed thirty-six (36) square feet in sign area.
  5. Signs stating the name and/or address of a property owner. Homeowner and farm owner signs shall not exceed thirty-six (36) square feet in sign area.
  6. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
  7. Temporary signs advertising non-commercial public events for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event. This shall include events for churches, charitable organizations, and community service groups such as 4H, Kiwanis, Chamber of Commerce, etc.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.

- G. All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and shall not encroach on any road rights of way.
- H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
- I. ON-SITE SIGNS.
  - 1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
  - 2. Principal on-site signs shall not exceed one hundred twenty (120) square feet in sign area.
  - 3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
  - 4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
- J. OFF-SITE SIGNS. No off-site signs, including billboards, shall be erected within the Township, except for signs that are thirty-two (32) square feet or less in sign area. Such signs shall not require site plan approval but shall be limited to no more than two (2) such signs for the same enterprise anywhere within the Township.

#### Section 13.07 PONDS AND SWIMMING POOLS

All ponds and swimming pools shall comply with the setback requirements as shown in the chart of Section 11.02 of this Ordinance and swimming pools shall not be permitted in the front yard of the property. Temporary above ground swimming pools which do not require more than three (3) feet of excavation and do not require electrical service beyond plug connected equipment do not require a zoning permit.

#### Section 13.08 GREENBELTS

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained. The Planning Commission may approve a fence or berm in lieu of a greenbelt.
- C. Detailed landscaping plans for all greenbelts for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.



## Section 13.09 TEMPORARY DWELLINGS

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 13.05. A temporary dwelling permit may be issued if the following requirements are complied with:
1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
  2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
  3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
  4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
  5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.
- B. Variances to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section 13.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 18. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over ten (10) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons. An Affidavit to that effect shall be provided to the Township as detailed in Section 13.09.A.3.

## Section 13.10 ONE DWELLING PER PARCEL

No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. However, an undivided forty (40) acre or larger parcel zoned Agricultural – Residential or Agricultural – Business may contain two (2) residences, each on a curtilage of not less than two (2) acres and each dwelling shall have a separate waste treatment service as well as a separate

water source. If there are two (2) dwellings on a parcel under this undivided forty (40) acre exemption or if a variance is granted for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

#### Section 13.11 PROHIBITED STRUCTURES

No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to homes which comply with Sections 13.05 or 13.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker. Bona fide, operating farms with a Farm Service Agency number may utilize a combination of two (2) unlicensed semi-trailer or shipping container for farm storage.

#### Section 13.12 PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ENERGY CONVERSION SYSTEMS

- A. Exempt WECS. WECS, windmills, Testing Facilities, and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity off the premises shall be exempt from the requirements of subsection “B”. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity is primarily used on site for a farm, home, or business. The total height with the blade fully extended shall not exceed one hundred thirty (130) feet and the minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The minimum setback from property lines and road right of way lines shall be equal to 125% of the height of the unit, measured with the windmill blade at its highest point.
- B. Commercial WECS. WECS and Testing Facilities, other than those exempted under subsection “A” above, shall only be allowed as special land uses in the “A-R Agricultural-Residential”, “C Commercial”, and the “I Industrial” Zoning Districts, pursuant to Article 17 as to Special Land Use approvals and the following requirements:
  1. Escrow, Construction Bond, and Annual Inspections.
    - (a) An escrow account shall be set up when the WECS Applicant applies for a Special Use Permit for a WECS or Testing Facility. The monetary amount filed by the WECS Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the WECS Applicant place additional monies into escrow with the Township should the existing escrow amount filed by the WECS Applicant prove insufficient. If the escrow account needs replenishing and the WECS Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and

approval process shall cease until and unless the WECS Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the WECS Applicant. An itemized billing of all expenses shall be provided to the WECS Applicant.

- (b) The developer/applicant, construction company, or other acceptable third party shall file a construction performance bond or other financial security acceptable to the Township, to ensure that, in the event that the project is not completed, the project site and other affected private or governmental properties (e.g., roads, ditches, bridges, etc.) will be restored to pre-construction condition. The bond or equivalent financial security shall be in favor of the Township and shall be in an amount of a minimum of one hundred (100%) percent of the total project cost or other amount as determined by the Planning Commission. This bond shall be terminated upon timely completion of the construction and activation of the facility. Any application to construct a WECS within the Township shall require approval of the Sanilac County Building Department.
- (c) The Township may also conduct annual inspections of any and all WECS. The cost of the annual Township inspection will be reimbursed to the Township by the WECS's owner/operator through the escrow fund established pursuant to Section 13.12.B.1.A, adjustable from time-to-time by the Township Board. The inspections will consist of but not be limited to evaluating compliance with the original Site Plan Approval, compliance with improvements and updates, and the Special Land Use Approval.

*(Amended by ZOA 100-03, adopted 6/22/21)*

- 2. At the Township's request, the WECS Applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Any study shall be limited to the area within the Township boundaries or areas within an adjacent three (3) miles. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special use request.
- 3. At the Township's request, the WECS Applicant shall fund an economic impact study for review by the Township of the area affected by the WECS or Testing Facility. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the Special Use request. Such a study shall include probable financial impact as to jobs, tax revenue, lease payments and property values.
- 4. The WECS Applicant shall submit a site plan in full compliance with Article 16 of this Ordinance. The WECS Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities

to withstand winds, ice and other naturally occurring hazards as well as information as to the potential for vibration, shadow flicker, and blade ice deposits on nearby residences. This information shall also address the potential for the windmill to topple over or collapse. Additional requirements for a WECS and Testing Facility site plans are as follows:

- (a) Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS and/or Testing Facility.
- (b) Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved.
- (c) Existing and proposed distances from the WECS and/or Testing Facility to all structures over four hundred (400) square feet located on the property where the WECS and/or Testing Facility will be located.
- (d) Elevation of the proposed WECS and/or Testing Facility location and its relationship to the elevation of all existing and proposed structures within 300 feet of the proposed WECS and/or Testing Facility.
- (e) Access Driveway to the WECS and/or Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed Access Driveway. Any WECS and Testing Facility shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of WECS, Testing Facilities, and Access Driveways is encouraged along internal property lines. All such Access Driveways shall be constructed to no less than Township driveway standards.
- (f) Planned security measures to prevent unauthorized trespass and access.
- (g) The WECS Applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including procedures and schedules for removal when determined to be obsolete or abandoned.
- (h) A lighting plan for each WECS and Testing Facilities shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed

by the Planning Commission. Aircraft Detection Lighting System (also known as ADLS) shall be utilized if allowed by FAA and must be installed within twelve (12) months of FAA approval. *(Amended by ZOA 100-03, adopted 6/22/21)*

- (i) Additional detail(s) and information as requested by the Planning Commission.
5. The setbacks for WECS and Testing Facilities shall be as follows:
- (a) Public Road Setbacks. To minimize impact to Township residents, the optimum location of WECS and Testing Facilities is 1,320 feet back from public roads. The Planning Commission's approval of WECS and/or Testing Facility location shall be guided by this principle to the extent that Participating Property's size, configuration, and depth from a public road allows. If a Participating Property does not extend 1,320 feet back from the road or if other unique and significant characteristics of the land are demonstrated, then the WECS and Testing Facility shall be set back from the nearest public road a distance no less than one hundred and fifty percent (150%) of the total height of the tower or turbine, measured with the windmill blade at its highest point, but in no case less than five hundred (500) feet.
  - (b) Inhabited Structures. Each WECS and Testing Facility shall be set back from the nearest inhabited structure a distance of no less than one thousand three hundred twenty (1,320) feet.
  - (c) Non-Participating Property Lines. Each WECS and Testing Facility shall be set back from the nearest non-Participating Property line a distance no less than one hundred and fifty percent (150%) of the total height of the tower or turbine, measured with the windmill blade at its highest point, but in no case less than five hundred (500) feet.
  - (d) Participating Property Lines. There shall be no setback requirement from the property lines between Participating Properties.
6. Minimum Blade Clearance and Maximum Height.
- (a) The minimum clearance from ground level to the blade at its lowest point shall be fifty (50) feet.
  - (b) The maximum height of a WECS shall be seven hundred (700) feet measured with the windmill blade at its highest point.

*(Amended by ZOA 100-03, adopted 6/22/21)*

7. WECS and Testing Facilities shall not be unreasonably injurious to the public health and safety or to the health and safety of occupants of nearby properties.

8. All WECS bases, Testing Facilities, and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least eight (8) feet in height. The WECS Applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site and the base area shall be continuously maintained in a neat manner.
9. The WECS, Testing Facilities, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency, unless this ordinance mandates more stringent requirements.
10. Blade arcs created by a WECS shall have a minimum of seventy-five (75') feet of clearance over and from any structure.
11. Each WECS shall be equipped with a braking device capable of stopping the WECS operation in high winds.
12. Each WECS and Testing Facility shall have one sign, not to exceed two square feet in area, posted at the base of the tower. The sign shall contain at least the following:
  - (a) Warning high voltage.
  - (b) Owner's name and operator's name.
  - (c) Emergency telephone numbers (list more than one number).
  - (d) If fenced, place signs on the perimeter fence at the tower base.
13. Each WECS and Testing Facility shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced, the WECS Applicant must provide alternate service to each individual resident or property owner affected within thirty (30) days of receipt of the complaint.
14. Noise Emissions.
  - (a) Noise emissions from the operation of a WECS and Testing Facility shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line of a non-Participating Property or road. A baseline noise emission study of the proposed site and impact upon all areas within one mile of the proposed WECS and/or Testing Facility location must be done (at the WECS Applicant's cost) prior to any placement of a WECS and/or Testing Facility and submitted to the Township. The WECS Applicant must also provide estimated noise levels to property lines at the time of Special Land Use application.

- (b) In the event the noise levels resulting from the WECS exceed the criteria listed above, a waiver to said levels may be approved provided that:
- written consent from the affected property owner(s) has been obtained which must provide that the affected property owner(s) are aware of the WECS and the noise limitations imposed by this Article;
  - the written consent shall additionally provide that affected property owner(s) grant their consent to allow noise levels to exceed the maximum limits otherwise allowed;
  - the written consent shall also provide that the affected property owner(s) are aware that the waiver will apply to succeeding owners of the property;
  - a permanent noise impact easement shall be recorded with the Sanilac County Register of Deeds office which describes the benefitted and burdened properties, and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property; and
  - a copy of the recorded permanent noise impact easement shall be filed with the Township.

*(Amended by ZOA 100-03, adopted 6/22/21)*

15. All electrical connection systems and lines from the WECS and/or Testing Facility to the electrical grid connection shall be located and maintained at a minimum of five (5) feet underground (both on the property where the WECS and/or Testing Facility will be located and off-site). The Planning Commission may waive the requirement that distribution lines for the WECS and/or Testing Facility which are located off-site (i.e., are not located on or above the property where the WECS and/or Testing Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
16. Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS and/or Testing Facility is not maintained in operational and reasonable condition or poses a potential safety hazard, the WECS Applicant shall take expeditious action to correct the situation. The WECS Applicant shall keep a maintenance log on each WECS and Testing Facility which the Township can review on request.
17. Any damages to a public road or right-of-way located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the WECS Applicant's expense pursuant to Sanilac

County Road Commission requirements.

18. The WECS Applicant shall insure each WECS and Testing Facility at all times for at least \$2,000,000 for liability to cover the WECS Applicant, Township, and landowner.
19. A WECS and/or Testing Facility shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
20. Shadow Flicker. The WECS Applicant shall conduct an analysis on potential shadow flicker at occupied structures and public roads and rights of way. The WECS Applicant shall take reasonable measures to minimize or mitigate all actual impacts identified from the operation of a WECS. Shadow flicker on a habitable structure on Non-Participating Property shall not exceed thirty (30) hours per year.
21. Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of Participating Property where the WECS or Testing Facility is located.
22. The WECS Applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.
23. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facilities unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
24. **DECOMMISSIONING** A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official. Additionally, the developer/applicant shall submit a decommissioning plan which shall include the following:
  - (a) the anticipated life of the project;
  - (b) providing that any tower/turbine left unused or inoperable for over twelve (12) months would be deemed abandoned, to be disposed of by the developer/applicant within nine (9) months or a longer period of time as determined by the Planning Commission;
  - (c) attaching any agreement with the landowner regarding the termination of the lease;



- (d) describing the anticipated manner in which the project will be decommissioned and the site restored;
- (e) providing that the concrete bases must be removed down to six (6) feet below ground level with appropriate drainage and filled with like soil that was removed;
- (f) estimating the decommissioning costs net of salvage value in current dollars as determined by a licensed engineer (the developer/applicant shall be responsible for all costs associated with the engineer's review) and which shall be reassessed every two (2) years;
- (g) providing that the developer/applicant will give the Township notice one-year in advance of decommissioning;
- (h) requiring the developer/applicant to post a financial security, in a form approved by the Township to ensure full payment of the cost for the proper removal of the structure(s), prior to construction;
- (i) requiring the financial security to be in the form of either: 1) a cash bond paid to the Township; 2) an irrevocable bank letter of credit; or 3) a performance bond;
- (j) providing that the amount of financial security shall be no less than the greater of either: one hundred (100%) percent of the estimated cost of removal including a provision for inflationary cost adjustments **or** one hundred ten (110%) percent of the estimated cost of removal;
- (k) this bonding requirement shall run with the operating assets in the event that the assets are purchased by a different company;
- (l) requiring that the estimated cost of removal be prepared and signed by an engineer for the developer and that it also must be approved by the Township;
- (m) 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 WECS Applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval;
- (n) providing that should the developer/applicant fail to decommission the project following abandonment, the Township shall have the authority to decommission the project, to sell the scrap, and to use the salvage value to defray the costs of decommissioning the project; and

- (o) acknowledging that the developer/applicant shall be responsible for the payment of any costs and/or attorney fees incurred by the Township in securing removal.

*(Amended by ZOA 100-03, adopted 6/22/21)*

- 25. 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 building permit. The security shall be in the form of: 1) cash bond; 2) irrevocable bank letter of credit for the term of lease; or 3) performance bond in a form approved by the Township Attorney, establishing the obligation of the WECS Applicant to remove the structure in a timely manner. The amount of such guarantee shall be no less than one hundred ten (110%) percent of the estimated cost of removal. The estimate shall be prepared by the engineer for the developer and approved by the Township Engineer. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences on a WECS or Testing Facility. 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. 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 WECS Applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval. The WECS Applicant shall also be responsible for the payment of any attorney fees incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- 26. Complaint Resolution.
  - (a) The WECS Applicant shall submit a detailed, written complaint resolution process developed by the WECS Applicant to resolve complaints from the Township Board or the Fremont Township Property owners or residents concerning the construction or operation of the WECS or Testing Facility. The complaint resolution process must be approved by the Township Board as a condition of approval of the special land use permit application.
  - (b) The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the WECS Applicant.
  - (c) The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.

- (d) The WECS Applicant shall provide not less than forty-eight (48) hour notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend any and all complaint resolution discussions and meetings.
- (e) The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee.

Section 13.13 YARD SALES

No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.
- C. For purposes of this Ordinance, the term “yard sale” shall mean any offering for sale of personal property in an area zoned for residential use. The term “yard sale” shall include sales commonly known as “garage sales”, “porch sales”, “basement sales”, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a “yard sale.” Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be “yard sales” covered by this Ordinance.

Section 13.14 MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.

- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.
- E. If any building, manufactured home or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, legal non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

Section 13.15 OUTDOOR STORAGE OF RECREATIONAL VEHICLES

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 13.05. Mobile homes and manufactured homes are not included in the definition of recreational vehicles.
- B. Motor homes or campers (not including mobile homes) may be stored outside on property containing an occupied single-family dwelling, provided that there are not more than two (2) such units on the property, which must meet all relevant setbacks for the applicable zoning district. Any such recreational vehicle may be occupied for a maximum of one hundred eighty (180) days in any calendar year.
- C. On properties which do not have an occupied single family dwelling, a maximum of two (2) recreational vehicles may be stored or used, which must meet all relevant setbacks for the applicable zoning district. Such storage or use shall not exceed one hundred eighty (180) days during any calendar year.

Section 13.16 FENCES AND WALLS

All fences and walls, other than on property used for agricultural purposes in an area zoned AR, shall comply with the following:

- A. Fences shall not exceed eight (8) feet in height, measured from the surface of the ground.
- B. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
- C. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines.
- D. Within the limits of clear vision zones established by the Road Commission or the MDOT, there shall be no fences or hedges allowed except for clear vision fences.
- E. Material used in any obscuring fencing shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from standard fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.

Section 13.17 CAREGIVER CULTIVATION OF MARIJUANA FOR MEDICAL USE

The caregiver cultivating marijuana for medical use pursuant to the Michigan Medical Marijuana Act of 2008, found at MCL 333.26421 *et seq* (as amended), is allowed as a special land use

accessory to a residential dwelling in any district where residential dwellings are allowed, subject to the following:

- A. The caregiver(s) cultivating marijuana for medical use in the Township must submit proof (as part of the Zoning Permit application) that he or she is a properly licensed caregiver with the State of Michigan.
- B. A caregiver cultivating marijuana for medical use must reside in the dwelling where the marijuana is being cultivated.
- C. The caregiver cultivation of marijuana for medical use shall be clearly accessory, incidental, and subordinate to the residential dwelling use.
- D. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the caregiver cultivation of marijuana for medical use.
- E. No outdoor storage or display of equipment, merchandise, and/or materials used in the caregiver cultivation of marijuana for medical use shall be allowed on the premises.
- F. Traffic generated by the caregiver cultivation of marijuana for medical use shall not be greater than would normally be expected in a residential neighborhood.
- G. The caregiver cultivation of marijuana for medical use must be conducted entirely within a dwelling unit and/or in an attached garage.
- H. Any necessary parking spaces for vehicles generated by the caregiver cultivation of marijuana for medical use shall be provided on the site in a normal driveway or designated parking area, but not within any required yard area.
- I. No equipment or process shall be used in the caregiver cultivation of marijuana for medical use which creates noise, vibration, glare, fumes, lighting, or odor detectable to the normal senses off the premises on which the caregiver cultivation of marijuana for medical use is located.
- J. A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or use onsite. Material Data Sheets (MDS) shall be provided for all chemicals onsite. An inventory of the chemicals including quantity and location shall be provided.
- K. Township representatives have the right to conduct annual or random inspections to verify compliance.

*(Amended by ZOA 100-03, adopted 6/22/21)*

Section 13.18 AIRPORT ORDINANCE COMPLIANCE

All construction and land use activity within the Township shall be in compliance with the requirements of the Sanilac County Airport Ordinance.

Section 13.19 SOLAR ENERGY

A. Exempt Solar Energy. Solar Energy panels located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity off the premises shall be exempt from the requirements of subsection “B”. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity is primarily used on site for a farm, home, or business, and these exempt solar energy panels shall comply with all other restrictions and regulations for structures in the relevant district where they are located.

B. Solar Energy Facilities.

1. **ADDITIONAL SPECIAL LAND USE REQUIREMENTS.** Solar Energy Facilities shall only be allowed as a special land use in the AR Agricultural-Residential District and the I Industrial District, pursuant to Article 17 as to Special Land Use approvals and the following requirements:

- (a) Applicant Identification. Applicant’s name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address (if assigned), the legal address, and the tax parcel number of the property involved in the application, and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Fremont Township;
- (b) Project Description. A general description of the proposed project and an anticipated construction schedule;
- (c) Procedure. The Planning Commission review of a Special Land Use Permit application for a solar energy facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article 17. The second step, which may occur at a separate meeting for a solar energy system, is the site plan review process by the Planning Commission as described in Article 16. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed solar energy facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s);
- (d) Insurance. Proof of the applicant’s public liability insurance with at least \$3,000,000.00 to cover the Solar Energy Facility, the Township, and the landowner;

- (e) Certification. Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a Solar Energy Facility on the property prior to construction;
- (f) Manufacturers' Material Safety Data Sheet(s). Documentation shall include the type and quantity of all materials used in the operation of all equipment;
- (g) Decommissioning. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process;
- (h) Complaint Resolution. Description of the complaint resolution process;
- (i) Fire suppression plan. A plan describing the fire suppression process and procedure; and
- (j) An applicant shall remit an application fee and an escrow deposit, in the amount specified by the Planning Commission. The amount for the escrow deposit 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 those costs shall be borne by the applicant with his consent.

2. **ADDITIONAL SITE PLAN REQUIREMENTS.** The applicant shall submit a site plan in full compliance with Article 16 of this Ordinance for each Solar Energy Facility and other solar energy equipment/improvements. Additional requirements for a Solar Energy Facility site plans are as follows:

- (a) the project area boundaries,
- (b) the location, height, and dimensions of all existing and proposed structures and fencing,
- (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
- (d) existing topography,
- (e) water bodies, waterways, wetlands, drainage channels, and drain easements, and
- (f) all new infrastructure, both above and below ground, related to the project.

3. STANDARDS AND REQUIREMENTS. Solar Energy Facilities shall meet the following standards and requirements:

(a) Location of Solar Energy Facilities.

- i. All Solar Energy Facilities must comply with the requirements established in the Fremont Township Zoning Ordinance.
- ii. All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be located at least 30 feet from a fence line.
- iii. Improved areas shall be located at least 300 feet from any existing residential dwellings, church, school, family or group child day-care homes, bed and breakfast establishments, rooming houses, residential facilities, and any other residence. The owner of a leased parcel may waive this requirement. In which case, written proof of this waiver must be provided to the Fremont Township Planning Commission prior to site plan approval.
- iv. All access roads and storage areas shall be established on a 30' minimum easement to a public right of way, which shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.
- v. All solar energy facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet.
- vi. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height



- (b) Site Security. A Solar Energy Facility shall be surrounded by an eight (8) foot tall chain link fence. The fence shall securely enclose the whole improved area and shall be designed to restrict unauthorized access.
- (c) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.
- (d) All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of five (5) feet underground (both on the property where the Solar Energy Facility will be located and off-site). The Planning Commission may waive the requirement that distribution lines for the Solar Energy Facility which are located off-site (i.e., are not located on or above the property where the Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- (e) The design of Solar Energy Facility's buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- (f) If the Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- (g) The applicant must obtain a driveway permit from the Sanilac County Road Commission or MDOT, as applicable.
- (h) The design and construction of Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.
- (i) The design and construction of Solar Energy Facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.
- (j) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.
- (k) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has

permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

- (l) Any other relevant studies, reports, certificates and approval as may be reasonably required by Planning Commission.
- (m) A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.

#### 4. AVIATION NOTIFICATION.

- a. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport ***listed*** in the National Plan of Integrated Airport Systems, notification of intent to construct an Solar Energy Facility shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) office with oversight of the Michigan Department of Transportation (MDOT). Notification shall include location of Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- b. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport ***not listed*** in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a Solar Energy Facility shall be sent to the airport manager or designated official. Notification shall include location of Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- c. After receiving notification of intent to construct a Solar Energy Facility as described above; if requested, the proponent of the Solar Energy Facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated in C (i) and C (ii). The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.

- i. Airport operations at an airport ***in*** the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed Solar Energy Facility: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration's (FAA).
- ii. Airport operations at airport ***not in*** the NPIAS within 5 nautical miles of the center of proposed Solar Energy Facility: provide required SGHAT analysis information to the management of the airport for non-military airports.
- c. Any applicable Solar Energy Facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified above for accurate records of the as-built system.

5. ABANDONMENT AND DECOMMISSIONING.

- a. **Abandonment**: A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility.
  - i. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six (6) months of notice by the Planning Commission or its designee.
  - ii. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous pre-development condition.
- b. **Decommissioning**: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
  - i. the anticipated life of the project;

- ii. the estimated decommissioning costs net of salvage value in current dollars;
- iii. the method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
  - Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
  - Complete restoration of property to condition prior to development of the Solar Energy Facility;
- iv. the anticipated manner in which the project will be decommissioned and the site restored;
- v. 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 shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new solar energy facility shall include a description of the financial security guaranteeing removal of the solar energy facility which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal; and
- vi. The timeframe for completion of decommissioning activities.

6. COMPLAINT RESOLUTION.

- a. The Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process developed by the Solar Energy Facility Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.

- b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Solar Energy Facility Applicant.
  - c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.
  - d. The Solar Energy Facility Applicant shall provide not less than forty-eight (48) hour notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend any and all complaint resolution discussions and meetings. The Solar Energy Facility Applicant shall also provide the Complaint Resolution Committee with a monthly report outlining the issues, the progress, and the resolution of each such complaint.
  - e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee.
7. **CONFLICTING PROVISIONS.** In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Solar Energy Facilities, the provisions of this section shall control.

*(Amend by ZOA 100-02, adopted 9/21/17)*

**SECTION 13.20 BEEKEEPING OR APICULTURE**

- A. All hives shall be located at least two hundred fifty (250) feet from the property line of any residence, church, library, licensed-day care, cemetery, playground, park, and school;
- B. The placement of hives shall be setback fifty (50) feet from all property lines as well as from the closest edge of the road right-of-way easement; and
- C. Hives are not considered accessory structures for the purposes of Section 11.02, footnote (8).

*(Amended by ZOA 100-03, adopted 6/22/21)*

**ARTICLE 14: Non-conforming Lots, Uses, and Structures**

**Section 14.01 NON-CONFORMING LOTS OF RECORD**

A single-family dwelling and customary accessory buildings may be erected on any lot of record shown on the tax roll at the effective date of adoption of this Ordinance, provided that at least one-half the setback distances required by Section 11.02 can be maintained and provided that septic and well approvals are granted by the County Health Department. Permission to build on smaller

recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

#### Section 14.02 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than sixty (60%) percent of the physical structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

#### Section 14.03 NON-CONFORMING USES OF LAND OR STRUCTURES

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted.

### **ARTICLE 15: Planning Commission**

#### Section 15.01 ESTABLISHED

The Fremont Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Fremont Township Planning Commission Ordinance.

#### Section 15.02 POWERS

The Planning Commission shall have the power to review and approve site plans pursuant to Article 16 of this Ordinance, to hear and decide requests for special land uses pursuant to Article

17 of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Articles 19 and 20 of this Ordinance.

## **ARTICLE 16: Site Plan Review Requirements**

### Section 16.01 SCOPE

A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

### Section 16.02 PROCEDURE

All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

### Section 16.03 CONTENT

Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1) inch equals one hundred (100) feet.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article 12).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 13.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 13.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

### Section 16.04 STANDARDS

In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.

- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 16.05 DEPOSIT

A cash deposit, performance bond, or bank letter of credit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the deposit shall be released. The amount of the deposit shall be five (5%) percent of the project cost, but in no case less than One Thousand (\$1,000.00) Dollars.

Section 16.06 TIME FOR COMPLETION

Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

**ARTICLE 17: Procedures For Special Land Use Approval By Planning Commission**

Section 17.01 APPLICATION

For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 17.02 HEARING

Requests for special land uses may be heard and decided at any regular or special meetings of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 17.03 STANDARDS

Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.



- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, lighting, or other causes.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 17.04 DECISION

The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 17.05 EXPIRATION

Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

**ARTICLE 18: Zoning Board Of Appeals**

Section 18.01 MEMBERSHIP

There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 18.02 APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission. The Zoning Board of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to

any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

#### Section 18.03 AUTHORITY TO GRANT VARIANCES

The Zoning Board of Appeals shall have the authority to grant both use variances and non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties in carrying out the strict letter of the Ordinance. Use variances may be granted whenever there can be shown to be unnecessary hardships imposed on the property owner if the strict letter of the Ordinance is carried out. The Township is authorized to grant use variances under the Michigan Zoning Enabling Act due to having exercised this power prior to February 15, 2006. In considering variance requests, the ZBA shall make the following findings:

- A. For Non-use Variances, that a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
- B. For Use Variances, that the hardship or special conditions or circumstances do not result from actions of the applicant.
- C. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
- D. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- E. That the variance requested is the minimum amount necessary to mitigate the hardship.

#### Section 18.04 DECISIONS

The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 18.05 QUORUM REQUIREMENTS

The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 18.06 EXPIRATION OF VARIANCE APPROVALS

Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance

**ARTICLE 19: Amendments and Rezoning**

Section 19.01 APPLICATION

The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 19.02 NOTICE OF HEARING

Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within three hundred (300) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 19.03 PLANNING COMMISSION HEARING AND RECOMMENDATIONS

After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Sanilac County Planning Commission for review and recommendation.

Section 19.04 TOWNSHIP BOARD

Upon receipt of the recommendations of the Township Planning Commission and the County Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment. If no recommendation is received from the County Planning Commission within thirty (30) days after it received the proposed rezoning or amendment, the Township Board shall conclusively presume that the County has waived its right for review and recommendation. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

## **ARTICLE 20: Voluntary Rezoning Agreements**

### Section 20.01 AUTHORITY

The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in the Michigan Zoning Enabling Act.

### Section 20.02 APPLICATION

Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

### Section 20.03 PLANNING COMMISSION HEARING AND RECOMMENDATION

After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article 19, shall be complied with.

### Section 20.04 TOWNSHIP BOARD

Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

### Section 20.05 STANDARDS FOR DECISION

In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Township.

### Section 20.06 LIMITATIONS ON AGREEMENTS

A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 18. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

### Section 20.07 ZONING REVERSION

In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

## **ARTICLE 21: Violations**

### **Section 21.01 ENFORCEMENT AND PENALTY**

Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Fremont Township Civil Infraction Ordinance.

### **Section 21.02 NUISANCE PER SE**

Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

## **ARTICLE 22: Definitions**

### **Section 22.01 DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

**ACCESSORY BUILDING.** A building related to and secondary to the main use of the premises.

**ACCESSORY USE.** A use naturally and normally incidental and subordinate to the main use of the premises.

**ADULT BOOK OR NOVELTY STORES.** An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material or items.

**ADULT MOTION PICTURE THEATRE.** A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons.

**ALTERATIONS.** Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

**BED AND BREAKFAST ESTABLISHMENTS.** A structure which was constructed for single-family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.

**BEEKEEPING OR APICULTURE.** The maintenance of bee colonies in man-made hives to sell bees, for pollination services, or in order to collect their honey and other products that the hive produces. *(Amended by ZOA 100-03, adopted 6/22/21)*

**BOARD OF APPEALS.** The duly appointed Board of Zoning Appeals for the Township of Fremont.

**BUILDING.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

CAREGIVER. A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana, as defined and used by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended). (*Amended by ZOA 100-03, adopted 6/22/21*)

CONDOMINIUM, SITE. A condominium development which includes only detached single-family residences located on individual sites.

CONDOMINIUM, UNIT. That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any "condominium unit" consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance with minimum lot size or lot width.

CULTIVATION. The act of preparing, growing, tending to, caring for, and/or harvesting a particular plant or crop. (*Amended by ZOA 100-03, adopted 6/22/21*)

CURTILAGE. The area of land immediately surrounding a dwelling.

DANGEROUS OR EXOTIC ANIMAL. "Dangerous or Exotic Animal" means any of the following:

- a. Any animal of a species which due to size, vicious nature or other characteristics would constitute a danger to human life or physical well-being or to that of other animals.
- b. Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where an official record indicates that an animal has bitten or attacked any person or animal, it shall be prima facie evidence that said animal is a dangerous animal.
- c. Any animal owned or kept primarily, or in part, for the purpose of fighting or any animal trained or bred for fighting.

DAY-CARE HOME, FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (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 homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY-CARE HOME, GROUP. 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 twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

DECOMMISSIONING PLAN. A document that details the planned shut down or removal of a solar energy facility from operation or usage. (*Amend by ZOA 100-02, adopted 9/21/17*)

DETENTION FACILITY. Any prison penitentiary, reformatory, house of correction, jail, community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, or camp, etc. operated or leased by the Department

of Corrections or Department of Social Services or constructed and maintained under Act 274 of 1979 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adult or juvenile criminal offenders. Including any juvenile correctional/detention facility such as any institution, halfway house, regional detention facility, treatment center, group home, farm, training center or camp wherein one or more juvenile offender is detained by court order as the result of a determination of delinquency or under the supervision of the Department of Social Services by court order because of a determination of delinquency.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FAMILY. One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, stables, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FENCE. A continuous barrier extending from the surface of the ground to a uniform height constructed of wood, stone, steel, or other metal, or any substance of a similar nature and strength. (See Section 13.16) (*Amend by ZOA 100-02, adopted 9/21/17*)

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (2) of the basement height is above the finished lot grade.

FORESTRY. Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.

**FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the center of the road and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.

**GARAGE, PRIVATE.** A building accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

**GARAGE, PUBLIC OR STORAGE.** A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

**GREENBELT.** An area of grass, shrubs, landscaping, or other plantings maintained between other development sites. (See Section 13.08)

**HOME OCCUPATION.** An occupation or profession customarily carried on by an occupant or a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes.

**IMPROVED AREA.** Area containing solar panels, electrical inverters, storage buildings and access roads. (*Amend by ZOA 100-02, adopted 9/21/17*)

**INSTITUTIONAL FACILITY.** Any church, school, governmental building or facility, lodge hall, veterans' organization building, or similar non-profit facility.

**JUNK.** Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

**JUNK YARD.** Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

**KENNEL.** Any property on which eight (8) or more dogs, or similar animals, six (6) months of age or older, are kept either permanently or temporarily.

**LIVESTOCK.** Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

**LOT OF RECORD.** Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Sanilac County Register of Deeds.

**MANUFACTURED HOME** (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

**MANUFACTURED HOUSING PARK.** Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

**MARIJUANA (ALSO KNOWN AS MARIHUANA).** All parts of the plant Cannabis sativa L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture,



or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp, as used by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended), and as defined in the Public Health Code of 1978, MCL 333.7106(4) (as amended). *(Amended by ZOA 100-03, adopted 6/22/21)*

MEDICAL MARIJUANA. *(Repealed by ZOA 100-03, adopted 6/22/21)*

MEDICAL MARIJUANA CAREGIVER. *(Repealed by ZOA 100-03, adopted 6/22/21)*

MEDICAL MARIJUANA FACILITY. *(Repealed by ZOA 100-03, adopted 6/22/21)*

MEDICAL USE (MARIJUANA). The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, pursuant to the term "Medical Use of Marijuana" as defined and used in the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended). *(Amended by ZOA 100-03, adopted 6/22/21)*

NON-PARTICIPATING PROPERTY. Any parcel of property that is not included in a proposed WECS or Testing Facility, or has no wind energy system or related facilities on it, or is not under easement or lease to the WECS Applicant.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PARTICIPATING PROPERTY. Any parcel of property that has a signed lease or easement with the owner of the proposed WECS or Testing Facility, or has a wind energy system or related facilities on it, or is under easement or lease to the WECS Applicant.

PLANNING COMMISSION. The duly appointed Planning Commission of Fremont Township.

PLOT PLAN. A scale or dimensional drawing showing property lines, driveways and roads, location and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams, or drains including wells and septic systems. A plot plan may be prepared by the owner and need not be prepared by a surveyor or engineer.

POND. A natural or man-made body of water without an encircling fabricated retainer.

PUBLIC ROAD. Any road or highway which is now or hereafter designated and maintained by the Sanilac County Road Commission and/or the Michigan Department of Transportation (MDOT), whether primary or secondary, hard surfaced or other dependable roads. *(Amend by ZOA 100-02, adopted 9/21/17)*

PUBLIC SERVICE FACILITIES. Public Service Facilities (within the context of this ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

PUBLIC UTILITIES. Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations

to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

**QUARRYING.** The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

**RECYCLING FACILITY.** A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.

**RESIDE.** The place that you live in as your permanent residence and if absent intend to return. It shall be the address that appears on your driver's license or Michigan Identification Card, as well as on your voter registration card. Vacation homes, seasonal homes, and income property are not considered where you reside. *(Amended by ZOA 100-03, adopted 6/22/21)*

**RESIDENCE.** A building used as a dwelling for one or more families or persons. *(Amend by ZOA 100-02, adopted 9/21/17)*

**RIGHT-OF-WAY.** A right-of-way is a street, highway, road, alley, or other similar easement granted for the purpose of traveling over another's property.

**ROOMING HOUSE.** Any dwelling in which more than two, but not to exceed five, unrelated persons are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house". A facility providing overnight accommodations for persons for educational, medical, psychological, rehabilitative or punitive purposes. Residential facilities licensed by the State of Michigan under 1972 PA 287 or 1973 PA 116 are specifically exempt from this definition.

**SETBACK.** The distance between the base of a building and a road right-of-way line or a property line establishing front, side or rear yard open space. (See Section 11.02)

**SIGN.** Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

**SIGN AREA.** The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

**SIGN, OFF-SITE (BILLBOARD).** A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

**SIGN, PRINCIPAL ON-SITE.** A sign advertising the name of a facility located on the same parcel of land as the sign.

**SIGN, SECONDARY ON-SITE.** A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

**SITE PLAN.** A diagram or property at issue exhibiting all significant features, including but not limited to the property lines, buildings and other structures, utility lines, wells and water lines, septic tanks, lines, and fields, driveways, parking lots, ditches, etc. (See Article 16)

**SOLAR ENERGY FACILITY.** An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that

primarily sell electricity to be used off site. (See Section 13.19(B)) (*Amend by ZOA 100-02, adopted 9/21/17*)

**SPECIAL LAND USE.** A Special Land Use (which may also be known as “conditional use” or “special use approval”) is a use permitted only after application to, and review by the Planning Commission. (See Article 17)

**SPECIFIED ANATOMICAL AREAS:**

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STRUCTURE.** Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

**SWIMMING POOL.** A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

**TOWNSHIP BOARD.** The duly elected or appointed Township Board of the Township of Fremont.

**TRAVEL TRAILERS** (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

**TRAVEL TRAILER PARK.** Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

**USE.** The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

**VARIANCE, NON-USE.** A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

VARIANCE, USE. Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

WECS APPLICANT. The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval for a WECS or Testing Facility, as well as the WECS Applicant's successors, assigns and/or transferees. A WECS Applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.

WIND ENERGY CONVERSION SYSTEM (WECS). Means any combination of the following:

- a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- c. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- f. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM TESTING FACILITY (TESTING FACILITY). A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source. Such a facility shall not be deemed to be a communication tower regulated by Section 13.12.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

## **ARTICLE 23: Severability and Repeal**

### Section 23.01 SEVERABILITY

This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged

unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 23.02 REPEAL

The former Fremont Township Zoning Ordinance, adopted on the 12<sup>th</sup> day of May, 2005, and all amendments thereto, are hereby repealed in their entirety.

**ARTICLE 24: Enactment**

Section 24.01 ORDINANCE ENACTED

The provisions of this Zoning Ordinance No. 100 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Fremont.

Section 24.02 EFFECTIVE DATE

This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 24.03, pursuant to the Michigan Zoning Enabling Act.

Section 24.03 CERTIFICATION

The undersigned Supervisor and Clerk of the Township of Fremont hereby certifies that this Ordinance is a true copy of the Ordinance, which was duly adopted by the Fremont Township Board, at a meeting held on the 15<sup>th</sup> day of December 2016 and further certifies that a notice of adoption of this Ordinance was duly published in the Sanilac County News on the 28<sup>th</sup> day of December 2016, pursuant to the Michigan Zoning Enabling Act.

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Jeffrey Furness  
Fremont Township Supervisor

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Reta Gardner  
Fremont Township Clerk