

## **CHAPTER 3**

### **GENERAL PROVISIONS**

The provisions of this Chapter generally apply to all zoning districts unless indicated otherwise. If there is a conflict between this Chapter and the individual requirements of the zoning district, the regulations in the zoning district shall prevail.

#### **SECTION 3.01: ACCESSORY BUILDINGS AND STRUCTURES**

- A. Unless otherwise permitted by this Ordinance with the exception of the Agricultural 1 District, no accessory building or structure shall be permitted on any lot which does not contain a main building except under the following conditions:
1. Adjoining lots in single ownership may be considered one lot in considering accessory buildings.
  2. In the Waterfront Districts, where an owner has a lot across a street right-of-way from his principal building, construction of an accessory building on the lot may be approved by the Zoning Administrator provided its location conforms to other zoning requirements.
- B. Accessory buildings or structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
1. No accessory building and no structure exceeding a height of thirty (30) inches shall be erected in any front yard. However, detached accessory buildings may be located within the front yard if the accessory building is located in an agricultural district and is located more than two hundred (200) feet or more from the right-of-way line.
  2. Accessory buildings or structures shall not exceed sixteen (16) feet in height unless otherwise allowed in the District regulations, shall be at least ten (10) feet from any dwelling and at least ten (10) feet from any other accessory building on the lot.
  3. In residential districts accessory buildings or structures in the rear yard are permitted five (5) feet from any interior side or rear lot line. In all other districts accessory buildings or structures shall meet the side yard setbacks of the district. Rear yard setbacks shall be the same as the required side yard setback.
  4. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
  5. No accessory building or structure shall occupy any portion of a required buffer zone in any district.

6. Manufactured homes, portable shipping containers, semi-trailers or other vehicles shall not be used as accessory storage buildings.
7. Accessory buildings and structures shall not be constructed of tubular frame construction or with canvas, plastic film or similar material with the exception of structures used for agricultural uses (e.g., hoop houses) in the districts where such uses are permitted or for temporary uses (e.g., tents for weddings) not to exceed one week.
8. A carport shall comply with all the yard area and space requirements applicable to a detached accessory building, unless otherwise specified in district regulations.
9. An accessory building which is structurally attached to a main building shall be subject to all setback regulations applicable to main buildings.

### **SECTION 3.02: CLEAR VISION AREA (Applicable to All Districts excluding Agricultural Districts)**

- A. View: No plantings or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway. This shall not prohibit the maintaining of shrubbery or structures less than thirty (30) inches in height in this area.
- B. Clear Vision Area: On corner lots, except within the Urban Commercial District, the clear vision area shall mean a triangular area formed by the street property lines extended twenty-five (25) feet in each direction and a line connecting them at points as described in the adopted Traffic Safety Code from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.
- C. Any intersection within the Urban Commercial District shall provide a clear vision triangle that is fifty (50) feet along the arterial street and twenty-five (25) feet along the side street.
- D. The Zoning Administrator may require a reduction in the height of a screening improvement as may be required in this Ordinance where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to a screening improvement. In this case, height shall be reduced only for that portion of the screening improvement necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.

### **SECTION 3.03: ENVIRONMENTAL PROTECTIONS AND HAZARDOUS MATERIALS STANDARDS**

- A. Purpose: Hillsides, natural landforms, wetlands, woodlots, wildlife, ground water and other similar features are considered critical natural areas. Once gone they are not renewable. For this reason, they play an important role in building community

character. Development of natural areas can affect the equilibrium of vegetation, surface geology, slopes, soils and run-off. It can also drastically change the way community or neighborhood character is perceived.

Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping and greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

For these reasons, the following regulations shall apply:

B. Protection of Wetlands, Streams and Steep Slopes

1. Streams and Wetlands

- a. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland in any zoning district.
- b. Grading, removal of vegetative cover and new structures shall not be permitted within twenty-five (25) feet of an intermittent stream or fifty (50) feet of a perennial stream.
- c. In residential developments, wetlands shall be located in required open space rather than on residential lots unless the Zoning Administrator determines that the location in open space cannot be reasonably achieved.
- d. Wetlands and the required buffers for wetlands and streams shall be delineated on final plats and site plans.

2. Steep slopes are slopes of twenty-five percent (25%) or greater.

Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:

- a. The contiguous area of steep slopes is less than twenty thousand (20,000) square feet; and
- b. There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.

3. Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes is not permitted unless the Zoning Administrator determines, based on justification provided by the developer, that it is necessary for road or utility construction, trails, pathways, or storm water management facilities. If permitted, the grading or removal of

vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.

- C. Plan Review: The following plan review procedures shall apply and will help to minimize the negative impacts of extensive site grading:
1. A grading plan indicating existing and proposed contours at a two (2) foot interval shall be required as part of a site plan submittal.
  2. To judge the “fit” of any new development with existing site features and surrounding properties, staff and the Planning Commission shall use the following criteria in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparing site plans as well as for the reviewing authority in making judgments concerning them. These standards will not be regarded as inflexible requirements nor are they intended to discourage creativity, invention or innovation. These criteria include the following:
    - a. Cut and fill slopes shall be minimized.
    - b. Proper grading and elevation relationships to adjacent properties shall be maintained.
    - c. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
    - d. The negative effects of grading shall be minimized thereby preserving the natural character of key site areas.
    - e. Mass grading of large pads and excessive terracing shall be minimized.
    - f. Unstable slopes or slopes subject to erosion shall be protected.
    - g. Storm water runoff that could result from major changes in topography shall be minimized.
    - h. Using innovative and low maintenance techniques, steep slopes shall be revegetated.
    - i. Essential grading will be shaped so that it complements natural landforms.
    - j. Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.
    - k. Innovative architecture that responds to a site and its topography will be used.

D. Permits and Licenses: All applications for building permits shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the location of the buildings, signs and the parking on the lot, the location of the main building on each adjacent lot, accurate dimensions of all buildings, signs and lot sizes and any other information as may be necessary to provide for the administration of these regulations.

E. Drainage:

1. Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system.
2. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
3. Storm water drainage design shall preserve the existing drainage patterns and enhance the aesthetics of the site to the maximum extent possible. Storm water management systems and facilities shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site, and may be incorporated into the open space portions of the development site. Storm water removal shall not adversely affect neighboring properties or the public storm drainage system.
4. Areas of natural drainage such as swales, wetlands, ponds or swamps shall be protected and preserved insofar as practical in their natural state to provide areas of natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
5. Provisions shall be made to accommodate storm water on-site whenever practical. Direct discharge of storm water into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
  - a. Limit land disturbance and grading
  - b. Maintain vegetated buffers and natural vegetation
  - c. Minimize impervious surfaces
  - d. Use terraces, contoured landscapes, runoff spreader, grass or rock-lined swales
  - e. Use infiltration devices

#### F. Hazardous Materials Standards

1. Hazardous materials associated with the land use shall be stored a minimum of two hundred (200) feet from any wetland, lake or stream.
2. General-purpose floor drains shall not be connected to septic systems.
3. Secondary containment facilities shall be provided for all hazardous materials of sufficient size to hold the entire volume of the materials. Containment areas shall be designed and constructed so that hazardous materials cannot escape from the immediate storage area by gravity flow through drains, soil or to surface waters.
4. Wells shall be properly maintained and sealed and abandoned wells shall be plugged and capped according to state requirements.

### **SECTION 3.04: ESSENTIAL SERVICES**

Essential services shall be permitted in all zone districts subject to review by the Zoning Administrator to determine that the yard, parking and landscaping and other requirements are met, and that the essential services are designed to be compatible with surrounding uses. Ancillary facilities, which are determined by the Zoning Administrator to be necessary in support of essential services, may be permitted in any zone district subject to the administrative approval procedures of this Ordinance.

### **SECTION 3.05: FENCES AND FREESTANDING WALLS**

#### All Districts

- Retaining walls shall not be considered as a fence or wall for the purposes of this section.
- Walls shall be made of clay, brick, stone, concrete, or other similar decorative material.
- No fence, wall, screen or planting material shall be erected or maintained in any location that will obstruct the vision of motorists exiting driveways. No fence shall be erected or maintained on any corner lot or parcel that will obstruct the view of a vehicle driver approaching an intersection.
- Fences and walls shall be erected and maintained in a quality and skillful manner. All braces, fasteners, supporting frames, etc. should be free from deterioration, insect infestation, rot and rust. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust resistant metals. Painted and other finished surfaces shall be maintained.

- Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered as a fence when they have the same effect or accomplish the same purposes normally associated with fences.
- Fences shall not be constructed in any public right-of-way.
- Fences may be erected on the property line.
- No chain link or woven wire fences are allowed in any front yards except in Agricultural Districts and Industrial Districts. Privacy slats or similar inserts shall not be allowed on chain link fences.
- Unless associated with a bona fide agricultural operation or in the Industrial District or approved as an administrative departure, no person shall place, string or maintain razor wire or barbed wire (unless associated with required Homeland Security measures) as part of any fence.
- Electronic barriers buried beneath the ground are permitted in all districts.
- Electrified fences are prohibited, except in Agricultural Districts.
- Chicken wire, snow fencing, animal fencing and other similar fencing materials are prohibited unless used in a temporary fence or except in Agricultural Districts.
- In erecting any fence, the finished side shall face outward toward abutting properties and rights-of-way.
- Fences shall not exceed six (6) feet in height in the side and rear yards unless otherwise noted.
- Fences shall not exceed three (3) feet in height in the required front yard unless otherwise noted.
- Fences around detention/retention ponds may be required by the Joint Planning Commission for safety reasons.

#### Residential

- Fences shall not exceed six (6) feet in height in the side and rear yard.
- Fences shall not exceed three (3) feet in height in the required front yard or forward of the Required Building Line.

#### Waterfront (Including Waterfront Overlay District)

In Waterfront Districts the waterfront side of the lot shall be considered a front yard.

- Fences shall not exceed six (6) feet in height in the side yard.
- Fences shall not be allowed in the required front yard.
- Fences on the street side of waterfront lots have the same height limitations as outlined in the front setback requirement regulations for residential fences.

### Commercial

- Fences shall not exceed six (6) feet in height in the side and rear yard. A maximum of two (2) additional feet of height may be allowed to accommodate barbed wire or razor wire if approved as an administrative departure. Barbed wire or razor wire is not allowed in the Downtown Commercial District.

### Industrial

- Fences shall not exceed ten (10) feet in height in the rear and side yards.
- No fences shall be allowed in the front yard except if necessary for security reasons, in which case, the fence must be approved by the Joint Planning Commission.
- Barbed wire and razor wire shall be permitted in the Industrial District for a security fence, provided that no barbed wire is less than six (6) feet above grade. A maximum of two (2) additional feet of height may be allowed to accommodate barbed wire.

### Agricultural

- Fences shall not exceed ten (10) feet in height in all yards.
- Electrified fences are allowed.
- Chain link fences are allowed, but privacy slats or similar inserts shall not be allowed.
- If associated with a bona fide agricultural operation, barbed wire and razor wire shall be permitted in the Agricultural District as part of any fence.

## **SECTION 3.06: GARAGE, YARD AND ESTATE SALES**

Garage, Yard and Estate Sales: Garage, yard and estate sales shall be limited to no more than three (3) events per calendar year. No garage, yard or estate sale event shall last more than three (3) consecutive days.

### **SECTION 3.07: HEIGHT EXCEPTIONS**

The height and area requirements of all zones shall be subject to the following exceptions: spires, belfries, religious symbols, cupolas, antennae, water tanks, ventilators, mechanical equipment, parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, stage towers or scenery lofts, flour mills, monuments, domes, steeples and necessary mechanical appurtenances.

### **SECTION 3.08: HOME OCCUPATION**

- A. No person other than the resident occupants and one (1) full-time equivalent employee shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling and/or accessory structure but shall not, in any case, exceed a total floor area of fifty (50%) of the total gross floor area, excluding basement.
- C. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises. No stock or stock-in-trade shall be displayed outside on the premises.
- D. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located on a hard-surfaced area.
- E. In residential districts, one (1) wall sign, attached to the wall of the dwelling, shall be permitted. The sign may not exceed two (2) square feet in area and may not be directly illuminated. In addition, in agricultural districts a monument sign not to exceed six (6) square feet may be erected on the premises.
- F. No home occupation shall be permitted which would increase traffic, fire, and safety hazards; noise; dirt; odor; dust; gas; vibration; or other nuisance elements. The following shall be prohibited in residential districts: automotive repair and engine repair, furniture refinishing and animal processing.

## **SECTION 3.09: LANDSCAPING AND SCREENING**

- A. Purpose: The purpose of this Section is to establish a healthy environment by reducing air pollution and heat gain associated with large paved areas, protect wildlife habitat, safeguard property values, and enhance the community's visual character for citizens' use and enjoyment.

The landscape requirements are to achieve the following:

1. Conserve the value of land and building.
2. Integrate various elements of a site to attain and maintain attractive properties.
3. Blend harmonious land uses, buffer incompatible land uses and define outdoor and architectural spaces.
4. Control soil erosion by slowing or constraining the effects of wind and water.
5. Minimize visual pollution; minimal screening provides an impression of separation of spaces and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.
6. Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.
7. Safeguard the public health, safety and welfare, and preserve the aesthetic qualities and enhance character of the Fremont Community.

The landscape requirements of this Section are considered the minimum necessary to achieve the intent noted above. In several instances, the standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

- B. Applicability: The regulations of this section shall not apply to one or two-family developments or agricultural districts, unless part of a project requiring Site Plan Review (e.g., site condominiums).
- C. Plant Material: All plant material shall be hardy, free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- D. Street Trees: Within street right-of-ways within the City, tree species, size and spacing shall conform to the City Code of the City of Fremont.

E. Minimum Sizes and Spacing: Wherever screening is required, closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier may be used. Deciduous plant material may be used for variety to supplement evergreen plantings. The minimum plant sizes and spacing shall be provided in accordance with the Minimum Sizes and Spacing Table.

<b>Minimum Sizes and Spacing Table</b>		
<b>Type of Plant Material</b>	<b>Minimum Plant Sizes</b>	<b>Spacing Requirements</b>
Canopy/Shade Trees	1-1/2 inch caliper	25 ft. on-center
Ornamental Trees	1-1/2 inch caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen Trees	5 ft. height	15 ft. on-center
Shrubs	2 ft. height	3-4 ft. on-center
Hedges(Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting.)	4 ft.	Width of screened area

F. Mixing of Species: The landscape plan shall not contain more than thirty-three percent (33%) of any single plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.

G. Unaccredited Species: The Unaccredited Species Table lists the species that are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and/or other undesirable characteristics. The planting of these species is not encouraged.

<b>Unaccredited Species Table</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Acer Negundo	Box Elder
Ailanthus Altissima	Tree of Heaven
Catalpa Speciosa	Catalpa
Elaeagnus Angustifolia	Russian Olive
Gingko Biloba (female)	Female Gingko
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, aspen
Salix Spp.	Willow
Juglans Nigra	Black Walnut
Robinia Spp.	Black Locust
Acer Saccharinum	Silver Maple
Ulmus Pumila	Siberian Elm
Ulmus Rubra	Slippery Elm

- H. Planting Beds: Planting beds shall be edged with plastic, metal, brick or stone in all districts except residential and agricultural districts.
- I. Top Soil: Top soil shall consist of a four (4) inch base for lawn areas and an eight (8) to twelve (12) inch base within planting beds.
- J. Storage, Loading Areas, and Mechanical Equipment: All structures and facilities for storage, truck loading areas and outdoor mechanical equipment must be screened so as not to be visible from the street and from pedestrian circulation areas. As an alternative, these features may be recessed or enclosed within the footprint of the building.
- K. Proximity to Utilities: Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
- L. Proximity to Parking: All screens and plantings shall be protected from vehicular damage by a raised curb of six (6) inches in height. Landscape area adjacent to parking spaces shall be landscaped so that no plant material greater than twelve (12) inches in height is located within two (2) feet of the face of the curb.

- M. Lawn Grasses: Lawn grasses shall be planted in species normally grown as permanent lawns in Newaygo County. Grasses may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- N. Timing of Planting: All required plant material shall be planted to adhere to County Soil Erosion and Control Standards. In the event that the project is completed during a time of year when planting is impractical, a performance guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the City/Townships.
- O. Completion of Improvements: Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
- P. Irrigation: All landscaped areas in the commercial and industrial districts shall be provided with an underground irrigation system, metered separately from the domestic water supply. The Joint Planning Commission may require that landscaped areas in other districts be irrigated.
- Q. Maintenance:
1. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance.
  2. Landscaped areas and plant materials required by this Ordinance shall be kept free of refuse and debris.
  3. Plant material, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
  4. All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one (1) growing season.
- R. Landscape Plan: A conceptual landscape plan indicating design intent shall be submitted as part of plan approval and a final landscape plan shall be submitted to the Zoning Administrator to confirm compliance with the approved concept landscape plan. The final plan shall include, but not necessarily be limited to, the following:
1. Location, spacing, species, and size of proposed plant material, including plant list(s) showing the required and proposed quantities.
  2. Existing and proposed contours on-site and one hundred fifty (150) feet beyond edges of the site at intervals not to exceed two (2) feet.
  3. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.

4. Location, general type and quality of existing vegetation, including specimen trees.
5. Existing trees and other landscape elements to be preserved.
6. Methods and details for protecting existing vegetation during construction.
7. Location, height and type of any walls.
8. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the requirements of this Section.
9. The percentage of landscaped area to be provided on site.
10. The Zoning Administrator may determine that, depending on site conditions, one or more of the above requirements is unnecessary.

S. Installation:

1. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, interfere with overhead utilities, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties.
2. Landscape areas shall be covered by grass or other living ground cover.
3. In areas outside the Access Management Overlay District trees and shrubs shall be setback a minimum of ten (10) feet from the edge of a road and five (5) feet from a vehicular access or pathway.
4. In the Access Management Overlay District trees and shrubs shall be set back a minimum of forty (40) feet from the edge of a road and five (5) feet lot ward from a vehicular access or pathway.
5. Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system.

T. Preservation Requirements: The following regulations shall apply to existing plant material:

1. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site that would otherwise be removed is also encouraged. Existing trees may be used to fulfill landscaping requirements if they are in healthy growing condition, at least the minimum size, appropriate type and spaced according to their likely mature size.
2. All required plantings shall be installed within six (6) months of their approval. Should any tree designated for preservation die, for which landscaping credit is given, the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of two and one-half (2-1/2) inches caliper.

3. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols, notes and details must be shown on the site plan.
4. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree with two (2) trees for every one (1) tree lost.
5. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided.

#### U. Landscape Buffer Zones

##### 1. Where landscape buffer zones are required:

- A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year.
- Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity.

##### 2. Landscaping may be required to serve as windbreaks.

##### 3. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with turf grass – either sodded or seeded, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.

#### V. Site Landscaping

The required side and rear setbacks shall be landscaped to:

1. Define cross-connections between properties for both pedestrian and vehicles;
2. Define internal access ways for vehicles and pedestrians;
3. Provide shade and lawn areas for outdoor activities;
4. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use;
5. Serve as windbreaks where warranted;
6. To break up long expanses of building without windows.

#### W. Detention and Retention Ponds:

1. Plantings shall be provided at a rate of one (1) deciduous canopy or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.

2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a naturally formed “free form” depression and shall be part of the natural landscape and open space system of the site.
  3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.
- X. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles:
1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm or solid fence, except when all equipment is contained within a building or structure.
  2. When located outside of a building, support equipment including air conditional and heating devices, and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment.
- Y. Departures and Deviations from Above Requirements: The Zoning Administrator may administratively permit a departure from the spacing requirements, when necessary to ensure proper screening or result in a more efficient and aesthetic landscape layout. Any other deviation from the above requirements may be permitted only by the Joint Planning Commission as part of the site plan review.

### **SECTION 3.10: LOT AND YARD REQUIREMENTS**

- A. Buildings Setbacks: All building setbacks and required building lines (RBL) shall be measured from the right-of-way line or property lines to the nearest foundation or building wall of the building or structure.
- B. Corner and Through Lots: corner and through lots shall have two (2) front lot lines and two (2) front yards. The remaining yards shall be considered side yards. There shall be no rear yards.
- C. Irregular lots
1. The minimum distance between side lot lines at the street right-of-way shall be forty (40) feet measured in a straight line.
  2. The minimum required lot width shall be measured at a straight line drawn between the two (2) side lots lines. This line will be drawn from the points along the side lot lines at which the required front setback distance for the district is met.
  3. If the minimum lot width is not met at the required front setback distance, the minimum required setback lone shall be moved farther into the lot to the point at which the minimum lot width is met.

### **SECTION 3.11: MAIN BUILDING OR PRINCIPAL USE**

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for groups of related agricultural, commercial, office, multiple family, retail business, or other groups of buildings contained within a single integrated complex. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to be a principal use collectively.

### **SECTION 3.12: MEDICAL MARIHUANA DISPENSARIES – PROHIBITION OF**

No medical marihuana dispensary shall be commenced, established, conducted, maintained, operated, or utilized in any zoning district, nor may any person frequent, patronize, or obtain or purchase any marihuana from or through any medical marihuana dispensary within the jurisdiction governed by this Ordinance.

### **SECTION 3.13: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES**

#### **A. Intent**

1. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their continued use or survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this Section.
3. Nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

4. The City or Townships may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures, and uses. The City Council or the Township Boards may take action in the manner provided for by law.

#### B. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any required yard setback for a building or structure may be reduced by the same percentage of shortfall as the nonconforming lot area, and provided that no yard shall be less than five (5) feet.
2. Contiguous Nonconforming Lots in Common Ownership
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - are in common ownership;
    - are adjacent to each other or have continuous frontage; and
    - individually do not meet the lot width or lot area requirements of this Ordinance.
  - b. Parcels meeting these requirements shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of that parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

#### C. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, that building or structure may continue to exist so long as it remains otherwise lawful.
2. Extensions of Nonconforming Buildings and Structures  
No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except as noted in b, below.
3. Reconstruction or Movement
  - a. Should a nonconforming building or structure be destroyed to an extent of more than seventy-five percent (75%) of its replacement value, exclusive of the foundation, it may be restored as it existed at the time of destruction, provided that restoration is commenced within six (6) months from the time the destruction occurred. If reconstruction does

not commence within the stated timeframe, it shall only be reconstructed in conformance with the provisions of this Ordinance.

- a. Should a nonconforming building or structure be destroyed to an amount equal to or less than seventy-five percent (75%) of its replacement value, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.
- b. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location that complies with the requirements of this Ordinance.

#### D. Nonconforming Building Elements

1. Wherever practical, façade renovations should not destroy or cover original details on a building. These details are often vital to the proper proportion of the façade. Brick and stone facades should not be covered with artificial siding or panels.
2. Wherever practical, existing window and door openings should be maintained. New window and door openings should maintain a similar horizontal and vertical relationship as the original.
3. The vertical lines of columns and piers and the horizontal definition of spandrels and cornices, and other primary structural elements should be maintained wherever possible.

#### E. Nonconforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Joint Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase or greater area:
  - a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
  - b. Shall comply with all parking, sign, or other regulations applicable to the area affected by the proposed enlargement, increase or greater area;
  - c. Shall comply with any reasonable conditions imposed by the Joint Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community; and
  - d. Shall not be larger than twenty-five percent (25%) of the original nonconforming area.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside the building.

3. If a nonconforming use is abandoned for any reason for a period of more than three hundred sixty-five (365) days, any subsequent use shall conform to the requirements of this Ordinance.
4. If any part of a nonconforming use is moved or reduced in size by action of the owner, the part of the nonconforming use that is moved or reduced in size shall be considered to be abandoned and any subsequent use shall conform to the requirements of this Ordinance.
5. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b. The property, buildings, and grounds have fallen into disrepair;
  - c. Signs or other indications of the existence of the nonconforming use have been removed;
  - d. Removal of equipment or fixtures necessary for the operation of the nonconforming use; and
  - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
6. A nonconforming use may be changed to another nonconforming use provided that the Joint Zoning Board of Appeals makes all the following determinations:
  - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
  - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as otherwise permitted by this Section.
  - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

#### F. Nonconforming Site Elements

1. The intent of this Section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites that predate the various requirements for landscaping, paving, and other non-safety site related items.
2. Improvement or expansions may be permitted by the Joint Planning Commission during Special Land Use or through Site Plan Review without a complete upgrade of all site elements under the following conditions listed below. The

FCJPC may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.

- a. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
  - b. The applicant has addressed safety related site issues on the overall site.
  - c. The improvements or minor expansion will not increase noncompliance with site requirements.
  - d. The applicant has upgraded the overall site landscaping consistent with this Ordinance.
  - e. Driveways that do not conform to the access management requirements of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the requirements of this Ordinance.
3. Unless otherwise specified, the provisions of this Ordinance reasonably related to the improvements or changes being made shall be met where a building permit or site plan is required for upgrading or improvements to existing buildings or land.
- a. Where a site plan is required to be approved by the Joint Planning Commission, the Commission shall determine which provisions of this Ordinance shall apply.
  - b. Where a site plan is not required to be approved by the Joint Planning Commission, the determination shall be made by the Zoning Administrator, and other Township or City staff.
4. Parking areas that are nonconforming, either by required number of spaces, landscaping, setback, lighting or other requirements of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
- a. Whenever a parking area is expanded by an area that is fifty percent (50%) or more of the original nonconforming area; or
  - b. Whenever twenty-five (25%) or more of the surface area of the parking area is reconstructed (existing pavement removed and replaced).
5. Sites that are nonconforming by reason of landscaping or screening required by this Ordinance, either by required area, materials, setback, or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
- a. Whenever the size of the nonconforming site is expanded by an area that is fifty percent (50%) or more of the original nonconforming area, all landscaping on the site shall be brought into compliance with this Ordinance; or

- b. Whenever twenty-five percent (25%) or more of the surface area of the landscaped area is reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscaped area shall be brought into compliance with this Ordinance.
  - c. Nothing in this subsection shall be construed to require the removal of vegetation that was preserved as part of the original construction of the landscaped area.
  - d. In all instances, required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.
6. Sites that are nonconforming by reason of lighting required by this Ordinance, either by fixture type or height, coverage, or other requirement of this Ordinance, shall be brought into compliance with this Ordinance under the following conditions:
- a. Whenever the size of the nonconforming site covered by existing lighting is expanded by an area that is fifty percent (50%) or more of the original nonconforming area, all lighting on the site shall be brought into compliance with this Ordinance; or
  - b. Whenever twenty five percent (25%) or more of the existing light poles and/or fixtures present are replaced by new poles, bases, or fixtures, all lighting on the site shall be brought into compliance with this Ordinance.

#### G.Nonconforming Signs

1. Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this Ordinance, but which does not conform to the height, size, area, or location requirements of this Section as of the date of the adoption of these regulations, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard or other non-permanent sign.
1. Nonconforming signs may not be altered, expanded, enlarged, or extended in such a way as to increase the area or height of the sign or reduce the sign setback, or to increase the intensity of the sign (such as adding or expanding an electronic display); however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.
  - a. For the purposes of this Section, a nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. The copy or face of the sign may be amended or changed

without bringing the sign into compliance with the requirements of this Ordinance, provided that no such change will increase the nonconforming nature of the sign.

- b. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss.
- c. Any sign that, for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which the sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- d. A sign accessory to a nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.
- e. Other than a change in face or copy, a nonconforming sign may not be replaced with another nonconforming sign.

#### H. Normal Repairs and Maintenance

None of the provisions of this Section or this Ordinance are meant to preclude normal repairs and maintenance on any building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

### **SECTION 3.14: OUTDOOR BOILERS OR OUTDOOR WOOD FURNACES**

Outdoor Boilers also known as outdoor wood furnaces located outside a building shall only be permitted in the agricultural districts and shall be placed only under the following conditions:

1. The boiler shall meet, at a minimum, all setbacks required for accessory structures for the district in which the parcel lies.
2. The boiler shall be placed a minimum of 100' from any dwelling not located on the parcel serviced by the boiler.
3. The exhaust stack shall extend not less than 5' above the outer jacket of the boiler.

Note: "Outdoor boilers" also known as "Outdoor wood furnaces" are not allowed in the City of Fremont pursuant to the regulations outlined under Chapter 9 of the City's Code of Ordinances entitled, "Fire Prevention".

### **SECTION 3.15: OUTDOOR LIGHTING**

The following provisions are applicable to all Districts with the exception of the Agricultural Districts unless subject to site plan review.

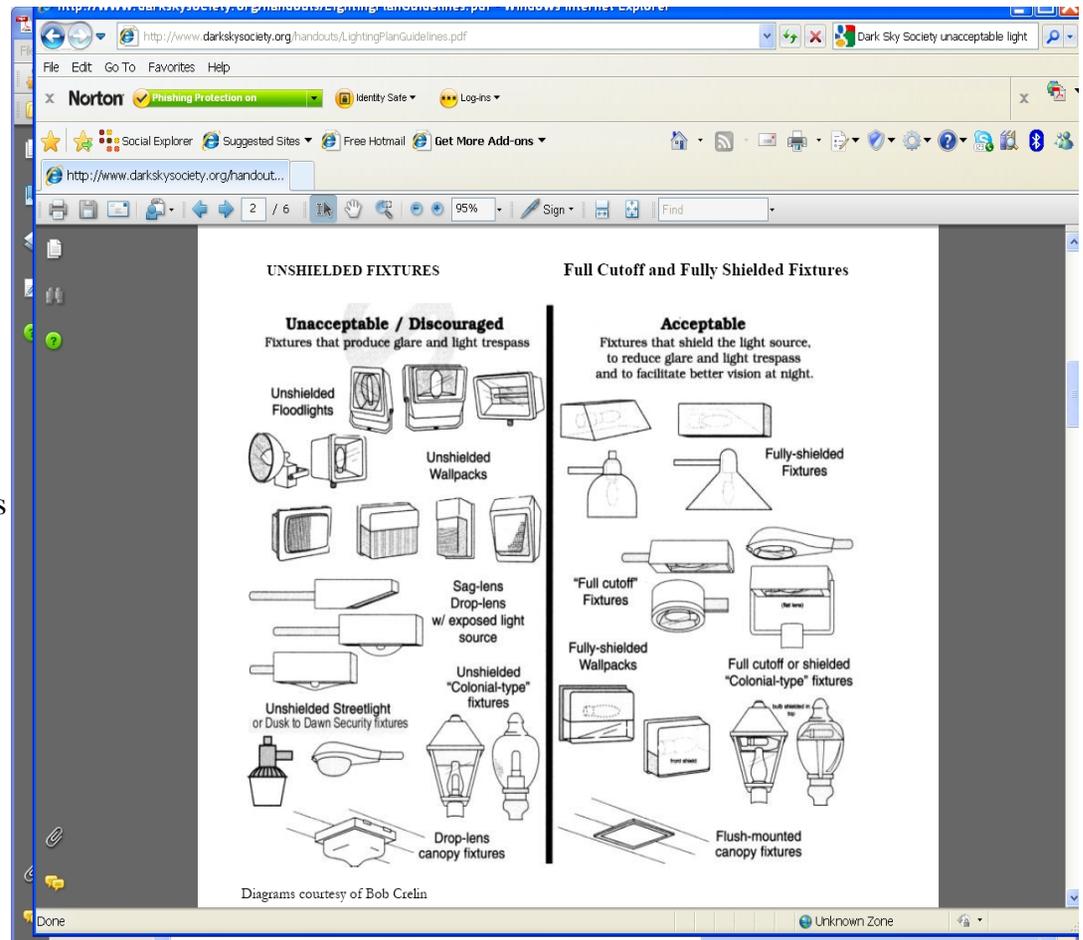
- A. Purpose: The purpose of this Section is to provide reasonable regulations to direct the location, design and use of certain outdoor lighting at appropriate illumination levels while minimizing its undesirable effects. Specifically, this Section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare, and otherwise in the public interest:
  - 1. Maintain safe nighttime driver performance on public roadways by minimizing both brightly-lighted surfaces and lighting glare.
  - 2. Promote lighting that provides security but is not unduly intrusive or a nuisance to nearby residents and drivers.
  - 3. Preserve the qualities of the night sky by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”.
  
- B. Modifications: The Zoning Administrator has discretion which will be uniformly applied in determining when the requirements of this section are met so long as the purposes of the section are not jeopardized.
  
- C. Lighting Plan: The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Zoning Administrator prior to lighting installation:
  - 1. A site plan drawn to scale of one (1) inch equaling no more than thirty (30) feet showing the buildings, landscaping, parking and service areas, location and type of all proposed outdoor lighting.
  - 2. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Chapter.
  - 3. Specifications for all proposed lighting fixtures include mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
  - 4. The lighting plan shall provide a design for illuminations in accordance with this Section.

#### D. Exterior Lighting

1. All exterior lighting, including free-standing, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare. Canopy lighting shall be fully recessed.
2. The intensity of light within a site shall not exceed ten (10) foot candles within any part of the site and one (1) foot candle at any property line, except where it abuts a residential district or use where a maximum of twenty (20) foot candles is permitted within the site but the above requirements shall apply to intensity at the property line.
3. Except as otherwise required, mounting height of fixtures that are located within two hundred (200) feet of a residential district shall not exceed twenty (20) feet. Mounting height shall not exceed thirty (30) feet in any circumstance.

#### E. Fixtures

1. All outdoor fixtures, including building mounted fixtures, shall be full cut-off fixtures as defined by IESNA.
2. Metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent “sky glow”.



3. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

F. Other Lighting

1. The internal illumination of building-mounted awnings is prohibited.
2. Indirect or front lighted illumination of signs, awnings and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized (or equal light output of non-wattage fixtures) and there is no glare.
3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
4. Lighting shall not consist of or have the appearance of movement or flashing components.

G. Installation and Operation Cost: The cost of installing and operating approved roadway lighting on any public road shall be through a financial method approved by the City, Dayton Township, Sheridan Charter Township (if lighting is within the jurisdiction) or by the Michigan Department of Transportation. The costs of all other lighting systems shall be borne by the developer/property owner.

H. Exemptions: The following outdoor light fixtures are exempt from the provisions of this Section:

1. Outdoor light fixtures installed prior to the effective date of this Section and replacements of the luminaire or lamp of those fixtures.
2. Streetlights located within a public right-of-way.
3. Outdoor light fixtures, which use an incandescent light bulb of, or light level equivalent to, one hundred fifty (150) watts or less except where they create a hazard or nuisance from, glare or spill light.
4. Lighting necessary for road or utility construction or emergencies

### **SECTION 3.16: PARKING, LOADING AND STACKING**

The following provisions are applicable to all Districts with the exception of the Agricultural Districts unless subject to Site Plan Review.

A. Change in Use or Intensity

1. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use.
2. If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
3. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Ordinance are provided elsewhere, or the parking requirements of the site change as determined by the Zoning Administrator.

B. Collective/Cooperative (Shared) Parking

1. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
2. Required parking shall be calculated from the use that requires the greatest number of spaces.
3. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.
4. Provisions for collective off-street parking would be made by contract between two (2) or more adjacent property owners. The parking area provided on any one (1) lot could be reduced to not less than one-half (1/2) the number of required spaces for the use occupying the lot. The lots shall be interconnected for vehicular passage.
5. Written easements which provide for continued use and maintenance of the parking shall be submitted to the City/Townships for approval. Any agreement shall include provisions to address any changes in use which shall be reviewed.
6. Whenever possible, collective or cooperative parking arrangements shall utilize shared driveways, shared service drives, cross access drives and frontage roads to minimize driveways that access an arterial or collector street. Cross-access easements, if necessary, shall be submitted to the City or a participating Township for approval.

C. Parking Lot Deferment

1. Where the property owner can demonstrate that the required amount of parking is excessive, the Joint Planning Commission may approve a smaller parking area, provided that area is of sufficient size to meet the parking space requirements of this Chapter is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of being informed of a request in writing by the Zoning Administrator.

2. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
3. Proof of an approved storm water management plan for the complete parking area, including any deferred spaces, must be submitted.

D. Additional Parking

To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of storm water runoff, no parking lot shall exceed the minimum parking spaces requirements by ten percent (10%) greater than required except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking will be required, based on documented evidence of actual use and demand provided by the applicant.

E. Permeable Surface for Paving

At the discretion of the Zoning Administrator, parking areas that are in excess of the minimum may be surfaced with permeable asphalt, permeable concrete or turf blocks. The calculations for required storm water management and retention measures may be adjusted for the use of this paving.

F. Uses Not Cited

For uses not specifically listed in the District, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Zoning Administrator.

G. Parking Units of Measurement

1. Floor Area

- a. Where floor area is the unit for determining the required number of off-street parking and loading spaces, gross floor area (GFA) shall be used, unless otherwise noted.
  - b. Where the floor area measurement is specified as usable floor area (UFA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eighty-five (85%) of the gross floor area.
2. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other similar seating, shall be counted as one (1) seat.

3. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time.
4. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one (1) additional space.

H. Barrier-free Parking Requirements

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with state and federal law.

I. Storage and Repair

The use of required parking and loading areas for the material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.

J. Off-street Parking Space Design Standards and Setback Requirements

1. Ingress and Egress

- a. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways in accordance with access management requirements of applicable zoning districts.
- b. All spaces shall be provided adequate access by means of maneuvering lanes.
- c. Spaces backing directly onto a street or use of the street for maneuvering between parking rows shall be prohibited.
- d. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.

2. Driveways

- a. In residential districts, all driveways serving a single family or two family dwelling shall be a minimum of 10 feet in width.
- b. For single family and two family uses, only 1 driveway access is permitted; however, a corner lot or a lot with at least 160 feet of frontage along a single street may be permitted one (1) additional driveway access provided that both accesses are connected via a loop or similar and serve only one (1) garage.

- c. In commercial and industrial districts and for all nonresidential uses in residential districts all access driveways shall be a minimum of twelve (12) feet in width for one-way drives and twenty-four (24) feet in width for two-way drives.
  - d. Driveway setbacks: Except as otherwise required by this Ordinance, all driveways, including the entry radius, serving a single main building or principal use shall be set back at least five (5) feet from an adjacent property line.
  - e. In all cases, driveways shall be located to minimize traffic conflicts with traffic entering the street from either the same or the opposite side of the street. Where applicable, driveway placement shall conform to Access Management requirements of the zoning district.
3. Surfacing and Drainage
- a. Grading, surfacing and drainage plans shall comply with county engineering specifications and subject to the review and approval of the Zoning Administrator. All driveways, parking lots, access lanes and other vehicle maneuvering areas within the City limits or as otherwise required shall be hard-surfaced with concrete or plant-mixed bituminous material.
  - b. Off-street parking areas, access lanes and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property or a public right-of-way, unless in accordance with an approved drainage plan.
4. Except for parking areas and associated driveways serving one and two family dwellings or an area within an agricultural district, a raised or rolled concrete curb at least six (6) inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings or adjoining property.
5. In a residential district, no more than 25 percent of the front yard may be used for parking, including driveways. Vehicles may not be parked or stored upon any lawn or landscaped area within the front yard.

6. Dimensional Requirements: Parking spaces and aisles shall meet the following requirements:

<b>Parking Pattern</b>	<b>Parking Maneuvering Lane Width-Minimum</b>	<b>Parking Space Width</b>	<b>Space Length</b>
Parallel	12 feet	10 feet	24 feet
30 to 53 degrees	12 feet	9 feet	18 feet
54 to 74 degrees	15 feet	9 feet	18 feet
75 to 90 degrees	24 feet	9 feet	18 feet

7. Handicapped-Accessible Parking: Handicapped accessible spaces shall be provided and designed in accordance with State and Federal law.

K. Parking Lot Construction and Maintenance

1. Plans and specifications for parking and loading areas shall be submitted to the Zoning Administrator prior to the issuance of a building permit. These plans shall at a minimum:
  - a. Show existing and proposed grades
  - b. Be designed to ensure that storm water runoff shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.
  - c. Provide specifications on surface and base materials to be used for construction.
2. Required parking lots shall be installed and completed before issuance of an occupancy permit. The Zoning Administrator may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
3. All parking areas shall be maintained free of dust, trash and debris. Surfacing, curbing, lighting fixtures, signs and related appurtenances shall be maintained in good condition.
4. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

5. All off-street parking and loading facilities required by this Ordinance shall be maintained free of accumulated snow or standing water which prevents full use and occupancy of the facilities, except for temporary periods in the event of heavy rainfall or snowfall.

#### L. Loading

The following provisions are applicable to all Districts with the exception of the Agricultural Districts unless subject to Site Plan Review.

In all districts every building, or part thereof, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail store or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, motel, motor hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution of materials or merchandise by vehicle, shall be provided and maintained on the same premises with the building off-street loading spaces in relation to floor areas.

##### 1. Location

- a. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
  - b. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
  - c. No loading space shall be located closer than fifty (50) feet to any lot in any residence district unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformity painted solid board or masonry fence of uniform appearance not less than six (6) feet in height.
  - d. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
2. All required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area for office uses and at least ten (10) feet by seventy (70) feet or seven hundred (700) square feet in area for commercial and industrial uses, with a clearance of at least fourteen (14) feet in height.

<b>Loading Space Requirements Table</b>	
Up to 20,000 sq. ft. GFA	1 space
20,001 – 50,000 sq. ft. GFA	2 spaces
50,001-1000,000 sq. ft. GFA	3 spaces plus 1 additional spaces for each additional none hundred thousand (100,000) sq. ft. or part thereof
100,001 sq. ft. GFA and over	5.0 spaces

3. The minimum number of loading spaces shall be provided in accordance with the Loading Space Requirements Table.
4. The Zoning Administrator may modify these requirements upon making the determination that another measure would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

**M. Stacking Spaces**

1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
  - a. Each stacking space shall be shown on a site plan.
  - b. Each stacking space shall have a minimum dimension shown of twenty-two (22) feet in length by nine (9) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
  - c. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
  - d. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack up out into any adjacent public or private street.

1. The following minimum stacking spaces shall be provided for the uses noted:

<b>Stacking Requirements</b>	
<b>Use</b>	<b>Required Stacking Spaces</b>
ATM Stations	4 spaces per ATM
Vehicle Service Centers	2 spaces per service bay
Vehicle Wash	1 space for self-serve washes and 10 spaces for automated washes
Bank Drive-through Windows	4 spaces per service lane
Nurseries/Day Care	5 spaces
Restaurants with Drive-through Facilities	10 spaces ordering station
Gas Station	50 ft. per service position
All Other Drive Thru Uses	3 spaces per service lane

**SECTION 3.17: PROJECTIONS INTO YARDS** (applicable to all districts unless otherwise specified within the District regulations)

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, window awnings, cantilevered balconies, external stairways, eaves and similar elements:
  - May project a maximum of four (4) feet into a required yard setback area.
  
- B. Uncovered and unenclosed porches, terraces, patios and similar structures, at a height above grade of two feet or less: decks of under two (2) feet in height above grade, balconies, window awnings, and similar structures which are open on all sides:
  - May project a maximum of twelve (12) feet into a required front or rear yard setback area.
  - May project a maximum of four (4) feet into a required side yard setback area.

- Must meet setback requirements of the main building if attached or immediately adjacent to the main building and they are subsequently permanently enclosed on any side or covered in any manner.

C. Walkways, patios, and similar constructions at grade level, with no above grade features:

- May project into any required front or rear yard setback area
- May project a maximum of four (4) feet into a required side yard setback area

### **SECTION 3.18: REPAIR, USE, SALE, AND STORAGE OF VEHICLES**

#### Repair

- A. Mechanical work and repairing of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles, lawn tractors, or any similar vehicles, which are not owned by or leased to and registered in the name of the occupant of a dwelling for his or her own personal use, is prohibited in any residential district.
- B. In residential districts, the carrying out of repair, restoration and maintenance procedures or projects on personal vehicles shall be subject to the following limitations:
  1. Procedures or projects which require the vehicle to be immobile or inoperable in excess of thirty (30) days within any twelve (12) month period shall be carried out either in the rear yard or within an enclosed building.
  2. No repairs or service of vehicles shall be permitted on areas designated as required off-street parking.

#### Use

- A. A recreational vehicle shall not be used for dwelling purposes; however, a camper, motor home or similar recreational vehicle may be parked and occupied in a residential district for a period not exceeding fourteen (14) days in a twelve (12) month period.
- B. The use of trailers, mobile homes or other vehicles for storage is prohibited in all districts, except under the following circumstances:
  1. The vehicle is located in the Agricultural, Industrial, Institutional or Commercial Districts and is one used for a business purpose by the business that owns or leases the land.
  2. Trailers used for fundraisers in connection with a church or school may be allowed on premises as long as the trailer is located in an inconspicuous location on the lot in the rear yard.

3. In the Downtown Commercial District, small trucks or utility trailers are permitted in private space if they are used in connection with an existing on-premise business on a regular basis, which means at least once every two weeks.
- C. The use of storage pods in all districts is allowed for no more than 60 days if stored in the rear or side yard.

#### Sale

- A. Vehicles displayed to sell with “For Sale” signs on or in them within the City are expressly prohibited in all districts except for residential districts unless otherwise permitted as outlined in the District regulations.
- B. In the City’s residential Districts, vehicles may be displayed for sale with “For Sale” signs on or in them as long as they meet the following conditions:
  1. The vehicle is not parked in the right-of-way.
  2. The vehicle is not parked in the front yard on the lawn.
  3. The vehicle is not advertised for sale for more than fourteen (14) consecutive days.
  4. There may only be one vehicle advertised for sale at a time.

#### Storage

- A. Vehicles in long-term storage shall be maintained in such fashion as to prevent oil, gas, antifreeze and battery acid from being released into the environment.
- B. Within the City limits, the storage of unlicensed or inoperable motor vehicles or recreational vehicles is addressed under Chapter 5 “Blight Control” Ordinance of the City of Fremont’s Code of Ordinances. In the Townships unlicensed or inoperable motor vehicles or recreational vehicles are allowed in the side or rear yard as long as the vehicle is covered, subject to existing blight ordinances, if applicable.
- C. Outdoor storage of no more than two (2) recreational vehicles, such as a boat, boat trailer, boat and trailer, utility trailer for residential use, travel trailer, motor home, recreation vehicle, or any similar vehicle, shall be permitted on a lot within a residential district other than a vacant lot in accordance with the following requirements:
  1. Storage should be located in the rear yard. However, if storage in the rear yard is not possible because of size or topography, one (1) recreational vehicle as listed above, not to exceed thirty-six (36) feet in length, may be stored in the side yard, but not closer than five (5) feet from the property line.
  2. This requirement shall not apply to a recreational vehicle that is parked on the driveway for the purpose of loading, cleaning or maintenance for a non-continuous period not to exceed seventy-two (72) hours.
- D. A parking lot may not be used for the storage or parking of trailers, semi-trucks, mobile homes, travel trailers, boats, boat trailers, or junked or wrecked vehicles of any type, or as a dump for refuse of any description unless in the case of a licensed

vehicle, the vehicle is associated with the business on the premises. Churches may store trailers in non-conspicuous locations in their parking lot if the vehicle is used in association with an event sponsored by the church.

### **SECTION 3.19: REQUIRED AREA OR SPACE**

Any lot or lots in common ownership and yards, courts, parking areas or other spaces may be divided, altered or reduced if the area or dimension as divided, altered or reduced meets the minimum requirements of this Ordinance. If already less than the minimum required under this Ordinance, that area or dimension shall not be further divided or reduced.

### **SECTION 3.20: ROADSIDE STANDS**

Roadside stands may be permitted in the Agricultural Districts subject to the following:

- Adequate off-road parking shall be provided on the property and outside the public right-of-way.
- One (1) on-site sign may be permitted of up to six (6) sq. ft. in area, located outside of the road right-of-way and adhering to clear vision standards and have a height limit of eight (8) feet from the ground to the top of the sign.
- Only locally grown produce may be sold at the stand.
- Size of stand not to exceed one hundred (100) sq. ft.

## **SECTION 3:21: SIGNS**

### **A. General**

All regulated signs shall conform to the requirements of this Ordinance. If the regulations outlined in this Section pertaining to signs conflict with the sign regulations outlined in the District regulations, the District regulations apply.

A sign is a device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, activity, or religious or political viewpoint.

### **B. Definitions**

The following definitions pertain to signs that are either allowed or prohibited:

1. **Awning or Canopy Sign:** A sign affixed flat against the surface of an awning or the fascia of a canopy. (See Chapter 2 “Definitions” for definition of “Awning” and “Overhang”.)
2. **Balloon Sign:** A sign composed of material filled with air or gas. (Same as “Inflatable Sign”)
3. **Banner Sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
4. **Billboard Sign:** A sign which relates to or advertises an establishment, product, merchandise, good service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located. (Same as “Off-premise Sign”)
5. **Business Center Sign:** A sign advertising the name of a business center, which may include advertisements for individual businesses within the business center.
6. **Construction Sign:** A sign that identifies the owners, financiers, contractors, architects and engineers of a project under construction.
7. **Corporate Flag:** A flag displaying the name, logo or other information about a corporation.
8. **Development Entry Sign:** A sign identifying or otherwise stating the name of a subdivision, site condominium development, apartment complex, manufactured housing community, business or industrial park, or other similar development.
9. **Directional Sign:** A sign for use on a lot on which the sign is located that gives directions, instructions, or facility information, such as a parking, or exit and entrance sign.

10. Electronic Displays: An electronic changeable message sign that includes the presentation of text, pictorials and graphics that are displayed or are capable of being displayed in a progression of frames.
11. Government Sign: A temporary or permanent sign erected by the local, state or federal government or other appropriate governmental agencies.
12. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall (Same as “Monument Sign”).
13. Identification Sign: A sign located on premises, giving the name or address or both of the owner or occupant of a building or premise that does not contain any advertising.
14. Incidental Sign: A sign intended to be read from the street that identifies street address, entrances and exits, safety precautions, identifying logos and other such incidental information and which sets forth no other advertisement.
15. Inflatable Sign: (See “Balloon Sign” for definition.)
16. Integral Sign: An affixed non-illuminated sign, tablet or plaque naming a building or commemorating an historical or significant person, event, structure or site.
17. Interpretive Sign: A non-advertising sign that communicates specific messages to visitors. These messages can be written to change behavior, educate or evoke an emotion in the reader. These signs may be used in areas such as self-guiding trails, points-of-interest viewing areas, resource management areas, rain gardens, and other tourist attractions.
18. Marque Sign: A portion of a sign on which copy is changed manually. (Same as “Reader Board Sign”)
19. Menu Board: A sign displaying a restaurant menu or list of services designed to be read from within a vehicle awaiting service in a drive-in or drive-through lane or affixed to a business establishment.
20. Monument Sign: (See “Ground Sign” for definition.)
21. Mural: A design or representation painted or drawn on a wall or affixed to a wall that does not advertise an establishment, product, or service or activity.
22. Off-Premise Sign: (See “Billboard Sign” for definition.)
23. On-Premise Sign: A sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
24. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “Open or Closed” signs.
25. Pole Sign: A sign supported on poles not attached to a building or wall having a minimum clear space of eight (8) feet from the ground to the nearest portion of the sign.

26. Political Sign: A temporary sign used in connection with an official city, township, school district, county, state, or federal election, referendum, or public issue.
27. Portable Sign: A sign of light construction capable of being moved from one location to another usually (but not always) mounted to a chassis with wheels, used for directing attention to a business, commodity, service or entertainment that is conducted, sold or offered.
28. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches from the face of the building or wall.
29. Reader Board Sign: (See “Marque Sign” for definition.)
30. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
31. Roof Sign: A sign erected above the roofline of a building. The roof line shall be the top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.
32. Sidewalk Sign: An “A” frame sign that has two (2) sides and typically placed in front of businesses to advertise special offers or other uses.
33. Sign: A device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, activity, or religious or political viewpoint.
34. Special Event Sign: Temporary signs containing public messages concerning special events.
35. Suspended Sign: A sign supported from above, attached to the bottom of an awning, canopy, overhang, arcade or similar overhead surface.
36. Temporary Sign: A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs and any other sign displayed for a limited period of time.
37. Wall Sign: A sign painted on, or attached directly to an exterior wall or surface, parallel to and extending no greater than twelve (12) inches from the face of the surface to which it is attached.
38. Window Sign: A sign affixed to a window and intended to be viewed from the outside.

### C. Exempt Signs

The following signs are specifically exempt from the permit provisions of this Section provided they are not in conflict with the provisions on clear vision areas:

1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.

2. Construction signs provided that there shall be only one (1) sign per street frontage, although not all signs are required to be placed on that frontage; with a maximum height of six (6) feet; not exceeding thirty-two (32) square feet in area; set back a minimum fifteen (15) feet from any property line or public street right-of-way; and that the signs shall be erected during the construction period only and shall be removed within fourteen (14) days of the date a final approval for occupancy is issued.
3. Corporate flags provided the maximum height of the flagpole is twenty-five (25) feet measured from the average surrounding grade, and the maximum size of the corporate flag is thirty-five (35) square feet. There shall be no more than one (1) corporate flag per lot; corporate flags and banners shall be prohibited on buildings, light poles, and freestanding signs. The lowest part of the flag when at half staff shall be not less than eight (8) feet.
4. Flags or insignia of any nation, state, city, community organization, educational institution, noncommercial enterprise, college or university provided that any American flag displayed shall never be used for advertising purposes in any manner whatsoever.
5. Directional signs, with one (1) per driveway direction, not more than five (5) feet in height and twenty (20) square feet in size. In residential districts, directional signs shall be permitted only for multiple-family and non-residential uses. In the Institutional District and the Industrial District, signs not more than eight (8) feet in height and sixty-four (64) square feet on their face are permitted at locations where direction is needed.
6. Garage, yard and estate sale signs are allowed announcing the sale of household goods, provided that there is only one (1) sign per premise; that the sign is placed on-premise only, entirely on private property; that it does not exceed six (6) square feet in area; and it is erected no more than five (5) business days before and is removed within one (1) business day after the announced sale. Within the Township areas additional signage is allowed on private property if permission of the property owner is granted.
7. Gas station pump signs on gas station pump islands or their structural supports identifying “self-serve” and “full-serve” operations, provided that there is no business identification or advertising copy, that there are no more than two (2) signs per pump island and that they do not exceed four (4) square feet in area.
8. Governmental signs for essential services and governmental purposes, including such structures as community information kiosks. Kiosks shall be no higher than six (6) feet and may be either flat or round, but shall not exceed five (5) feet at its greatest horizontal dimension, and shall not block any building entrance or sidewalk. A government sign may include an electronic display for the purpose of advertising community events and information.
9. Historical plaques and signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.

10. Incidental signs including placards, not exceeding two (2) square feet each, indicating messages such as “open” or “closed” or “help wanted” hours of operation, acceptance of credit cards or describing business affiliations, attached to a permitted sign, exterior wall, building entrance or window; or signs otherwise not intended to be seen from off the site.
11. Integral signs including memorial signs, names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.
12. Interpretive signs provided the maximum height is five (5) feet including any base or pedestal, with a maximum square footage on its face of twelve (12) feet.
13. Parking lot signs indicating restrictions on parking or handicap accessible spots, when placed within a permitted parking lot, area a maximum of six (6) feet in height and do not exceed three (3) square feet in area.
14. Permanent signs on automatic teller machines, vending machines, gas pumps and ice containers indicating the contents, provided that a sign on each device does not exceed 50% of the sign façade and a limit of one (1) sign per ATM, vending machine, gas pump or ice container.
15. Political signs, provided that the property contains an occupied structure; signs are not placed within the public street right-of-way, spaced at least ten (10) feet apart; and not exceeding six (6) square feet in area.
16. Public signs including warning signs, such as no trespassing, warning of electrical currents or animals, provided that they do not exceed two (2) square feet in area.
17. Real estate model signs directing the public to a model home or unit, provided that the signs are temporary, set back a minimum of fifteen (15) feet from any property line or public right-of-way and are placed on-premise only; a maximum of one (1) model sign per parcel and/or residential unit which does not exceed six (6) square feet in area.
18. Real estate open house signs provided the following conditions are met:
  - a. There shall be only one (1) on-premise sign per street frontage.
  - b. The size of each sign shall be a maximum of six (6) square feet in size and three (3) feet in height above grade.
  - c. Signs shall not be affixed to other signs, utility poles, fire hydrants or trees.
  - d. The person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which the signs are placed.
  - e. The signs shall be removed within one (1) hour following closing of the open house.
19. Real estate signs provided that there shall be only one (1) real estate sign per parcel for each public street frontage, with a maximum height of six (6) feet; not exceeding six (6) square feet in area within Residential Districts and twelve (12) square feet in area for all other districts.

20. Residential nameplates and home occupation signs identifying the occupants of the building or for professional purposes from the street shall be limited to one (1) per dwelling and not to exceed two (2) square feet in area; the sign shall not be illuminated and must be attached to an exterior building wall. In addition, in agricultural districts a monument sign not to exceed six (6) sq. ft. may be erected on the premises.
- ~~21.~~ Roadside stand signs provided that there is only one up to six (6) sq. ft. in area, not more than eight (8) feet in height, and adhering to clear vision standards.
22. Traffic control signs including regulatory and directional traffic control and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices.

#### D. Signs for Special Events

1. Special event signs are permitted advertising a public entertainment or event, provided that they receive a permit from the City or a Township, do not exceed thirty-two (32) square feet, are only used in a location designated by the City or Townships and are erected no more than fourteen (14) days before the event they advertise and are removed within one (1) two (2) business days following the event. Temporary signs must be a banner, flag or a ground sign. Any special event sign erected over a Michigan Department of Transportation right-of-way shall conform to MDOT requirements.
2. Special event signs advertising events at schools, places of worship, hospitals and similar institutional uses are permitted, with the following conditions:
  - Such signs do not exceed thirty-two (32) square feet in area;
  - Such signs are not erected more than fourteen (14) days prior to the event and are removed within two (2) days after the event;
  - Such signs are only placed in a location approved by the governmental unit where the event is to take place via a Special Event Permit;
  - Up to four (4) special event signs advertising the same event or activity may be placed within the joint planning area limits, provided that no more than four (4) special events for the same entity are advertised per year. A recurring event (such as a blood drive) is considered one (1) event and the events are identified on a permit issued by the governmental unit where the event is to take place. Permission from the property owner where the signs are to be placed must be given. No signs are allowed in the right-of-way.

- Any special event sign erected over a Michigan Department of Transportation right-of-way shall conform to MDOT requirements.
- Portable signs and sidewalk signs may not be used.

#### E. Prohibited Signs

The following signs will be prohibited in any district:

1. Any sign not specifically allowed.
2. Signs that obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
3. No sign shall contain any moving, revolving or animated parts or have the appearance of having any moving or animated parts. Other than an electronic display as permitted by this Ordinance, no sign shall employ any flashing, moving, oscillating, blinking or variable intensity light. No flashing electronic message boards.
4. Signs using high intensity, blinking or flashing light, festoons, spinners or other animated devices.
5. Exterior string lights used in connection with a commercial enterprise, other than holiday decorations which strung no more than sixty (60) days before the holiday and removed within fifteen (15) days following the holiday for which they were erected. Holiday lights that exceed 40 watts are prohibited.
6. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent or red, yellow or green illumination on any sign located in the same line of vision as a traffic control system, or interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets. Any sign which makes use of the words “Stop”, “Look”, or “Danger”, or any other words, phrases, symbols, or characters that interferes with, misleads, or confuses traffic is prohibited.
7. Signs that obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
8. Temporary signs (except those allowed under the “Sign – Exempt” Section of this Chapter) and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics.
9. Nongovernmental signs placed in any public right-of-way except as otherwise provided for in this Section, attached to a utility pole or to a tree, street furniture, waste receptacle or other structural element not capable of supporting such signs.
10. Off-premise signs (billboards)
11. Roof signs

12. Portable signs
13. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.
14. Any sign or structure that:
  - a. Is structurally unsafe.
  - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment.
  - c. Is capable of causing electric shock to person who comes in contact with it.
  - d. Is not kept in good repair, with broken parts, missing letters or non-operational lights.
15. Signs affixed to fences or utility poles or structural elements not capable of supporting such signs.

#### F. Temporary Signs

Other than signs listed in this Section as exempt or prohibited, temporary signs shall be permitted in commercial and industrial districts as follows:

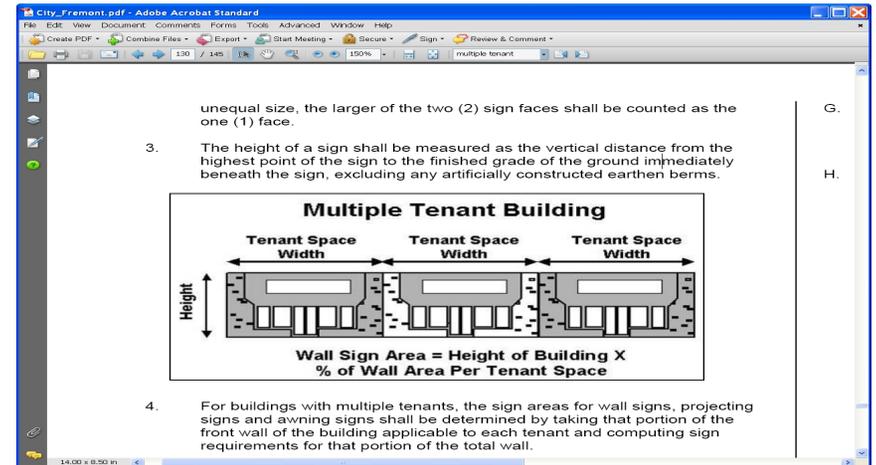
- a. Temporary signs, where permitted, shall consist of banners, flags or ground signs (not otherwise exempt).
- b. Each property may be permitted to erect a temporary sign no more than five (5) times per calendar year, with each event not exceeding fourteen (14) consecutive days.
- c. Temporary signs shall not exceed thirty-two (32) square feet in area; however, in the Downtown Commercial District temporary signs shall be limited to twenty (20) square feet.

G. Nonconforming Signs: Nonconforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. See regulations on nonconformance under this Chapter for more information on nonconforming signs.

#### H. Sign Measurement and Standards

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.

2. The area of a freestanding, ground or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back, are of equal size, and are no more than two (2) feet apart at any point, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.
4. For buildings with multiple tenants in a linear multiple tenant building, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.



For buildings with multiple tenants with building tenant configurations other than the linear configuration, the sign areas for wall signs shall be determined by either allowing separate signs on a façade wall for each tenant and/or allowing one larger multiple tenant wall sign on each façade as long as the total square footage of all the signs on a façade do not exceed 25% of the wall area of the façade with a maximum square footage of all the signs on one façade not exceeding 125 sq. ft.

## 5. Sign setbacks

All signs, unless otherwise provided for, shall be set back a minimum of two (2) feet from the right-of-way line and then (10) feet from any side or rear property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

## 6. Location

No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise allowed herein and as permitted by MDOT.

## 7. Design Requirements

Signs, as permitted in the various zones, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

## 8. Electronic Displays

Electronic displays (including signs that display the time and temperature only) may be permitted, provided that light sources shall not exceed fifteen (15) watts and that each message shall not change more often than once every five (5) seconds.

## I. Illumination

Illuminated signs shall not create glare or unduly illuminate the surrounding area. The following provisions shall apply to externally illuminated signs:

- a. Other than electronic displays as outlined above, signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign or internal to it.
- b. Any illuminated sign within the Downtown Commercial District and any illuminated sign within one hundred fifty (150) feet of any residentially zoned property shall be equipped with a functional timer control. No sign within one hundred (150) feet of any residentially zoned property shall be illuminated after 10:00 p.m. or one half (1/2) hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m. or one half (1/2) hour prior to the beginning of the opening of the business, whichever is earlier. Signs within the Downtown Commercial District that dim to 60% or less of their full illumination or use an opaque background so that only characters and/or logos are illuminated, may be illuminated twenty-four (24) hours per day.

- c. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be directly visible from or aimed at adjacent streets, roads or properties. Fixtures shall be mounted and directed downward.
- d. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- e. Illumination by bare bulbs or flames is prohibited.
- f. Underground wiring shall be required for all illuminated signs not attached to a building.

#### J. Maintenance and Construction

- a. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
- b. All signs must be erected in a manner and with materials that will remain safe and secure during the period of use and all bolts, cables, and other parts of signs shall be kept painted and free from corrosion. No sign may be placed upon a tree or utility pole, except signs of a unit of government or utility.
- c. Construction of a permitted sign shall not cause the removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography or obstruction of a natural drainage course.
- d. No pole, cable or support of any nature shall be placed on any publicly owned property, road right-of-way or proposed road right-of-way.

#### K. Sign Safety

- a. All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light or other public utility pole or standard.
- b. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code. Signs with electrical connections shall comply with Newaygo County Electrical Code requirements, including the application, inspection, and approval of an electrical permit.

#### L. Dangerous and Unsafe Signs

- a. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the City or Township and the cost thereof charged against the owner of the property on which it was installed.
- b. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Zoning Administrator to the health or safety of the public shall be removed or repaired.

#### **SECTION 3.22: SINGLE-FAMILY DWELLINGS: REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations:

- A. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
- B. Comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Fremont Community and with applicable federal or state standards or regulations for construction.
- C. Have a minimum horizontal dimension across any front, side or rear elevation of twenty four (24) feet at time of manufacture, placement or construction.
- D. Not be more than three (3) times longer than its width.
- E. Comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- F. Be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.

- G. Be aesthetically compatible in design and appearance with other dwellings within three hundred (300) feet of the subject dwelling. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, orientation to the street, and overhangs.
- H. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or melt water way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- I. A storage area with an area of no less than ten (10%) of the structure shall be provided. The storage area may consist of a basement, closet area or attached garage in a main building, or as a detached accessory building but shall not include attic area.
- J. The standards of this section shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.
- K. The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission, authorized under the Mobile Home Commission Act, Public Act 96 of 1987.

A single-family dwelling and any additions or alterations thereto erected or placed in the City, other than manufactured homes located in a licensed manufactured home community, shall conform to the following in addition to all other regulations of this Ordinance:

- A. There shall be a minimum dimension of twenty-two (22) feet in any horizontal dimension.
- B. There shall be a minimum floor area of seven hundred and fifty (750) sq. ft. for a single-family detached dwelling.
- C. Each primary building entrance shall be provided with a step, porch or approved disabled ramp that meets code, which is attached to the building foundation, or provided with a four-inch deep masonry foundation of its own. A porch or landing shall not have any horizontal dimension less than three (3) feet.
- D. There shall be a surfaced access from the public access to the required parking space. The access shall consist of concrete four (4) inches minimum depth, asphalt two (2) inches minimum depth or unit paving materials fabricated for this use.
- E. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- F. In any dwelling with a basement at least one (1) means of access (stairway) shall be provided from within the dwelling unit.
- G. If the dwelling is a manufactured home it shall:

1. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a perimeter wall as required in this Section.
  2. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
  3. All construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured home shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as from time to time these standards may be amended.
- H. The dwelling shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the City.
- I. The dwelling shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The dwelling shall be in compliance with the standards contained in this Section, and shall be aesthetically compatible in character, design and appearance to residential dwellings located outside of manufactured home communities, as follows:
1. If located in a platted subdivision or site condominium development with at least one (1) other existing home, the dwelling shall be compatible with homes in the particular plat or development of which it is a part.
  2. If not located in a platted subdivision or site condominium development and the area within two thousand (2,000) feet has existing homes, the dwelling shall be compatible with those homes within this area that might reasonably be considered to be an identifiable neighborhood of which it would be a part.
  3. Otherwise, the dwelling shall be compatible with homes generally located throughout the City.
  4. The determination of compatibility shall be based upon compliance with the requirements listed below. If at least five (5) of the requirements in this subsection are met, a dwelling may be approved as aesthetically compatible in character, design and appearance, provided where the other requirements are not met it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible. Where a district requirement is more restrictive than the elements listed below, the more restrictive requirement shall apply.
    - a. The dwelling shall have a roof covered with composition asphalt organic felt shingles or a material of similar texture, malleability and coarseness, not to exclude copper, wood, slate or clay material, as on roofs of homes with which the dwelling is to be compatible.
    - b. The roof of the dwelling shall have a slope of not less than two (2) vertical units to each twelve (12) horizontal units.

- c. The dwelling shall have steps and/or porches, which provide access to exterior doors, which are permanently attached to the ground and to the structure, or which are comparable to steps and/or porches of homes with which the dwelling is to be compatible.
- d. The exterior surface of exterior walls of a dwelling and roof shall be covered with wood or stucco, or a material of metal, metal alloy, brick, masonry, vinyl or plastic with major actual or visual vertical or horizontal joints spaced at not more than eight inches apart.
- e. The dwelling shall have windows located on the front elevations, and shall have exterior doors either on the front and rear, or front and side as generally found in homes with which the dwelling is to be compatible.
- f. The dwelling shall not have a detached private garage, of attached private garages are typical to homes with which the dwelling is to be compatible.
- g. The ratio of the horizontal dimension of the front to side elevation of the structure shall not be more than three (3) units to one (1) unit.

The standards and requirements of this Section are not to be construed to prohibit innovative design concepts involving energy conscious devices such as solar energy panels, view shed protection, protection of unique land contour or relief from the common or standard designed home. To this end, the Zoning Administrator may waive any of the above requirements that fulfill this objective.

### **SECTION 3.23: SWIMMING POOLS – PRIVATE**

Swimming pools are permitted in all districts and shall adhere to the building code and to setback standards for accessory structures.

### **SECTION 3.24: TEMPORARY USES OR BUILDINGS**

A. Upon written application the Zoning Administrator may issue a permit for the following temporary buildings or uses:

1. Temporary Office Building/Trailer. Temporary office building or construction yard incidental and necessary to construction at the site where located. The construction trailer shall be removed when a certificate of occupancy is issued.

2. Temporary Sales Office or Model Home. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office use shall be terminated when fifty percent (50%) or more of the lots or units have been sold or leased.
3. Temporary sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival. The sales areas shall not be located in the road right-of-way; inhibit site parking and vehicle flow; and block clear vision. The use shall last no more than ten (10) days.
4. Seasonal uses including the sale of Christmas trees, fireworks and similar activities but not including road side stands. Sales areas shall not occur in the road right-of-way; inhibit site parking and vehicle flow; and block clear vision. Parking shall not occur in the road right-of-way. The use shall last no more than sixty (60) days.
5. Second homes as part of a new home building project. Home to be removed must be removed no more than 180 days from certificate of occupancy.
6. Temporary Storage of Signs and Supplies. The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor or architect's identification signs in connection with a construction project. The storage is allowed for a period of up to one (1) year.
7. Emergency Temporary Dwellings. Temporary dwellings for use following fire, storms or other acts of nature may be authorized by the Zoning Administrator. Temporary dwellings may only be used by residents whose principal dwelling has been destroyed or damaged by fire, storms or other acts of nature. The temporary dwelling must be located on the same parcel as the principal dwelling. Temporary dwellings must be removed within thirty (30) days of occupancy in the new or repaired principal dwelling.

The permit is valid for one (1) year only and may only be extended upon approval of the Zoning Administrator.

- B. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall apply the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:

1. The proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should be located at the proposed location.
2. The use or structure will not have an unreasonable detrimental effect upon adjacent properties.
3. The use or structure is reasonably necessary for the convenience and safety of the construction proposed.
4. The use or structure does not adversely impact the character of the surrounding neighborhood.
5. Access to the use area or structure is located at a safe location.
6. The proposed activity does not place excessive use on the sanitary sewer and/or water system, nor create a hazardous fire condition.
7. The temporary use or structures shall minimize disturbance to the area and the surrounding land uses.

### **SECTION 3.25: WASTE RECEPTACLES AND ENCLOSURES**

The following provisions are applicable only to the commercial, institutional, industrial and multi-family districts, as well as agricultural districts where a Site Plan Review is required.

- A. All outdoor receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick, wood or decorative concrete material, consistent with the building materials of the main building.
- B. The enclosure shall also include a gate, made of wood, vinyl, or other high-quality durable material, as determined by the Zoning Administrator, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- C. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater.
- D. Waste receptacles and enclosures shall be located in the rear yard, not closer than five (5) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Zoning Administrator and shall be as far as practical, but in no case be less than twenty (20) feet from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
- E. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- F. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area and constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the refuse vehicle.

## **SECTION 3.26: WIND ENERGY SYSTEMS**

These wind energy systems regulations are not applicable to the districts within the City of Fremont.

### **A. Purpose**

The purpose of this Section is to establish standards and procedures by which the installation and operation of any Wind Energy System (WES) is to be regulated within the Fremont Community, in order to promote the safe, effective and efficient use of wind energy to reduce the consumption of fossil fuels in producing electricity, and to preserve and protect the public health, safety, welfare and quality of life.

### **B. Definitions**

For the purposes of the WES Section of this Ordinance, the following definitions are adopted:

1. **Anemometer:** A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a WES at a given site. This includes the tower, base plate, anchors, cables and hardware, instruments and any telemetry devices used to monitor winds speed and flow characteristics over a period of time.
2. **Applicant:** The person, firm, corporation, trust, association, company, limited liability corporation or other entity which applies for approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.
3. **Decommissioning:** The process of terminating operations and completely removing a WES and all related buildings, structures, foundations, access roads and equipment.
4. **Interconnected Wind Energy System:** A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
5. **Nacelle:** In a wind turbine, the nacelle refers to the elevated structure which houses the generating equipment, gearbox, drive train and other components.

6. On-Site Use Wind Energy System: A WES, the purpose of which is to provide energy only to property where the structure is located or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of the owners of adjacent properties.
7. Shadow Flicker: The moving shadow created by light/sunlight shining through the rotating blades of a WES. The amount of shadow flicker created is calculated by a computer model that includes turbine location, elevation, tree cover, location of all structures, wind activity and sunlight.
8. Single Wind Energy System of Commercial Purposes: A single WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which it is placed.
9. Structure-Mounted Wind Energy System: A WES mounted or attached to an existing structure or building.
10. Utility Grid Wind Energy Systems: A WES designed and constructed to provide electricity to the electric utility grid.
11. Wind Farm: Clusters of two or more WES placed upon a lot or parcel (or upon two or more lots or parcels) with the intent to sell or provide electricity to a site or location other than the premises upon which it is located. The WES may or may not be owned by the owner of the property upon which it is placed.
12. Wind Energy System (WES): shall mean any combination of the following:
  - a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal or vertical 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 (2, above) 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 (2, above) into electrical energy.
  - e. The tower, pylon or other structure upon which any, all or some combination of the above are mounted.
13. Wind Energy System Height: The distance from the ground at normal, adjacent grade to the highest point of the WES (which is the tip of a rotor blade when the blade is in full vertical position).
14. Wind Energy System Setback: The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line; in the case of multiple parcels utilized for multiple WESs, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

### C. Temporary Uses

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein:

Anemometers:

1. The construction, installation or modification of an anemometer tower shall require zoning and building permits and shall conform to all local, state and federal requirements.
2. An anemometer shall be subject to the minimum requirements for height, setback, location, safety and decommissioning that correspond to a Wind Energy System.
3. An anemometer shall be permitted for no more than twelve (12) months for any On-Site Use Wind Energy System or thirty-six (36) months for any other Wind Energy System.

### D. Permitted Uses

Any On-Site Use Wind Energy System, including a Structure-Mounted Wind Energy System, which is one hundred and fifty (150) feet or less in total height, shall be a permitted use in all zoning districts subject to the following:

**Height:** The height of a WES with the blade in vertical position shall not exceed one hundred and fifty (150) feet.

**Setback:** A WES shall be setback from all lot lines a distance which is equal to 1.1 times the height of the WES as measured from the lot line to the base of the tower, unless the adjacent property owner agrees in writing to waive that requirement. No portion of the WES (including any guy wire anchors) shall be located within or above the required front, side, or rear yard accessory structure setback.

**Structure-Mounted:** A Structure-Mounted WES shall have a distance from the nearest property line which is at least equal to 1.1 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES.

**Rotor or Blade Clearance:** The blade arcs created by a WES less than one hundred and fifty (150) feet in height shall have a minimum clearance of twenty (20) feet above grade.

Permits: A zoning permit shall be obtained to place and operate an on-site Use WES one hundred and fifty (150) feet or less in total height. A zoning permit shall be issued after an inspection of the plans and specifications for the WES.

The WES shall not be operated nor remain on the property unless all required permits have been issued, to include applicable building, electrical and other permits. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Zoning Administrator.

Electrical Power: An On-Site Use Wind Energy System may provide electrical power to more than one dwelling unit, provided that the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

#### E. Special Use

1. The following uses may be permitted if a Special Use Permit is granted:
  - a. Any Wind Energy System (including a Structure-Mounted WES) which is greater than one hundred and fifty (150) feet in height.
  - b. Wind Farms
  - c. Single Wind Energy Systems for Commercial Purposes
  - d. Utility Grid Wind Energy Systems
2. Site Development Plan Requirements: For any WES for which a Special Use Permit is required, the following items shall be included with or on the site plan:
  - a. All requirements for a site plan as contained in Chapter 10, including the area and dimensions of the site to be purchased or leased for the WES.
  - b. A location map of the proposed WES in sufficient detail to show the character of the area surrounding the proposed site.
  - c. Location and height of all existing or proposed buildings, structures, boundary lines, electrical lines, towers, guy-wire anchors, security fencing and any other above-ground structures either existing or proposed on the parcel or parcels containing the WES.

- d. Specific distances from the WES structures to all other buildings, structures, boundary lines and above-ground utilities on the parcel or parcels upon which the WES is proposed to be located.
- e. Location of all existing overhead and underground electrical transmission or distribution liens located on the property upon which the WES is proposed to be located, as well as within 300 feet of the boundaries of the parcel. The applicant shall provide as-built drawings of all electrical transmission lines constructed to serve the WES.
- f. Location, height and type of all buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel upon which the WES is proposed to be located.
- g. All existing land uses within 300 feet of the parcel.
- h. Access drives to the WES, including dimensions and compositions, with a narrative describing proposed maintenance of the drives.
- i. All lighting proposed for the site, including diagrams or specifications of lighting fixtures proposed.
- j. Security measures proposed for the site, including diagrams or specifications of lighting fixtures proposed.
- k. Standard drawings of the structural components of the WES including structures, towers, bases and footings. A registered engineer shall certify the drawings and any necessary calculations demonstrating that the system complies with all applicable federal, state and local building and structural codes.
- l. A narrative describing the proposed WES, including an overview of the project, the approximate generating capacity of the WES, the number, representative types and height or range of heights of the WES to be constructed, including the generating capacity and respective manufacturers, and a description of ancillary facilities.
- m. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Zoning Administrator to ensure compliance with the Ordinance.

### 3. Other requirements

- a. Distribution: A minimum of twenty (20) acres is required for placement of each WES.
- b. Setback: A WES shall be set back from all lot lines a distance which is at least equal to 1.1 times the height of the WES as measured from the lot line to the base of the tower, unless the adjacent property owner agrees in writing to waive the requirement. No part of a WES, including guy wire anchors, shall be located within or above any required front, side or rear yard accessory structure setback.
- c. Rotor or Blade Clearance: Blade arcs shall have a minimum of thirty (30) feet of clearance above grade and over and from any structure, adjoining property, or tree.

- d. Lighting: Lighting shall be provided as required by the Federal Aviation Administration or other applicable authority, or as necessary for the reasonable safety and security of the facility.
- e. Maintenance Program: The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a schedule of maintenance tasks to be performed.
- f. Decommissioning Plan: The Planning Commission shall require that a decommissioning plan meeting the requirements of subsection 6 of this Section be submitted for approval.
- g. A WES shall be designed and constructed in such a manner so as to minimize adverse visual or noise impacts on neighboring properties.
- h. A WES shall be either monopole or monolithic tube supported, non-reflective and non-obtrusive in color, such as flat white, off-white or gray.
- i. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation and appearance throughout the project.

#### 4. Inspections

The Zoning Administrator shall have the right to enter upon the WES premises at all reasonable times upon reasonable advance notice to the property owner. The jurisdiction may hire a consultant to assist with any inspections, at the applicant's cost.

#### 5. Insurance

The WES operator shall maintain a current liability insurance policy or present proof of adequate liability insurance coverage provided by self insurance or other means, in an amount equal to the installation and operation of the WES.

#### 6. Performance Guarantee

If a Special Use is approved pursuant to this section, the Joint Planning Commission may require monetary security in the form of a cash deposit, surety bond or irrevocable letter of credit in a form, amount, time duration and with financial institution deemed acceptable to participating jurisdiction, which will be furnished by the applicant to the jurisdiction in order to ensure full compliance with the section and any conditions of approval.

## 7.Decommissioning

Decommissioning shall take place in accordance with the following standards:

- a. The WES Owners(s) or Operator(s) shall complete decommissioning within eighteen (18) months after the end of useful life. Each WES unit shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s).
- b. Decommissioning shall include the removal of each WES, buildings, and electrical components to a depth of forty-eight (48) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of forty-eight (48) inches below grade or to the level of bedrock if less than forty-eight (48) inches below grade. Following removal, the location of any remaining WES foundation shall be indentified on a map as such and recorded with the deed to the property with the County Register of Deeds.
- c. The site and any disturbed earth shall be stabilized, graded and cleared of any debris. If the site is not to be used for agricultural purposed following removal, the site shall be seeded to prevent erosion.
- d. An independent and certified professional engineer shall be retained by the Owner(s) to estimate the total cost of decommissioning. The estimate shall be submitted as part of the initial application, and updated and provided to the Zoning Administrator every fifth year thereafter.
- e. The Owners shall post and maintain Decommissioning Funds in an amount equal to the estimated cost of decommissioning, as updated. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state-chartered lending institution chosen by the Owner(s), authorized to conduct such business and approved by the FCJPC.
- f. The Decommissioning Funds shall be in the form of a performance bond or letter of credit made out to the applicable jurisdiction.
- g. A condition of any bond shall be notification by the bond company to the applicable jurisdiction when the bond is about to expire or be terminated.
- h. Failure to maintain the bond in effect may cause the participating jurisdiction to take action up to and including requiring cessation of the operation of the WES until the bond is reposted.
- i. The escrow agent shall release the Decommissioning Funds when the Owner(s) have demonstrated, and the applicable jurisdiction concurs, that decommissioning has been satisfactorily completed.
- j. If decommissioning is not completed within the eighteen (18) month period addressed above, the participating jurisdiction may take such measures as necessary to complete decommissioning.

## 8. Requirements for All Wind Energy Systems

- a. Sound Pressure Level – Wind Energy System: Noise from a WES shall not exceed 55 dBA as measured outside and within ten (10) feet of any human occupied structure located on any adjacent or nearby property, unless the property owner has provided a written waiver of the noise requirement.
- b. Sound Pressure Level – Utility Grid Systems or Wind Farms: Utility Grid Systems and Wind Farms shall be subject to the sound pressure level requirements stated above. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.
- c. Shadow Flicker: The Joint Planning Commission (or Zoning Administrator for permitted systems) may require that the applicant perform an analysis of potential shadow flicker. The analysis shall identify frequency, duration and locations of shadow flicker that may occur and shall describe measures such as screening that shall be taken to eliminate or reduce the shadow flicker within ten (10) feet of any human occupied structure to less than 30 hours yearly. Shadow flicker in excess of 30 hours yearly, within ten (10) feet of any human occupied structure, shall not be permitted.
- d. Stray Voltage: All WES and their associated electrical transmission subsystems shall be properly designed, operated and maintained to prevent the creation of harmful stray voltages during operation.
- e. Ice/Blade Throw-Setback: All WES shall be set back from adjacent property lines not less than 1.1 times their height, unless the owner of the property affected agrees in writing to waive this requirement.
- f. Fire Prevention and Emergency Shutdown/Response Plan: The owner/operators shall file a fire prevention and emergency shutdown/response plan with the Joint Planning Commission (or Zoning Administrator for permitted systems). The plan shall detail the measures taken to address fire and other potential mechanical hazards and the methods for addressing any on-site emergencies, such as a fire, physical damage due to severe weather, equipment runaway/failure or support system failure.
- g. Construction Codes, Interconnection Standards, Federal, State and Township Codes: Every WES shall comply with:
  1. All applicable local and State zoning, building, electrical and other permit and code requirements.
  2. Federal Aviation Administration requirements
  3. Public or private landing strips in or adjacent to the Fremont Community
  4. Regulations of the Michigan Public Service Commission and/or the Federal Energy Regulatory Commission if the WES is an interconnected system.
- h. Safety
  1. Each WES shall be equipped with both a manual and automatic braking device capable of stopping or slowing the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

2. To prevent unauthorized access, each WES must comply with at least one of the following provisions and more than one if required by the Joint Planning Commission:
    - a. The tower climbing apparatus shall not be located within 12 feet of the ground.
    - b. A locked, anti-climb device shall be installed and maintained.
    - c. A tower capable of being climbed shall be enclosed by a locked, secure fence at least ten feet in height with barbed wire top.
  3. The WES shall have lighting protection.
  4. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least ten (10) feet above the guy wire anchors.
- i. Signs
1. Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or if the structure is fenced it shall be located on the fence. The sign shall include the following information:
    - a. The words, “Warning – High Voltage”
    - b. Emergency contact telephone numbers
  2. The name, address, telephone number and email address of the operator of the WES.
- j. Electromagnetic Interference: Every WES shall be designed, constructed and operated so as to not cause radio or television interference.
- k. Access Roads: Each WES shall be served by a road or drive that provides ready, dependable access in the event of an emergency. Private roads shall be constructed to the applicable jurisdiction’s road standards.
- l. Maintenance: Every WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

All distribution lines from the WES shall be located and maintained underground, both on the property where the WES is located and off-site. The Joint Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e., - not located on or above the property where the WES will be located) be located and maintained underground if the Joint Planning Commission determines that to install, place or maintain such distribution lines underground would be impractical or unreasonably expensive.

- m. Avian Studies: The Joint Planning Commission (or Zoning Administrator for permitted systems) may require that the applicant perform an analysis of potential avian kills. The analysis shall identify probable loss of avian life due to blade strikes, in terms of number per year, with likely frequency during low- and high-occurrence periods, and also identify those site locations likely to have a higher-than-average incident rate due to such factors as nesting/breeding grounds or migration routes. The analysis shall detail measures that may be taken to reduce or eliminate the incidence of avian kills.

## 9. Public Inquiries and Complaints

Should an aggrieved property owner allege that the WES is not in compliance with the noise requirements of this Section, the procedure shall be as follows:

- A. The complainant shall notify one of the participating municipalities in writing regarding concerns about noise level.
- B. If the complaint is deemed sufficient by the applicable jurisdiction to warrant an investigation, the participating jurisdiction will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Section.
- C. If the test indicates that the noise level is within those requirements, the applicable jurisdiction will use the deposit to pay for the test.
- D. If the WES Owner(s) is in violation of the noise requirements, the Owner(s) shall reimburse the participating jurisdiction for the noise level test and take immediate action to bring the WES into compliance, which may include ceasing operation of the WES until noise violations are corrected. The participating jurisdiction will refund the deposit to the aggrieved property owner.

A violation of this Section constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Section shall be in violation of this Ordinance and shall be responsible for a civil infraction.

Notwithstanding the above, the participating jurisdiction reserves the right to investigate any complaint regarding violation(s) of this Section or any other section(s) of this Ordinance applicable to WES(s), and to take such action as it deems appropriate to ensure compliance with the requirements set forth therein, including but not limited to initiating civil procedures for injunctive relief and/or initiating criminal prosecution.