

TABLE OF CONTENTS

CHAPTER 1: TITLE, LEGAL BASIS, PURPOSE AND SCOPE

TABLE OF CONTENTS – CHAPTER 1

SECTION 1.01: TITLE

SECTION 1.02: LEGAL BASIS

SECTION 1.03: PURPOSE AND INTENT

SECTION 1.04: ZONING MAP

SECTION 1.05: SCOPE

SECTION 1.06: VALIDITY AND SEVERABILITY

SECTION 1.07: EFFECTIVE DATE

SECTION 1.08: REPEAL OF PRIOR ORDINANCES

CHAPTER 2: DEFINITIONS

TABLE OF CONTENTS – CHAPTER 2

SECTION 2.01: RULES APPLYING TO TEXT

SECTION 2.02: DEFINITIONS

CHAPTER 3: GENERAL PROVISIONS

TABLE OF CONTENTS – CHAPTER 3

SECTION 3.01: ACCESSORY BUILDINGS AND STRUCTURES

SECTION 3.02: CLEAR VISION AREA

SECTION 3.03: ENVIRONMENTAL PROTECTIONS AND HAZARDOUS MATERIALS STANDARDS

SECTION 3.04: ESSENTIAL SERVICES

SECTION 3.05: FENCES AND FREESTANDING WALLS

SECTION 3.06: GARAGE, YARD AND ESTATE SALES

SECTION 3.07: HEIGHT EXCEPTIONS

SECTION 3.08: HOME OCCUPATION

SECTION 3.09: LANDSCAPING AND SCREENING

SECTION 3.10: LOT AND YARD REQUIREMENTS

SECTION 3.11: MAIN BUILDING OR PRINCIPAL USE

SECTION 3.12: MEDICAL MARIHUANA DISPENSARIES – PROHIBITION OF

SECTION 3.13: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

SECTION 3.14: OUTDOOR BOILERS OR OUTDOOR WOOD FURNACES

SECTION 3.15: OUTDOOR LIGHTING

SECTION 3.16: PARKING, LOADING AND STACKING

SECTION 3.17: PROJECTIONS INTO YARDS

SECTION 3.18: REPAIR, USE AND STORAGE OF VEHICLES

SECTION 3.19: REQUIRED AREA OR SPACE

SECTION 3.20: ROADSIDE STANDS

SECTION 3.21: SIGNS

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

SECTION 3.23: SWIMMING POOLS – PRIVATE

SECTION 3.24: TEMPORARY USES OR BUILDINGS

SECTION 3.25: WASTE RECEPTACLES AND ENCLOSURES

SECTION 3.26: WIND ENERGY SYSTEMS

CHAPTER 4: AGRICULTURAL DISTRICTS

TABLE OF CONTENTS – CHAPTER 4 MATRIXES:

PARCEL STANDARDS FOR AGRICULTURAL DISTRICTS

ARTICLE 1: AGRICULTURAL PRESERVATION DISTRICT (A-1)

SECTION 4-1.01: PURPOSE AND INTENT

SECTION 4-1.02: PERMITTED USES

SECTION 4-1.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-1.04: PERMITTED ACCESSORY USES

SECTION 4-1.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-1.06: PARCEL STANDARDS

SECTION 4-1.07: PERMITTED LOT SPLITS (QUARTER/QUARTER ZONING)

SECTION 4-1.08: AGRICULTURAL BUFFER

SECTION 4-1.09: WATERFRONT AND WETLAND SETBACKS

SECTION 4-1.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

SECTION 4-1.11: SIGNS

ARTICLE 2: GENERAL AGRICULTURAL DISTRICT (A-2)

SECTION 4-2.01: PURPOSE AND INTENT

SECTION 4-2.02: PERMITTED USES

SECTION 4-2.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-2.04: PERMITTED ACCESSORY USES

SECTION 4-2.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-2.06: PARCEL STANDARDS

SECTION 4-2.07: PERMITTED LOT SPLITS

SECTION 4-2.08: AGRICULTURAL BUFFER

SECTION 4-2.09: WATERFRONT AND WETLAND SETBACKS

SECTION 4-2.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

SECTION 4-2.11: SIGNS

ARTICLE 3: AGRICULTURAL RESIDENTIAL DISTRICT (A-3)

SECTION 4-3.01: PURPOSE AND INTENT

SECTION 4-3.02: PERMITTED USES

SECTION 4-3.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-3.04: PERMITTED ACCESSORY USES

SECTION 4-3.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS

SECTION 4-3.06: PARCEL STANDARDS

SECTION 4-3.07: AGRICULTURAL BUFFER

SECTION 4-3.08: WATERFRONT AND WETLAND SETBACKS

SECTION 4-3.09: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

SECTION 4-3.10: SIGNS

CHAPTER 5: COMMERCIAL DISTRICTS

TABLE OF CONTENTS – CHAPTER 5

ARTICLE 1: DOWNTOWN COMMERCIAL DISTRICT (C-1) *

SECTION 5-1.01: PURPOSE AND INTENT

SECTION 5-1.02: USES

SECTION 5-1.03: SITING

SECTION 5-1.04: BUILDING ELEMENTS

SECTION 5-1.05: ACCESSORY PROVISIONS

ARTICLE 2: URBAN COMMERCIAL DISTRICT (C-2) *

SECTION 5-2.01: PURPOSE AND INTENT

SECTION 5-2.02: USES

SECTION 5-2.03: SITING

SECTION 5-2.04: BUILDING ELEMENTS

SECTION 5-2.05: ACCESSORY PROVISIONS

ARTICLE 3: RURAL COMMERCIAL DISTRICT (C-3)

SECTION 5-3.01: PURPOSE AND INTENT

SECTION 5-3.02: USES

SECTION 5-3.03: DESIGN STANDARDS
SECTION 5-3.04: PARKING REQUIREMENTS
SECTION 5-3.05: LANDSCAPING AND SCREENING
SECTION 5-3.06: LIGHTING
SECTION 5-3.07: SIGNS
SECTION 5-3.08: MISCELLANEOUS REGULATIONS

CHAPTER 6: RESIDENTIAL DISTRICTS

TABLE OF CONTENTS – CHAPTER 6
ARTICLE 1: LOW DENSITY RESIDENTIAL DISTRICT (R-1)
 SECTION 6-1.01: PURPOSE
 SECTION 6-1.02: USES
 SECTION 6-1.03: DEVELOPMENT REQUIREMENTS
ARTICLE 2: MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)
 SECTION 6-2.01: PURPOSE
 SECTION 6-2.02: USES
 SECTION 6-2.03: DEVELOPMENT REQUIREMENTS
ARTICLE 3: ESTATE RESIDENTIAL DISTRICT (R-3) *
 SECTION 6-3.01: PURPOSE AND INTENT
 SECTION 6-3.02: DEVELOPMENT OBJECTIVES
 SECTION 6-3.03: USES
 SECTION 6-3.04: SITING
 SECTION 6-3.05: BUILDING ELEMENTS
 SECTION 6-3.06: ACCESSORY PROVISIONS
ARTICLE 4: NEIGHBORHOOD RESIDENTIAL DISTRICT (R-4) *
 SECTION 6-4.01: PURPOSE AND INTENT
 SECTION 6-4.02: DEVELOPMENT OBJECTIVES
 SECTION 6-4.03: USES

SECTION 6-4.04: SITING

SECTION 6-4.05: BUILDING ELEMENTS

SECTION 6-4.06: ACCESSORY PROVISIONS

ARTICLE 5: MULTIPLE FAMILY DISTRICT (R-MF)

SECTION 6-5.01: PURPOSE

SECTION 6-5.02: DEVELOPMENT OBJECTIVES

SECTION 6-5.03: USES

SECTION 6-5.04: DEVELOPMENT REQUIREMENTS

SECTION 6-5.05: ACCESSORY PROVISIONS

ARTICLE 6: MANUFACTURED HOME PARK DISTRICT (R-MHP)

SECTION 6-6.01: PURPOSE

SECTION 6-6.02: USES

SECTION 6-6.03: DEVELOPMENT REQUIREMENTS

SECTION 6-6.04: ACCESSORY PROVISIONS

ARTICLE 7: LAKE RESIDENTIAL DISTRICT (R-LD)

SECTION 6-7.01: PURPOSE

SECTION 6-7.02: USES

SECTION 6-7.03: DEVELOPMENT REQUIREMENTS

ARTICLE 8: WATERFRONT OVERLAY DISTRICT (R-WO)

SECTION 6-8.01: PURPOSE AND INTENT

SECTION 6-8.02: USES

SECTION 6-8.03: SITE AND BUILDING PLACEMENT

SECTION 6-8.04: BUILDING ELEMENT

SECTION 6-8.05: ACCESSORY PROVISIONS

CHAPTER 7: OTHER DISTRICTS

TABLE OF CONTENTS – CHAPTER 7

ARTICLE 1: INSTITUTIONAL DISTRICT (O-INS)

- SECTION 7-1.01: PURPOSE
- SECTION 7-1.02: DEVELOPMENT OBJECTIVES
- SECTION 7-1.03: USES
- SECTION 7-1.04: DEVELOPMENT REQUIREMENTS
- SECTION 7-1.05: ACCESSORY PROVISIONS
- SECTION 7-1.06: OTHER

ARTICLE 2: INDUSTRIAL DISTRICT (O-IND)

- SECTION 7-2.01: PURPOSE
- SECTION 7-2.02: DEVELOPMENT OBJECTIVES
- SECTION 7-2.03: USES
- SECTION 7-2.04: DEVELOPMENT REQUIREMENTS
- SECTION 7-2.05: ACCESSORY PROVISIONS
- SECTION 7-2.06: OTHER

ARTICLE 3: MIXED USE DISTRICT (O-MU) *

- SECTION 7-3.01: PURPOSE
- SECTION 7-3.02: DEVELOPMENT OBJECTIVES
- SECTION 7-3.03: USES
- SECTION 7-3.04: SITING
- SECTION 7-3.05: BUILDING ELEMENTS
- SECTION 7-3.06: ACCESSORY PROVISIONS

ARTICLE 4: AIRPORT OVERLAY DISTRICT (O-AO)

- SECTION 7-4.01: PURPOSE
- SECTION 7-4.02: APPLICABILITY
- SECTION 7-4.03: HAZARDS
- SECTION 7-4.04: UNLAWFUL LAND USES

ARTICLE 5: ACCESS MANAGEMENT CORRIDOR OVERLAY DISTRICT (O-AMC)

SECTION 7-5.01: PURPOSE

SECTION 7-5.02: INTENT

SECTION 7-5.03: APPLICABILITY

SECTION 7-5.04: ADDITIONAL SUBMITTAL INFORMATION

SECTION 7-5.05: ACCESS MANAGEMENT STANDARDS

SECTION 7-5.06: MODIFICATION OF ACCESS STANDARDS

CHAPTER 8: PLANNED UNIT DEVELOPMENTS (PUDs)

TABLE OF CONTENTS – CHAPTER 8

SECTION 8.01: PURPOSE AND INTENT

SECTION 8.02: ELIGIBILITY CRITERIA

SECTION 8.03: TYPES OF PUDS

SECTION 8.04: RESIDENTIAL PUD STANDARDS (RPUD)

SECTION 8.05: MIXED-USE PUD STANDARDS (MPUD)

SECTION 8.06: OPEN SPACE STANDARDS

SECTION 8.07: PUD APPROVAL PROCESS

SECTION 8.08: FINAL APPROVAL

SECTION 8.09: DEADLINES AND EXTENSIONS

SECTION 8.10: REVISIONS TO APPROVED PUD PLANS

SECTION 8.11: DEVELOPMENT AGREEMENT

SECTION 8.12: PERFORMANCE GUARANTEES

SECTION 8.13: APPEALS

CHAPTER 9: SPECIAL LAND USES

TABLE OF CONTENTS – CHAPTER 9

SECTION 9.01: PURPOSE AND INTENT

SECTION 9.02: APPLICATION AND REVIEW PROCEDURES

SECTION 9.03: BASIS OF DETERMINATION

SECTION 9.04: APPROVAL TERM AND EXPIRATION

SECTION 9.05: REVOCATION OF SPECIAL LAND USE APPROVAL

SECTION 9.06: SPECIFIC SPECIAL LAND USE STANDARDS

A. AIRPORTS

B. AGRICULTURAL SERVICE ESTABLISHMENTS

C. AGRICULTURAL LABOR HOUSING

D. AMUSEMENT PARKS, FAIR GROUNDS AND FLEA MARKETS

E. AUCTION HOUSES

F. BED AND BREAKFAST INNS AND HOMES

G. CAMPGROUNDS, PUBLIC OR PRIVATE

H. CEMETERIES

I. COMMERCIAL EXTRACTION AND PROCESSING

J. COMMERCIAL KENNELS

K. COMMERCIAL MINI-STORAGE

L. CONTRACTOR OFFICE AND OUTDOOR STORAGE AREAS

M. COTTAGE INDUSTRY

N. DAY CARE CENTER

O. DRIVE-THROUGH FACILITY OTHER THAN A RESTAURANT

P. DRIVE-THROUGH RESTAURANTS

Q. EQUINE BOARDING STABLE AND TRAINING FACILITY

R. FARM MARKET

S. FRATERNAL OR SOCIAL CLUB

T. FUNERAL HOMES AND MORTUARY ESTABLISHMENTS

U. GOLF COURSE OR COUNTRY CLUB

V. GROUP HOMES

W. HOME-BASED BUSINESS

X. HOTELS AND MOTELS

Y. LIBRARIES, MUSEUMS, COMMUNITY CENTERS, HOSPITALS, AND SIMILAR USES

Z. MARINA

AA. MUNICIPAL AND PUBLIC SERVICE ACTIVITIES

BB. NURSING OR CONVALESCENT HOMES

CC. OPEN AIR BUSINESSES

DD. OPEN SPACE CLUSTER DEVELOPMENT

EE. OUTDOOR RECREATION DEVELOPMENT

FF. PLACE OF RELIGIOUS WORSHIP

GG. RAISING OF FUR-BEARING ANIMALS OR GAME BIRDS

HH. SCHOOLS, ELEMENTARY, MIDDLE AND HIGH SCHOOL

II. SEXUALLY-ORIENTED BUSINESSES

JJ. SHOOTING, RIFLE AND HANDGUN RANGES

KK. STATE-LICENSED RESIDENTIAL FACILITIES

LL. TRUCK AND FREIGHT TERMINALS

MM. VEHICLE BODY AND REPAIR SHOPS

NN. VEHICLE SERVICE STATIONS

OO. VEHICLE WASH ESTABLISHMENTS, EITHER SELF-SERVE OR AUTOMATIC

PP. VETERINARY CLINICS AND HOSPITALS

QQ. WIND ENERGY SYSTEMS

RR. WIRELESS COMMUNICATION TOWERS OVER 75 FEET

CHAPTER 10: ADMINISTRATION

TABLE OF CONTENTS – CHAPTER 10

SECTION 10.01: ENFORCING OFFICIALS

SECTION 10.02: DUTIES, POWERS AND LIMITATIONS
SECTION 10.03: VIOLATIONS AND ENFORCEMENT
SECTION 10.04: STOP WORK ORDERS
SECTION 10.05: FEES
SECTION 10.06: PERFORMANCE GUARANTEE
SECTION 10.07: CERTIFICATE OF OCCUPANCY
SECTION 10.08: APPLICATION AND REVIEW
SECTION 10.09: ZONING ORDINANCE AND MAP AMENDMENTS
SECTION 10.10: FINAL VOTES BY TOWNSHIP BOARDS AND CITY COUNCIL

CHAPTER 11: JOINT ZONING BOARD OF APPEALS

TABLE OF CONTENTS – CHAPTER 11

SECTION 11.01: JOINT ZONING BOARD OF APPEALS - CREATION AND MEMBERSHIP
SECTION 11.02: JOINT ZONING BOARD OF APPEALS – MEETINGS AND PROCEDURES
SECTION 11.03: JOINT ZONING BOARD OF APPEALS – JURISDICTION, POWERS AND DUTIES
SECTION 11.04: JOINT ZONING BOARD OF APPEALS – HEARINGS, VOTING REQUIREMENTS AND DECISIONS

APPENDICES

APPENDIX 1 – USE LISTS
APPENDIX 2 – LIMITATIONS TO AGRICULTURAL USE MAP
APPENDIX 3 – CHART ON SITE PLAN SUBMITTAL REQUIREMENTS

* Form-based districts.

**TABLE OF CONTENTS
FOR
CHAPTER 1
TITLE, LEGAL BASIS, PURPOSE AND SCOPE**

SECTION 1.01: TITLE
SECTION 1.02: LEGAL BASIS
SECTION 1.03: PURPOSE AND INTENT
SECTION 1.04: ZONING MAP
SECTION 1.05: SCOPE
SECTION 1.06: VALIDITY AND SEVERABILITY
SECTION 1.07: EFFECTIVE DATE
SECTION 1.08: REPEAL OF PRIOR ORDINANCES

CHAPTER 1

TITLE, LEGAL BASIS, PURPOSE AND SCOPE

SECTION 1.01: TITLE

This Ordinance shall be known and may be cited as the “Fremont Community Joint Zoning Ordinance”, “this Ordinance”, “the Ordinance”, “the FCJZO”, or phrased in similar fashion. In all cases, such terms and phrases shall refer to the “Fremont Community Joint Zoning Ordinance”.

SECTION 1.02: LEGAL BASIS

This Ordinance is enacted pursuant to Public Act 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

SECTION 1.03: PURPOSE AND INTENT

- A. The zoning districts established by this Ordinance and the regulations specified for each such district have been developed in accordance with the formulation of the “Fremont Community Joint Comprehensive and Growth Management Plan” for the physical development of the Fremont community as part of Newaygo County.
- B. Among other purposes, the Fremont Community Joint Zoning Ordinance is designed to foster a vibrant community through a lively mix of uses, with shop fronts, cafes and other commercial uses with upper story residences and offices in the downtown area, and additional commercial and industrial development in appropriate nearby locations. The core area will also incorporate and be surrounded by residential neighborhoods and individual homesteads, with agricultural uses bordering the central community.

- C. In addition, the Ordinance is designed to ensure safety from fire and other dangers; to reduce excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of use of land; to lessen congestion on public highways and streets; to provide educational and recreational facilities, sewerage, drainage and water supply systems while avoiding the installation of such utility services in locations not adjacent to existing services; and to enhance the social and economical stability of the Fremont community.
- D. * The Fremont Community Joint Zoning Ordinance is a traditional zoning ordinance with some form-based districts. The chapters of the Joint Zoning Ordinance that outline the form-based districts include provisions related to more specific design requirements. The primary advantage of design-oriented codes is that they are “prescriptive” outlining specifically what is expected of new design in each area and thus are likely to be better understood by the public, decision makers, and project professionals. These elements promote the ten tenets of *Smart Growth*, which are as follows:

Ten Tenets of Smart Growth

1. Create a Range of Housing Options
2. Create Walkable Communities
3. Encourage Community and Stakeholder Collaboration in Development Decisions
4. Foster Distinctive, Attractive Communities with a Strong Sense of Place
5. Make Development Decisions Predictable, Fair and Cost Effective
6. Mix Land Uses
7. Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas
8. Provide a Variety of Transportation Options
9. Strengthen and Direct Development towards Existing Communities
10. Take Advantage of Compact Building Design

*Note: The form-based zoning districts are as follows:

- Downtown Commercial District (C-1)
- Urban Commercial District (C-2)
- Estate Residential District (R-3)
- Neighborhood Residential District (R-4)
- Mixed Use District (O-MU)

- E. The Fremont Community Joint Zoning Ordinance regulates land development by setting careful and coherent controls on building form while employing more flexible parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces (good streets, neighborhoods and parks) complemented with a vibrant and viable mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable. The Ordinance uses simple and clear graphic prescriptions and parameters for height, siting and building elements to address the basic necessities for forming attractive public space.
- F. The State of Michigan has declared through the Michigan Zoning Enabling Act, Act 110 of 2006 and by reference the Fremont community also hereby declares that the purposes of zoning are:
1. To promote public health, safety and welfare;
 2. To encourage the use of lands in accordance with their character and adaptability;
 3. To limit the improper use of land;
 4. To conserve natural resources and energy;
 5. To meet the needs of state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
 6. To ensure that uses of the land shall be situated in appropriate locations and relationships;
 7. To avoid the overcrowding of population;
 8. To provide adequate light and air;
 9. To lessen congestion on the public roads and streets;
 10. To reduce hazards to life and property;
 11. To facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and
 12. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
- G. This Ordinance is adopted with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.04: ZONING MAP

1. The Zoning Map entitled, “Fremont Community Zoning Composite Map – Includes the City of Fremont, Dayton Township and Sheridan Charter Township” depicts the Zoning Districts of this Ordinance, including Form-based Zoning Districts, Overlay Districts and Traditional Districts.
2. The boundaries of these classifications are hereby established as shown on the zoning map, which is incorporated into and made a part of this Ordinance and kept current by the Zoning Administrator.
3. Where uncertainly exists as to the boundaries of classifications as shown on the official zoning map, the following rules apply:
 - a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines;
 - c. Boundaries indicated as approximately following City limits shall be construed as following City limits;
 - d. Boundaries indicated as approximately following Township limits shall be construed as following Township limits;
 - e. Boundaries indicated as following natural features or shorelines shall be construed as following those features or shorelines, and in the event of change in either shall be construed as moving with the features or shoreline.
 - f. In circumstances not covered by subsections a through e above, the Zoning Administrator shall interpret the boundaries.
4. If, in accordance with the provisions of this Chapter and the Zoning Enabling Act, changes are made in a Zoning District or Special District boundary or other matter portrayed on the official zoning map, those changes shall be entered on the official zoning map promptly after the amendment has been approved by all participating municipality.
5. In every case where property has not been specifically included within a district, the same is hereby declared to be in the Neighborhood Residential District. Provided, however, that where property annexed to the City or a participating Township has been restricted by previous City, Township or Fremont Community Joint Planning Commission zoning provisions or intergovernmental agreement, those provisions shall apply pending the adoption of Fremont Community zoning regulations for the property in the manner prescribed by law.

6. Overall, the purposes of the Districts are to:

- a. Allow a mixture of complementary land uses that may include housing, retail, offices, commercial services, and civic uses; create economic and social vitality; and encourage the linking of trips;
- b. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
- c. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
- d. Reinforce streets as public places that encourage pedestrian and bicycle travel;
- e. Provide roadway and pedestrian connections to residential areas;
- f. Provide transitions between high traffic streets and neighborhoods;
- g. Encourage efficient land use by facilitating compact, high density development and minimizing the amount of land needed for surface parking;
- h. Provide appropriate locations and design standards for automobile- and truck-dependent uses;
- i. Maintain effective traffic flow along state trunk lines and safety for all streets/roads;
- j. Encourage *Smart Growth*; and
- k. Preserve Agricultural lands; open space.

SECTION 1.05: SCOPE

- A. Except as otherwise provided for in this Ordinance, every building and structure erected; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure; and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this Ordinance, shall be subject to this Ordinance.
- B. In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

- C. Except as otherwise noted in this Ordinance, nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary for the preservation or protection of public health, safety and welfare.
- D. The right to continue a land use or activity or construct a building or structure which is either permitted by Ordinance or established as a non-conformity shall be vested with the property rather than the owner. No rights shall be terminated for reasons of transfer of ownership. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to the section of the “General Provisions” Chapter of this Ordinance dealing with “Nonconformity”.

SECTION 1.06: VALIDITY AND SEVERABILITY

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

SECTION 1.07: EFFECTIVE DATE

This Ordinance shall become effective after the last of the participating governmental units vote to adopt it and 10 days after the expiration of the publication notice of its adoption in a newspaper of general circulation in the Fremont community following the approval of the last of the following governmental units’ adoption of the Ordinance: Dayton Township Board, the Sheridan Charter Township Board and the Fremont City Council.

SECTION 1.08: REPEAL OF PRIOR ORDINANCES

- A. The Charter Township of Sheridan Zoning Ordinance adopted by the Sheridan Charter Township Board on August 21, 2007, and effective on September 5, 2007, as amended, and any prior zoning ordinances of the Charter Township of Sheridan are hereby repealed effective coincident with the effective date of this Ordinance.

The Township of Dayton Zoning Ordinance adopted by the Dayton Township Board on March 12, 1985, and effective on April 27, 1985, as amended, and any prior zoning ordinances of the Township of Dayton are hereby repealed effective coincident with the effective date of this Ordinance.

The City of Fremont Zoning Ordinance adopted by the Fremont City Council on September 17, 2007, and effective on October 6, 2007, as amended, and any prior zoning ordinances of the City of Fremont are hereby repealed effective coincident with the effective date of this Ordinance.

The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under said ordinance, or any part thereof, and said ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under prior ordinances shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

**TABLE OF CONTENTS
FOR
CHAPTER 2
DEFINITIONS**

SECTION 2.01: RULES APPLYING TO TEXT
SECTION 2.02: DEFINITIONS

CHAPTER 2

DEFINITIONS

SECTION 2.01: RULES APPLYING TO TEXT

- A. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.
- B. Rules of Construction: The following rules of construction apply to this Ordinance:
 - 1. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
 - 2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - 3. A building or structure includes any part thereof.
 - 4. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
 - 5. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunctions “and” “or” or “either...or”, the conjunction shall be interpreted as follows:
 - a. “And” indicates that the connected items, conditions, provisions or events apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either...or” indicates that the connected items, conditions, provisions or events apply singly but not in combination.
 - 6. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 - 7. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
 - 8. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity. Gender related words, such as “he” and “him” include “she” and “her”, or other similar uses of gender.
 - 9. All words and phrases shall be construed and understood according to the common preferred usage of the language, but technical words and phrases, such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

10. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of this Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
11. With the exception of this Chapter, the headings which title a Chapter, Article or Section are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
12. Terms not defined in this Chapter shall have the meaning customarily assigned to them.
13. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 2.02: DEFINITIONS – A

ACCESSORY BUILDING: A building or structure that is clearly incidental to, customarily found in connection with and located on the same lot as the principal use to which it is related. When an accessory building is attached to the main building in a substantial manner, via a common wall or roof, the accessory building shall be considered a part of the main building for setback purposes.

ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as a principal building and serving a purpose clearly incidental to a permitted use of the lot or of the principal building.

ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

ADJACENT OR ADJOINING LOT OR PARCEL: Any lot or parcel that is contiguous to a lot or parcel of record because one (1) or more lot lines are touching. This definition shall include lots or parcels that are contiguous to one another at a point, such as a corner. For the purposes of this Ordinance, lots which are separated only by a public or private right-of-way are considered to be adjacent to or adjoining one another.

ADULT FOSTER CARE FACILITY: A facility defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

- A. Adult Foster Care Family Home: A private residence with the approved capacity to receive not more than six (6) adults who are provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.
- B. Adult Foster Care Small Group Home: An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who are provided with foster care.
- C. Adult Foster Care Large Group Home: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care, unless the license requirements defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979) as amended, allows for more units.

AGRICULTURE: The use of land for tilling the soil, raising trees or field crops, or animal husbandry as a primary source of income or any other use defined by the Michigan Right to Farm Act.

AGRICULTURAL LABOR HOUSING: A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of P.A. 289 of 1965, as amended.

AGRICULTURAL SERVICE ESTABLISHMENTS: Establishments primarily engaged in supplying soil preparation services, crop services, nursery, horticultural services and farm labor and management services.

AIRPORT: Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities and all appurtenant rights-of-way.

AIRPORT HAZARD: Any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

AIRPORT HAZARD AREA: Any area of land or water, or both, lying within a ten (10) mile radius from the established center of the Fremont Municipal Airport in which an airport hazard might exist if not prevented by this Ordinance.

AIRPORT ZONING ACT: Act No. 23 of the Public Acts of the State of Michigan for the year 1950.

ALLEY: A dedicated public way affording a secondary means of access to abutting property, not intended for general traffic circulation.

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

ANIMAL EQUIVALENCY: A measurement used to determine the number of animals permitted in the Agricultural Districts on a given parcel of land. Animal equivalency factors shall be in accordance with the Generally Accepted Animal Management Practices (GAAMPS) Animal Equivalency Units of current adoption by the state, or if not so addressed, by determination of the zoning administrator.

ANIMALS, WILD AND EXOTIC: Any living member of the animal kingdom, including those born or raised in captivity, except the following:

1. Domestic dogs (excluding hybrids with wolves, coyotes or jackals)
2. Domestic cats (excluding hybrids with ocelots or margays)
3. Ferrets
4. Rodents
5. Caged, nonvenomous snakes
6. Captive-bred species of common cage birds
7. Livestock

ARCHITECTURAL DETAIL: That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening.

ARCHITECTURAL FEATURE: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

ARTIST/CRAFT STUDIO: The use of premises for the production of paintings, drawings, pottery, sculpture, ceramics, video, moving or still photography, creative writing, including retail sales of materials necessary to accommodate these uses. The studio may include a residential dwelling.

ATTIC: The space between the ceiling beams or similar structural elements, of the top story of a building and the roof rafters.

AUCTION HOUSE: The use of buildings and/or land for the temporary storage and sale on the premises of new and/or used goods by means of request or invitation for bids made either in person or via the internet. Where vehicle sales account for the majority of lots (lots as defined by the auction industry) offered for sale, the business shall be classified as an “open-air business” or “vehicle showroom and sales lot” as opposed to an auction house.

AUTOMOTIVE ORIENTED BUSINESS: A business establishment with a retail or service character related to or focused upon automobiles, such as automotive sales and repair, or businesses that provide products or services to patrons while in or momentarily stepped away from motor vehicles rather than in a building or structure, such as drive-in or drive-through uses.

AUTOMOTIVE REPAIR SHOP: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee.

AVERAGE GRADE: The ground elevation established for the purpose of regulating the height of the building. The grade for measuring the building height shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each face of the building. (“Average grade” shall also include “grade”.)

SECTION 2.02: DEFINITIONS - B

BAKERY, RETAIL (Under 8,000 sq. ft.): An establishment primarily engaged in the retail sales of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BAKERY, WHOLESALE (Over 8,000 sq. ft.): A bakery in which the production and/or wholesaling of baked goods is permitted but where over-the-counter or other retail dispensing of baked goods is prohibited.

BASEMENT OR CELLAR (Also see story): A portion of a building, wholly or partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (see illustration). A basement shall not be counted as a story.

BED AND BREAKFAST INN: A private, owner-occupied business within a commercial building, with twelve (12) or fewer guest rooms to rent where overnight accommodations are provided and where a morning meal may be provided to transients for compensation.

BED AND BREAKFAST HOME: A private, owner-occupied business within a residence, with five (5) or fewer guest rooms to rent where overnight accommodations are provided and where a morning meal may be provided to transients for compensation.

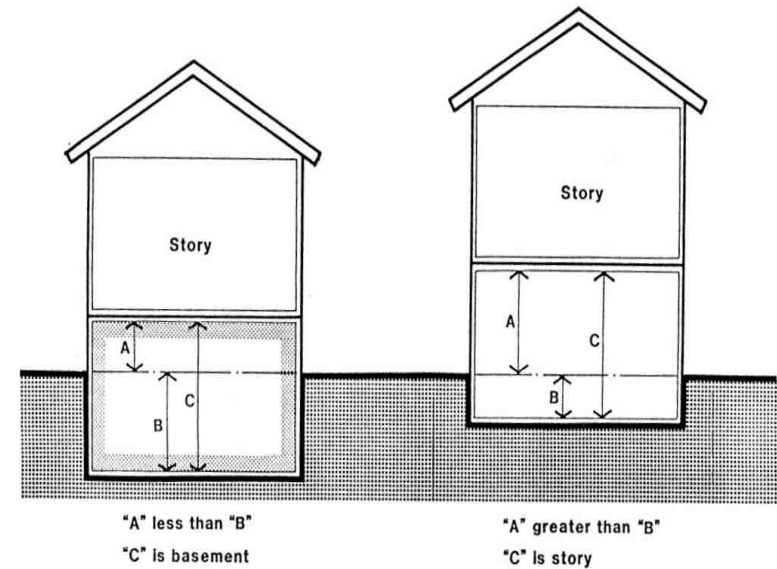
BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

BREEZEWAY: Any structure connecting the principal dwelling unit with an accessory building as recognized by the building code.

BREWERY: An industrial use that brews ales, beers, meads, and/or similar beverages on site. This definition excludes brew-on premises stores and/or small micro-breweries operated in conjunction with a bar or restaurant.

BREWERY, MICRO: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premise. The facility may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

BOARDING HOUSE OR LODGING HOUSE: A dwelling having one (1) or more kitchens and primarily used for the purpose of providing meals and lodging for compensation of any kind.



BUFFER, AGRICULTURAL: An open space area of not less than twenty-five (25) feet in width, beginning at the property line(s) nearest the agricultural activities, and extending into the non-agricultural property. A natural buffer (such as wetland, swale or berm, etc.) may be included as part of the agricultural buffer.

BUFFER, NATURAL VEGETATIVE: See natural vegetative cover.

BUFFER ZONE: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

BUILD-TO-LINE: See Required Building Line (RBL)

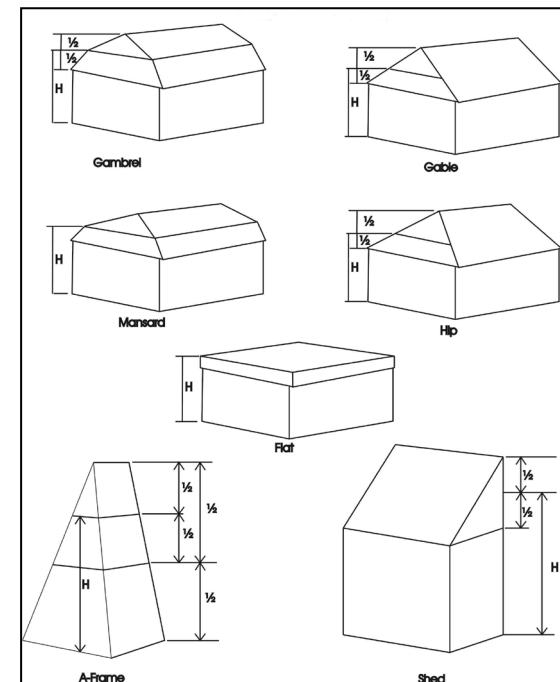
BUILDING: Any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs (see illustration).

BUILDING, MAIN: A building where the principal use is conducted on a lot for which it is zoned.

BUILDABLE AREA: The area of the lot within which buildings are to be placed. The buildable area sets the limits of the building footprint now and in the future—additions must be within the buildable area.

BUILDING FRONTAGE: The privately held length of property in front of the building façade.



Building Height

BUILDING INSPECTOR: The person or persons delegated to issue building permits and/or occupancy permits and to make the required building inspections.

BUILDING PERMIT: A permit issued by an authorized entity to a person or persons authorizing erection, enlargement, alteration or reconstruction of a structure.

BUILDING PLACEMENT: The placement of a building on its lot.

BUILDING TRANSPARENCY: The ability to see into a building with clarity.

BUSINESS CENTER: A building, structure or area housing two (2) or more businesses which meet at least one (1) of the following:

1. Are located on a single parcel of property
2. Are connected by common walls, partitions, canopies or other structural members to form a continuous building or group of buildings
3. Are under one (1) common ownership or management
4. Share a common parking area
5. Otherwise present the appearance of a single, contiguous business area.

SECTION 2.02: DEFINITIONS – C

CANOPY: A freestanding roof-like structure extending from the building façade, built on one (1) or more support posts or supported by the building, designed to offer protection from the weather.

CANOPY TREE: See Tree

CEMETERY: Land intended to be used for the burial of the dead, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of a cemetery.

CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings.

CITY: The City of Fremont

CIVIC BUILDING: A building whose principal use is intended for not-for-profit organizations dedicated to arts, culture, education, government, transit and municipal parking facilities.

CLEARING OF LAND: The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona-fide forestry, agricultural or garden use in a district permitting such use.

CLINIC: A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as physician, dentist, or the like, except that human patients are not lodged therein overnight.

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

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site allowing remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

COLDFRAME: An unheated outdoor structure with a top of glass or plastic used for protecting seedlings and plants from the cold and that is used to extend the growing season.

COMMISSION, OR JOINT PLANNING COMMISSION: The Joint Planning Commission for the City of Fremont, Dayton Township and Sheridan Charter Township; also referred to as the Fremont Community Joint Planning Commission or FCJPC.

COMMON AREA: That part of a condominium development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

COMMUNITY GARDEN: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMMUNICATION TOWER: A radio, telephone, cellular telephone or television relay structure or skeleton or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

CONDOMINIUM ACT: Public Act 59 of the Michigan Public Acts of 1978, as amended.

CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

CONSERVATION EASEMENT: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CONTRACTOR: A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

CONTRACTOR OFFICE: A room or group of rooms used for conducting contractor business affairs. Some offices have outdoor storage areas and some do not.

COTTAGE INDUSTRY: An accessory use to a principal residence where the owner of the residence operates a small scale business as part of their lifestyle as a means of income. Uses may include but are not limited to; small scale food processing (without consumption) and artists or craftsmen producing items on site.

COUNTY BOARD: The Newaygo County Board of Commissioners

SECTION 2.02: DEFINITIONS – D

DAY CARE/DAY CARE FACILITY

- A. **FAMILY DAY CARE HOME:** A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- B. **GROUP DAY CARE HOME:** A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.
- C. **COMMERCIAL DAY CARE:** A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

DECORATIVE WALL (MASONRY): A wall of masonry construction materials, such as brick, stone, or an architectural grade of concrete, which reflects or complements the architectural materials on the same or adjoining properties (see illustration).

DECK: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.



Decorative Wall (Example)

DEED RESTRICTION: A restriction in the use of a lot or parcel of land that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

DENSITY: As applied in this Ordinance the number of dwelling units situated on or to be developed on a gross acre of land.

DISTRICT: An area of land within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN RESTAURANT: A business establishment serving food and/or beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve motor vehicles or serve patrons while in the motor vehicles or to serve patrons at the establishment who will consume the food and/or beverage while in the motor vehicles and on the premises of the drive-in establishment.

DRIVE-THROUGH ESTABLISHMENT: A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons. Examples include banks, cleaners, and restaurants, but vehicle service stations, such as car washes and gas stations are not included.

DRIVEWAY, PRIVATE: An improved or unimproved path extending from a public right-of-way to a building, dwelling or structure, intended to provide ingress and egress primarily for occupants thereof.

DRIVEWAY THROAT: The width of a driveway entrance measured at its widest point, which does not include any flares or radii at the mouth.

DWELLING: A building or portion thereof which is used exclusively for human habitation. Included within this definition are one-family, two-family and multiple-family dwellings, boarding and lodging houses, but excluding hotels, motels, motor hotels, tourist rooms or bed and breakfast operations, trailers, motor homes, automobile chassis, tents or portable buildings.

A. Dwelling, multiple-family: A dwelling containing three (3) or more dwelling units.

B. Dwelling, single-family detached: A building containing one (1) dwelling unit designed for and occupied by not more than one (1) family, surrounded by open space or yards on the same lot.

- C. Dwelling, single-family attached: A dwelling attached to one (1) other dwelling by a common vertical wall, and each dwelling is located on a separate lot.
- D. Dwelling, two-family: A dwelling on a single lot containing two (2) dwelling units, each of which is totally separated from the other.
- E. Dwelling unit: A room or a suite of rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for use by one (1) family only.
- F. Dwelling, seasonal: One-family dwellings not regularly occupied but owned and maintained for occasional use.

SECTION 2.02: DEFINITIONS – E

EASEMENT: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

ELEEMOSYNARY: It means derived from or provided by charity.

ERECTED: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for structure(s).

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies, or for the public health, safety or welfare. For the purposes of this Ordinance, wireless communications towers and antennas or wind driven devices to generate power are not considered essential services.

EQUINE BOARDING STABLE AND TRAINING FACILITY: Commercial horse, donkey and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities and pack stations. This land use includes barns, stables, corrals and paddocks accessory and incidental to the above uses.

EXCAVATION: Any breaking of ground to hollow out by cutting, digging or removing any soil or rock matter.

SECTION 2.02: DEFINITIONS – F

FAÇADE: The vertical surface of a building that is set on or parallel to a frontage line. The elevation of a façade is the vertical surface area (see picture).

FAÇADE VARIATION: Shifts in the plane of walls, setbacks, reveals, overhangs, and details in order to create variations in a building façade (see picture).

FAMILY

- A. An individual or group of two or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one (1) dwelling unit, having a relationship which is functionally equivalent to a family.
- B. The relationship must be a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature.
- D. The term “family” does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610 (51) et seq.) except an adult foster care family home as defined in Section 3 of that act (MCL 400.703, MSA 16.610(53)).



Facade (Example)

FARM: “Farm” means the land, plans, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. A farm as defined by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs or sales, contractor yards, refuse composting operations, or any other activities than those incidental to the bona fide farm.

FARM MARKET: The offering for sale of fresh agricultural products directly to the consumer at a pre-designated area, located within a parking lot or on private property.

FARM OPERATION: “Farm operation” means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing of produce at roadside stands or farm markets
2. Generation of noise, odors, dust, fumes, and other associated conditions
3. Operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway
4. Field preparation and ground and aerial seeding and spraying
5. Application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides
6. Use of alternative pest management techniques
7. Fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals
8. Management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes
9. Employment and use of labor

FARM PRODUCT: “Farm product” means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber or fur, as determined by the Michigan Commission of Agriculture. However, Farm product does not include the management and harvesting of a wood lot.

FEEDLOT [Also known as Concentrated Animal Feeding Operation (CAFO)]: Any parcel for the purpose of concentrated livestock operations such as but not limited to the commercial feeding, housing, breeding, milking, or fattening shall be defined as a CAFO. Whether a parcel is a CAFO shall be determined by the number of animals at the facility. To be considered a CAFO, an Animal Feeding Operation (AFO) must stable or confine and feed or maintain for a total of forty-five (45) days or more in any twelve (12) month period, more than the number of animal equivalence units as specified in the Michigan Department of Agriculture Generally Accepted Agriculture and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock production Facilities as adopted by the Michigan Commission of Agriculture in July 2002 and as may be amended from time to time.

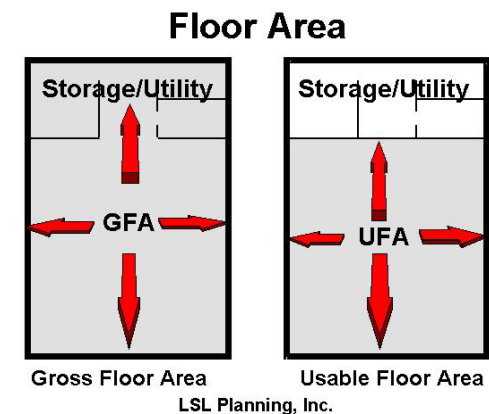
FENCE: Any permanent or seasonal partition, wall or unroofed structure erected for the purpose of separating, screening, enclosing or protecting property.

FILLING: The depositing or dumping of any matter into or onto the ground except for common household gardening and general maintenance.

FLOOD PLAIN: All areas adjoining a lake, stream, river or creek or a channel which are subject to inundation at the highest known flood water level.

FLOOR AREA: Floor Area, Gross (GFA): The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two (2) buildings (see illustration).

- A. Floor Area, Residential: The area of a residential dwelling unit that is the area within the building measured from the exterior of the exterior walls, assembly or structural supports, but not including areas of basements, unfinished attics, attached or detached accessory structures, breezeways or enclosed and unenclosed porches.
- B. Floor Area, Gross Leasable (GLA): All ground and non-ground floor area used, or designed to be used, for the sale or display of merchandise or services or to serve patrons, clients or customers.
- C. Floor Area, Usable (UFA): The gross floor area of the building minus the areas of the building being used in a manner that is supplementary to the principal use of the property, such as floor area which is being used or designed to be used as restrooms, closets, corridors and mechanical rooms (see illustration).



FORM-BASED DISTRICTS: The Downtown Commercial District, the Urban Commercial District, the Estate Residential District, the Neighborhood Residential District and the Mixed-Use District.

FREESTANDING COMMERCIAL USE: A use independent of other uses and which, because of its nature, generates its own customers or clients within its own building and/or site.

FRONTAGE LINE: Those lot lines that adjoin a public or private thoroughfare. For lots with more than one (1) frontage line, each shall be considered a frontage line.

A. Private frontage: The distance from the property line to the building façade.

B. Public frontage: The distance from the edge of the lanes to the property line (curb, planter, walkway)

FRONTAGE ROAD: The horizontal distance between the side lot lines measured along the street right-of-way or easement line. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of thirty (30) feet at the front property line.

FRONTAGE, WATERFRONT: The horizontal distance between the side lot lines measured at the ordinary high water mark of water body.

FUNNELING: The use of a waterfront property, parcel or lot as common open space for waterfront access for a larger number of parcels located away from the waterfront.

FUR BEARING ANIMALS: Non-livestock animals that are raised for their pelts, like mink or fox.

Frontage Road

SECTION 2.02: DEFINITIONS – G

GARAGE: A building used primarily for the storage of self-propelled vehicles for the use of occupants of a lot on which the building is located.

GARAGE APARTMENT: A private garage, the second floor of which is designed, constructed and/or used for one dwelling unit.

GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPS): The specific standards approved by the Michigan Agriculture Commission addressing the management and operation of agricultural farming operations administered by the Michigan Department of Agriculture.

GOVERNING BODY: The Dayton Township Board, the Sheridan Charter Township Board and the Fremont City Council.

GRADE (Also see Average Grade).

GREENBELT: A strip of land of specified width and location reserved for the preservation or planting of shrubs and/or trees to serve as an obscuring screen or buffer strip.

GREENHOUSE: A building made of glass, plastic or fiberglass in which plants are cultivated and that is used to extend the growing season.

SECTION 2.02: DEFINITIONS – H

HAZARDOUS SUBSTANCE: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties may be detrimental or harmful to the health of any person or animal coming into contact with such material or substance.

HIGH WATER MARK: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

HOME-BASED BUSINESS: A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling but conducted primarily off premises. Examples of home-based businesses include construction contractors, well drilling, independent trucking, small scale heavy equipment operator, or landscaping services.

HOME OCCUPATION: An occupation customarily conducted within a dwelling or accessory structure by its occupants as a subordinate use. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOOPHOUSE: A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape that is used to extend the growing season.

HOSPITAL: An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL: An establishment providing for a fee, sleeping accommodations and customary lodging services, including maid service, bathroom facilities, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities.

SECTION 2.02: DEFINITIONS – I

(Reserved for future use.)

SECTION 2.02: DEFINITIONS – J

JOINT ZONING BOARD OF APPEALS: The Fremont Community Joint Zoning Board of Appeals (FCJZBA) for Dayton Township, Sheridan Charter Township and the City of Fremont.

JUNK OR SALVAGE YARD: Any space more than two hundred (200) sq. ft. in area, whether inside or outside a building, used for storage, keeping, processing, salvaging or abandonment of junk.

JUNK: Any scrap, waste, worn out or discarded material, or debris collected or stored for destruction, disposal or recycling.

SECTION 2.02: DEFINITIONS – K

KENNEL, COMMERCIAL: Any lot or premises on which three (3) or more dogs, cats or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for a fee or other consideration. The term “commercial kennel” includes any lot or premises where household pets are bred or sold for a fee or other consideration.

SECTION 2.02: DEFINITIONS – L

LAND DIVISION ACT: The Land Division Act of Michigan, Public Act 288 of 1967, as amended (also known as the Subdivision Control Act) (MCL 560.101 et seq., MSA 26.430 (101) et seq.).

LICENSED DAY-CARE FACILITY: A state licensed facility for the care of preschool and/or school-aged children.

LIVESTOCK: Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

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

LOT: A piece of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings and providing the open spaces, parking spaces and loading spaces required by this Ordinance. The word “lot” shall include plot or parcel. A lot need not be a “lot of record”. A lot may also mean a condominium unit in a site condominium, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

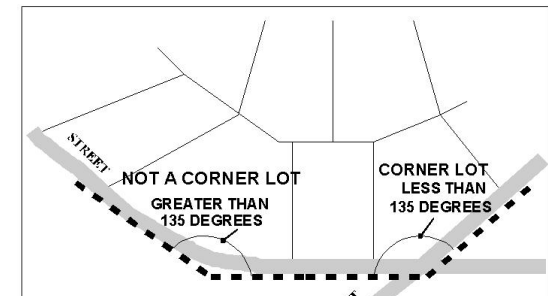
- A. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees (see illustration).
- B. Lot, Double Frontage (Through): Any lot which fronts on two (2) streets which do not intersect at that lot.
- C. Lot, Flag: A lot whose access to the public road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property.
- D. Lot, Interior: A lot with only one (1) lot line fronting on a street or with contiguous sides meeting at an angle of greater than 135 degrees.
- E. Lot, Waterfront: A lot having frontage directly upon a lake or otherwise formed impoundments of water.

LOT AREA: The total area encompassed within the lines of a parcel or piece of property.

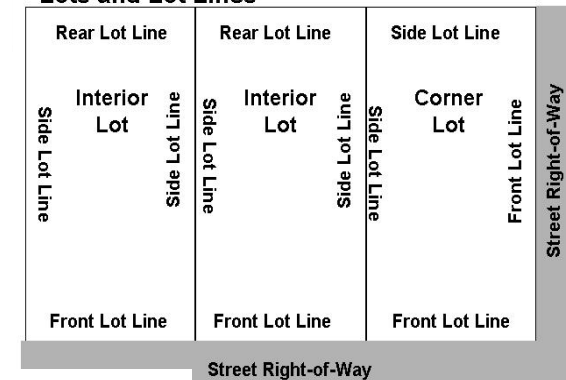
LOT COVERAGE: The part or percentage of the lot occupied by buildings, including accessory buildings, and all impervious surfaces.

LOT DEPTH: The horizontal distance from the lot frontage to the rear of the lot measured as described below:

- A. Corner lot: The longer of the two (2) mean distances between either side lot line and its opposite front lot line.
- B. Cul-de-sac lot: The mean distance between the front yard setback line and the opposite rear lot line.
- C. Double frontage (through) lot: The mean distance between the two (2) front lot lines.
- D. Interior lot: The mean distance between the front and rear lot lines.
- E. Waterfront lot: The mean distance between the waterfront lot line and the opposite rear or street side lot line.

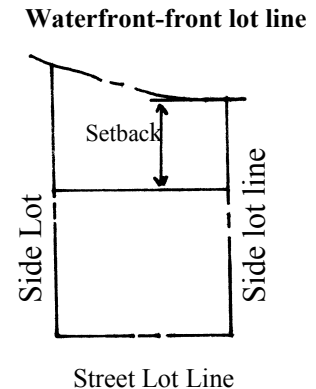


Lots and Lot Lines



LOT LINES: The property lines or other legally described and recorded lines bounding the lot, specifically:

- a. Front lot line: Any lot line commingled and parallel with a street right-of-way or private road easement (see illustration). For waterfront lots, the ordinary high water mark.
- B. Rear lot line: That line opposite and most distant from the front lot line.
- C. Side lot line: Any line not a front, rear or street lot line. A side lot line separating a lot from another lots, is an interior side lot line.
- D. Street lot line: In the case of lake frontage lots, that lot line fronting on a street right-of-way or private road easement and opposite or perpendicular to the waterfront.



LOT OF RECORD: A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds or a lot or parcel described by metes and bounds which has been legally created and recorded as required by law.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or front setback line intersects the side lot lines, excluding easements for public or private streets or as described below.

- A. Corner, lot: The shorter of the two (2) distances between either side lot line and its opposite front lot line as measured at the right-of-way or private road easement line.
- B. Cul-de-sac lot: The horizontal distance between the side lot lines as measured at the front yard setback line.
- C. Double frontage (Through) lot: The shortest distance between the two side lot lines as measured at the right-of-way or private road easement lines.
- D. Interior lot: The distance between the side lot lines, as measured at the right-of-way or private road easement lines.
- E. Waterfront lot: The horizontal distance between the side lot lines as measured at the waterfront (ordinary high water mark)

SECTION 2.02: DEFINITIONS – M

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN ENTRANCE OR ENTRANCE: The principal point of access for pedestrians to a building.

MANUFACTURED HOME: A structure transportable in one (1) or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without a permanent foundation.

MANUFACTURED HOUSING DEVELOPMENT: A parcel or tract of land which is under the control of one (1) person, group or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MARINA: A business offering the sale or rental of boats and marine sporting equipment and the servicing, repair or storage of same. Such establishments may also provide slip rental, gasoline, sanitary pumpout service and food, drink and transient lodging accommodations.

MASTER PLAN: The Fremont Community Joint Comprehensive and Growth Management Plan for the City of Fremont, Dayton Township, and Sheridan Charter Township, including appropriate graphic and written materials regarding the physical development of the City and the Townships. The term “Master Plan” includes any unit or part of the plan and any amendment to the plan or parts thereof.

MECHANICAL EQUIPMENT: Air conditioning equipment, sprinkler system controls and similar mechanical equipment (including utility’s pad mounted equipment).

MEDICAL CENTER OR CLINIC: A health care facility, which may include a multi-disciplinary physician medical building providing office visits, consultations, diagnostic tests, emergency medicine, treatments, ambulatory surgery and other medical activities, not requiring an overnight stay by patients.

MEDICAL MARIHUANA DISPENSARY: Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is sold, grown, processed, delivered, transmitted, dispensed or distributed by or to one or more of the following:

- A. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- B. A qualifying patient (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended.)

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is consumed on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary shall include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance but also any other applicable Ordinance or Code provision.

MEZZANINE: An intermediate floor in any story which does not occupy more than one-third (1/3) of the floor area of a story.

MIXED-USE DEVELOPMENT: A mixed-use development shall consist of two (2) or more primary land use components such as residential-retail business, retail business-offices, residential-offices, etc. and which are harmoniously grouped into a visually compatible and functional land use arrangement not otherwise permitted under a single zoning district and where the arrangement of buildings and uses are appropriately related to the internal and external circulation system including both vehicular and pedestrian ways and to a system of common open spaces including recreational and natural areas, if applicable. A mixed-use development is designed to achieve an economic and physical balance between two (2) or more principal uses.

MOTEL: A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

MUNICIPAL AND PUBLIC SERVICE ACTIVITIES: Services traditionally provided by local government, including water and sewer, roads, parks, schools and police and fire protection.

SECTION 2.02: DEFINITIONS – N

NATURAL FEATURES: Natural features shall include, but shall not be limited to: soils, wetlands, woodlots, floodways, landmark trees, fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the FCJPC or the State of Michigan Natural Features Inventory.

NATURAL VEGETATIVE COVER: Natural vegetation, including bushes, shrubs, ground cover, and trees, on a lot or parcel which is in a wild state. A groomed lawn or formal landscaping is not natural vegetative cover.

NONCONFORMING

- A. NONCONFORMING BUILDING OR STRUCTURE: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, which does not conform to the provisions of this Ordinance for the district in which it is located.
- B. NONCONFORMING BUILDING ELEMENTS: A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, which does not conform to the façade variation, entry, transparency or building material requirement provisions of this Ordinance for the district in which it is located.
- C. NONCONFORMING LOT: A lot with area or dimension lawfully existing at the effective date of this Ordinance or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.
- D. NONCONFORMING SITE ELEMENTS: A building site or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, which does not conform to the landscaping, paving, buffers, lighting, sidewalks, and other similar elements of the zoning district in which it is located.
- E. NONCONFORMING USE: A use that lawfully occupied a building or land on the effective date of this Ordinance or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

NUISANCE: A condition, activity or situation (such as a loud noise or foul odor) that interferes with the use or enjoyment of property; esp., a non-transitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public highways.

NURSING HOME: A state-licensed facility for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation.

NURSERY, PLANT: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cut holiday trees.

SECTION 2.02: DEFINITIONS – O

OCCUPANCY PERMIT: A permit issued by a building inspector prior to occupancy of any newly established dwelling unit.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS: Uses operated substantially in the open air, including, but not limited to:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, rental or storage services.
2. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Flea markets.

OPEN SPACE: That part of a lot, including courts or yards, which is open and unobstructed from its lowest level to the sky; is accessible, and which remains in its natural state and/or is restricted for use for active and/or passive outdoor recreational purposes.

OPEN SPACE DEVELOPMENT: A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

OPEN SPACE, COMMON: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED: Common open space dedicated as a permanent recorded easement or a deed restriction.

OPEN SPACE, USABLE: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

OUTDOOR BOILER: Outdoor boiler shall mean a mechanical devise used for heating which is accessory to and situated outside a building and which is designed to burn wood or other organic materials, and which may also be referred to as an outdoor furnace.

OUTDOOR RECREATION DEVELOPMENT/FACILITY: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, paintball facility and motorized model airplane facilities.

OUTDOOR DISPLAY AREA: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or service.

OUTDOOR VEHICLE DISPLAY AREA: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, snowmobiles, farm equipment, construction equipment, or mobile homes in operable condition.

OUTDOOR INVENTORY: Goods for sale, storage or display that have a large size, mass or volume and are not easily moved or carried.

SECTION 2.02: DEFINITIONS – P

PARK: Properties and facilities owned and operated by any governmental agency or owned and operated by any private agency, which are open to the general public for recreation purposes.

PARK, MINI: A park, as defined by the Michigan Department of Natural Resources, which is between 2,500 square feet and one acre in size which addresses limited or isolated recreational needs.

PARKING AREA: An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

PARKING LOT: A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, fully accessible for the storage or parking of permitted vehicles.

PARTICIPATING MUNICIPALITIES: Participating municipalities are Dayton Township, Sheridan Charter Township and the City of Fremont.

PEDESTRIAN CHARACTER: Those conditions that encourage a continuous pedestrian environment.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development which accommodates the needs of pedestrians and cars equally, with parking to the side or rear of a building, mixed uses and a variety of detailed streetscapes.

PERSON: A legal entity or individual human being. “Person” shall include an association, corporation, organization, partnership or a firm.

PLANNED UNIT DEVELOPMENT (PUD): A development approved under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

PLANNING ACT: Act 33 of the Michigan Public Acts of 2008, as amended.

PLANNING COMMISSION: Joint Planning Commission (JPC) for Dayton Township, Sheridan Charter Township and the City of Fremont. Also referred to as the Fremont Community Joint Planning Commission (FCJPC).

PLAYGROUND: An area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

PORCH, ENCLOSED: A horizontal surface consisting of a deck, slab or other similar construction attached to a main building or attached garage and designed for outdoor seating or as a means of entry to the building. A porch is enclosed if covered by a structure that is supported by pillars or other similar means and enclosed by windows, screens, or other similar method.

PRINCIPAL USE: The primary use to which the premises are devoted and the primary purpose for which the premises exist.

PROPERTY LINES: Legal boundaries of a lot, plot or parcel.

PROJECTION: A portion of the main building that projects from the wall or established foundation line of the main building, such as overhanging eaves, bay windows, balconies, etc.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public, under Federal, State or municipal regulations, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation or water services.

SECTION 2.02: DEFINITIONS – Q

QUARTER/QUARTER ZONING: A quarter of a quarter of a land section (1/16 of 640 acres or 40 acres). A nonexclusive, density-based zoning method designed to preserve farm land indefinitely. A limited number of potential home sites are allowed for every 40 acres of land.

SECTION 2.02: DEFINITIONS – R

RECREATION VEHICLE: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RECYCLING FACILITY: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets.

RELIGIOUS INSTITUTION: Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

REQUIRED BUILDING LINE (RBL): Also referred to as the “build-to” line. The required location for the setback of a building (a requirement, not a permissive minimum as in a setback). The required building line runs parallel to the front property line and is established to create an even building façade line on a street.

RIGHT-OF-WAY (ROW): The limit of publicly owned or dedicated land or easement encompassing a street or alley.

RESTAURANT: An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, either inside or outside.

RESTAURANT, SEASONAL: An establishment under 1,000 sq. ft. where food and drink are prepared and served, which can be open no more than nine (9) months during one year, and where walk-up windows and one (1) drive through lane are allowed.

ROADSIDE STAND: A structure of under one hundred (100) sq. ft. for the display and sale of agricultural products.

SECTION 2.02: DEFINITIONS – S

SATELLITE DISH: A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub-reflector feed, amplifier and support system.

SCREEN: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials. If the screen is composed of non-living material, such material shall be compatible with materials used in the construction of the main building, but in no case shall include wire fencing.

SEASONAL DWELLING: Single-family dwellings not regularly occupied but owned and maintained for occasional use.

SEASONAL SALE: The display for sale of goods, such as holiday trees, related to a holiday or event which occurs once per year.

SERVICE STATION (FILLING STATION): A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service but not including major automotive repairs.

SETBACK: The minimum required horizontal distance measured from the front, side, rear or street lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

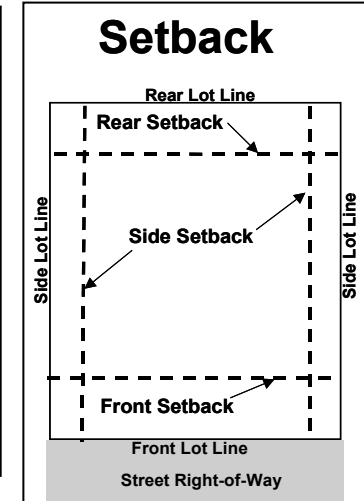
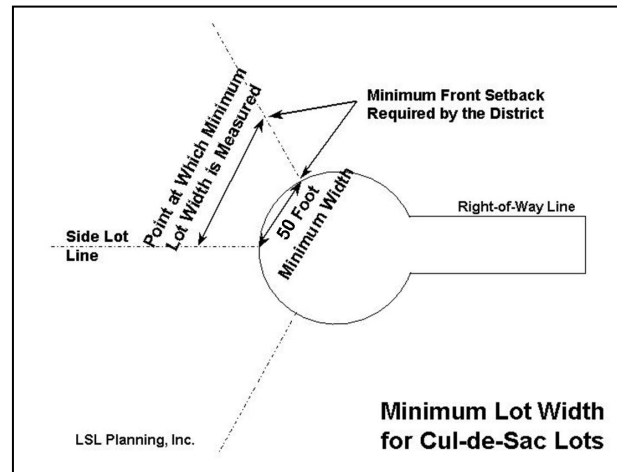
SETBACK LINES: The minimum horizontal distance required by this Ordinance, measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel (see illustrations). (Setback is used when there is no RBL)

A. Front setback line: The line marking the required setback distance from the center of the right-of-way, private road easement, or ordinary high water mark, which establishes the minimum front yard setback area.

B. Rear setback line: The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.

C. Side setback line: Lines marking the required setback distance from the side lot lines to the building, which establish the minimum side yard setback area.

D. Street setback line: For waterfront lots where applicable, the line marking the required setback distance from the street lot line, which establishes the minimum street yard setback area.



SENIOR HOUSING: A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 368 of the Public Acts of 1978.

SEXUALLY ORIENTED BUSINESSES/REGULATED USES: Those uses specified and defined as, but not limited to, all adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, and/or adult novelty store.

The following are definitions relating to sexually oriented businesses:

- A. Adult bookstore or adult video store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, which would include any one or more of the following items:
 - 1. Books, magazines, periodicals or other printed matter or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides or other visual representations or electrical media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities”; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.

The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

1. Twenty-five percent (25%) or more of the commercial establishment's gross sales area is used for the sale or merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities". For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office and shipping areas, without deduction for corridors, display fixtures, stairways, public restroom closets, the thickness of interior walls, columns or other features.
2. Twenty-five percent (25%) or more of the commercial establishment's stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
3. Twenty-five (25%) or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".

B. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:

1. Persons who appear in a state of nudity; or
2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any "specified anatomical areas" or "specified sexual activities"; or
3. Films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of a "specified anatomical areas" or "specified sexual activities".

C. Adult Motion Pictures Theater: An adult motion picture means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities". This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.

D. **Massage establishment:** Any building room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:

1. Hospitals, nursing homes, medical clinics;
2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.

E. **Sexually Oriented Business:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented business.

F. **Specified Anatomical Areas:**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

G. Specified Sexual Activities:

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of, or in connection, with any of the activities set forth in (1) and (2) above.

SHRUB: A self-supporting, deciduous or evergreen woody plant generally less than fifteen (15) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.

SIGN: Any announcement, declaration, illustration or insignia used to advertise or to promote the interests of any person, product, or project when the same is placed, painted or displayed out-of-doors in view of the general public.

(See Chapter 3 “General Provisions” for definitions of various sign types.)

SINGLE OWNERSHIP: Ownership by one person or by two (2) or more persons jointly, as tenants by the entirety, joint tenants with right of survivorship or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SPECIAL USES: Uses not of a general nature and not a use by right, requiring special approval as authorized in this Ordinance.

STACKING SPACE: An area designated for a line of vehicles waiting for drive-through service.

STOP WORK ORDER: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue or not to allow the continuation of an activity which is in violation of this Ordinance.

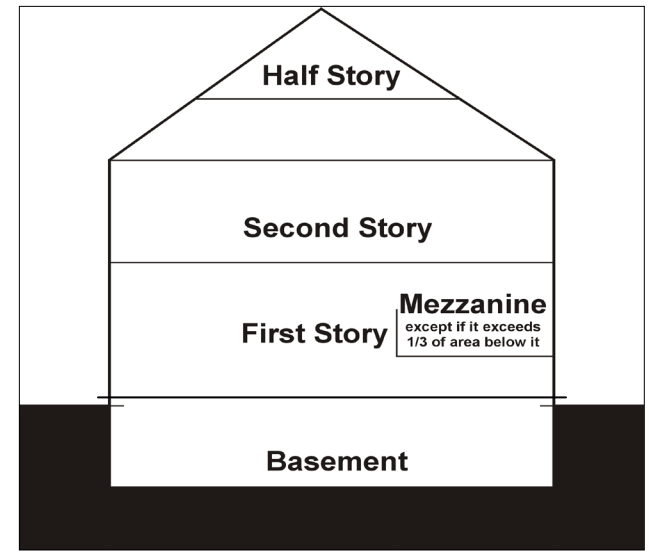
STORAGE, MINI: A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer’s goods or wares which are not used on a daily basis.

STOREFRONT: A storefront is a street level façade that:

1. Is not a blank wall
2. Has at least one (1) entrance.
3. Has the appearance of a commercial store and the ability to function as an independent store without any exterior modification.

STORY: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground (see illustration).

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, having a horizontal ceiling area at a height of seven and one half (7-1/2) feet, which is half or less than that of the ceiling area of the story immediately below.

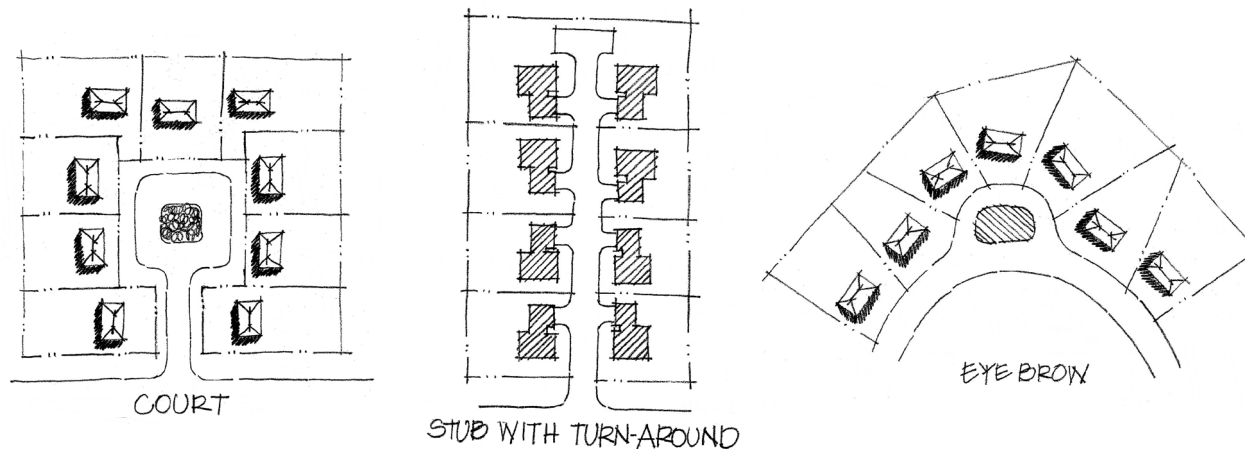


STREET ORIENTATION: The direction of the architectural front façade of a building in relation to the street.

STREET RELATED DEFINITIONS

- A. Collector or arterial road: Roads that gather traffic from local streets and/or move larger volumes of traffic through the Fremont community.
- B. Cul-de-Sac: A local road of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- C. Court: A road design which provides centrally located green space surrounded by a loop of the roadway (see graphic).
- D. Driveway: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the road from which driveway access is derived).
- E. Eyebrow: A road design which sweeps away from the main road and back into the main road in an arc (see graphic).
- F. Local street: A public road with local traffic volumes, the principal use or function of which is to give access to abutting properties.

- G. Public road authority: The Newaygo County Road Commission or Michigan Department of Transportation having jurisdiction over the roadway.
- H. Private road: An undedicated, privately controlled and maintained easement or other interest in land that provides the means of access to two (2) or more lots or parcels. The term “road” shall be synonymous with the terms street, avenue, place, way, drive, land, boulevard, or other thoroughfare.
- I. Right-of-way: A road, alley, or other thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.
- J. Public street: A publicly-owned thoroughfare, which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.
- K. Stub: A road design which permits the extension of the roadway when adjacent lands are developed (see graphic).



STREETSCAPE: This term refers to the various components that make up the street, both in the right- of- way and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

STREETSCAPE PLAN: A Plan which may include maps, illustrations, and written descriptions which define the minimum standards for the street environment including the space between buildings, streets, paving, signage, trees, lights and street furniture.

STREETWALL: An opaque, freestanding wall built along the frontage line, or along the same building line as the building façade, often for the purpose of masking a parking lot from the street. (see illustration).



STRUCTURE: Anything, including a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SWIMMING POOL: A constructed basin or structure for the holding of water for swimming or aquatic recreation. Swimming pools do not include plastic, canvas or a rubber portable pool temporarily erected upon the ground holding less than 1,000 gallons of water.

SECTION 2.02: DEFINITIONS – T

TEMPORARY BUILDING OR USE: A building, structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as allowed by this Ordinance.

THROUGH-BLOCK CONNECTION: A paved pathway dedicated to pedestrians and separated from vehicles that extends entirely through a block from a street to a parallel street or alley.

TOWNSHIPS: Dayton Township and Sheridan Charter Township

TRADITIONAL ZONING DISTRICTS: All zoning districts which are not form-based.

TRAILER: A portable unit built without a permanent foundation to be towed on its own chassis comprised of frame and wheels, designed either with self-contained utilities or to be connected to utilities at a site and used as temporary living quarters.

TRANSPARENCY: The ability to see through clearly. An opening in the building wall allowing light and views between interior and exterior, measured as glass area for buildings and as open area for parking structures.

TREE: A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

- A. Deciduous tree: A tree that sheds its foliage at the end of the growing season.
- B. Deciduous canopy tree: A deciduous tree which has a height of twenty-five (25) feet or more, where the branch structure provides foliage primarily on the upper half of the tree.
- C. Deciduous ornamental tree: A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less.
- D. Evergreen tree: A tree that has foliage that persists and remains green throughout the year.

TREES, LANDMARK: A tree(s) commonly recognized as an established and familiar feature of the Fremont community or as a significant part of the Fremont community's heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

TRUCK TERMINAL: A transportation facility that serves as a hub in the freight distribution system, where the transfer or distribution of goods between commercial vehicles takes place. A truck terminal or distribution center does not include a warehouse or a truck yard.

SECTION 2.02: DEFINITIONS – U

UTILITY SERVICE PROVIDER: Any person firm, cooperative or other organization who provides to any other person utility service, including but not limited to electric, telephone, piped natural gas, cable television and internet.

SECTION 2.02: DEFINITIONS – V

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would create practical difficulties owing to circumstances unique to the individual property for which the variance is requested.

VEHICLE: A self-propelled conveyance designed or used for the transportation of persons or goods or for the performance of a recreational, agricultural or excavating/earth-moving function. It shall include, but not be limited to, the following:

1. ATV's, automobiles, boats, buses, combines, go-carts, loaders, motor bikes, motorcycles, motor homes (recreational vehicles) motor scooters, PWCs (jet-skis), race cars, snowmobiles, tractors, trucks, and
2. Any contrivance designed to be pulled or propelled by any of the above.

VEHICLE AND RECREATIONAL VEHICLE SALES AREA: An outdoor area used for the storage, display, sale or rental of new or used motor vehicles or recreational vehicles in operable condition.

VEHICLE REPAIR: Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicular rust-proofing; or refinishing or steam cleaning.

VEHICLE SERVICE ESTABLISHMENT: A place where gasoline, kerosene or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling and light motor service on the premises.

VEHICLE SERVICE STATION: A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Section.

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

VETERINARY CLINIC: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the walls of the clinic structure.

VISION GLASS: A type of glass with a high degree of transparency and which does not have dark tinting or highly reflective coatings or applied film. The intent is to be able to see into the interior space throughout the day and night.

SECTION 2.02: DEFINITIONS – W

WALL, BLANK: A blank wall is a street façade that is characterized by a lack of transparency through which a pedestrian can see. A blank wall:

1. Does not have glass on a high percentage of the façade; or
2. Does not have glass that is transparent; or
3. Does not have glass that is maintained (spaced) across the entire façade, or
4. Does not have glass that is placed at pedestrian eye-level

WATERCOURSE: Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

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

The definition applies to public and private lands regardless of zoning or ownership. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

WIND TURBINE: An energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind turbine may also be deemed a windmill.

WIRELESS COMMUNICATIONS FACILITIES: Wireless Communications Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This

may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities.

WIRELESS COMMUNICATIONS FACILITIES (attached): Wireless Communications Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, mono-poles, lattice towers, light poles, wood poles and guyed towers or other structures which appear to be something other than a mere support structure.

WIRELESS COMMUNICATION FACILITY CO-LOCATION: Wireless communication facility co-location shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

WOOD FURNACE OR OUTDOOR WOOD STOVE: A wood burning, mechanical device used for heating, which is accessory to and situated outside a building. Also known as outdoor furnaces or boilers.

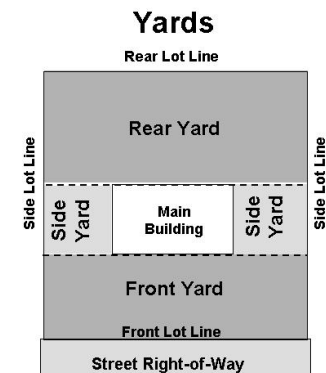
SECTION 2.02: DEFINITIONS – X

(Reserved for Future Use)

SECTION 2.02: DEFINITIONS – Y

YARD: An open space on the same land as a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein (see illustration).

A. Yard, Required Front: An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.



B. Yard, Required Rear: An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.

C. Yard, Required Side. An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

SECTION 2.02: DEFINITIONS – Z

ZONING ACT: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

ZONING ADMINISTRATOR: The individual or his/her designee appointed as outlined in this Ordinance to administer the provisions of this Ordinance.

**TABLE OF CONTENTS
FOR
CHAPTER 3
GENERAL PROVISIONS**

SECTION 3.01: ACCESSORY BUILDINGS AND STRUCTURES

SECTION 3.02: CLEAR VISION AREA

SECTION 3.03: ENVIRONMENTAL PROTECTIONS AND HAZARDOUS MATERIALS STANDARDS

SECTION 3.04: ESSENTIAL SERVICES

SECTION 3.05: FENCES AND FREESTANDING WALLS

SECTION 3.06: GARAGE, YARD AND ESTATE SALES

SECTION 3.07: HEIGHT EXCEPTIONS

SECTION 3.08: HOME OCCUPATION

SECTION 3.09: LANDSCAPING AND SCREENING

SECTION 3.10: LOT AND YARD REQUIREMENTS

SECTION 3.11: MAIN BUILDING OR PRINCIPAL USE

SECTION 3.12: MEDICAL MARIHUANA DISPENSARIES – PROHIBITION OF

SECTION 3.13: NONCONFORMING LOTS, BUILDINGS, STUCTURES AND USES

SECTION 3.14: OUTDOOR BOILERS OR OUTDOOR WOOD FURNACES

SECTION 3.15: OUTDOOR LIGHTING

SECTION 3.16: PARKING, LOADING AND STACKING

SECTION 3.17: PROJECTIONS INTO YARDS

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

SECTION 3.19: REQUIRED AREA OR SPACE

SECTION 3.20: ROADSIDE STANDS

SECTION 3.21: SIGNS

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

SECTION 3.23: SWIMMING POOLS – PRIVATE

SECTION 3.24: TEMPORARY USES OR BUILDINGS

SECTION 3.25: WASTE RECEPTACLES AND ENCLOSURES

SECTION 3.26: WIND ENERGY SYSTEMS

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 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.

Minimum Sizes and Spacing Table		
Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
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.

Unaccredited Species Table	
Botanical Name	Common Name
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.

- b. 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.
- c. 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.
- 2. 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.

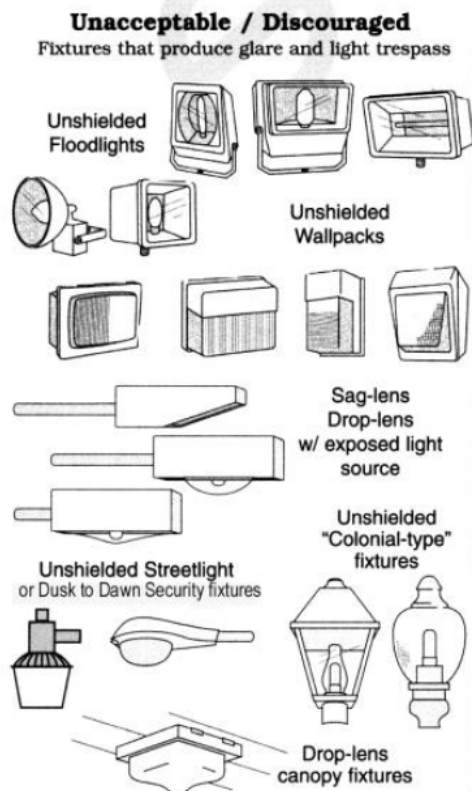
D. Exterior Lighting

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.

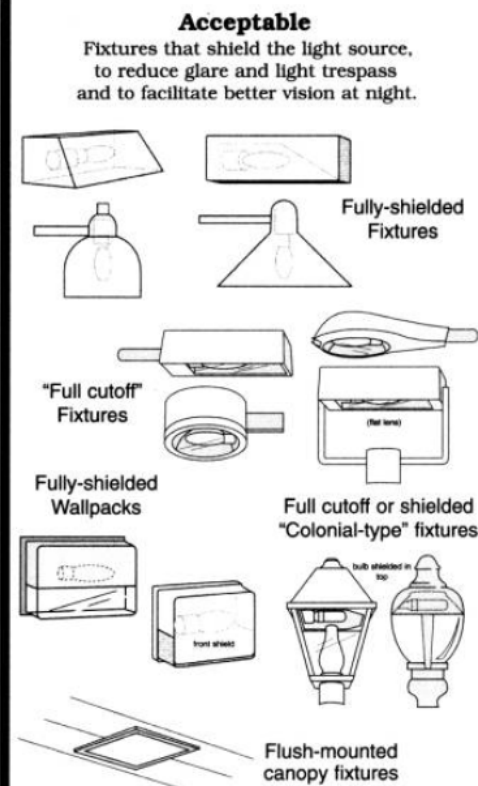
E. Fixtures

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".

UNSHIELDED FIXTURES



Full Cutoff and Fully Shielded Fixtures



Diagrams courtesy of Bob Crelin

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:

Parking Pattern	Parking Maneuvering Lane Width-Minimum	Parking Space Width	Space Length
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.

Loading Space Requirements Table	
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.

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

Stacking Requirements	
Use	Required Stacking Spaces
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:

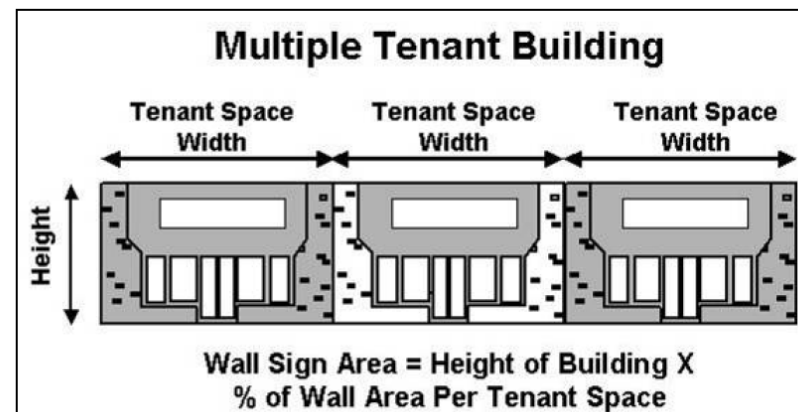
- a. Temporary signs, where permitted, shall consist of banners, flags or ground signs (not otherwise exempt).
- b. Each property may be permitted to erect a temporary sign no more than five (5) times per calendar year, with each event not exceeding fourteen (14) consecutive days.
- c. Temporary signs 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.

TABLE OF CONTENTS FOR CHAPTER 4 AGRICULTURAL DISTRICTS

MATRIXES

- **PARCEL STANDARDS FOR AGRICULTURAL DISTRICTS**

ARTICLE 1 - AGRICULTURAL PRESERVATION DISTRICT (AG-1)

- **SECTION 4-1.01: PURPOSE AND INTENT**
- **SECTION 4-1.02: PERMITTED USES**
- **SECTION 4-1.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS**
- **SECTION 4-1.04: PERMITTED ACCESSORY USES**
- **SECTION 4-1.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS**
- **SECTION 4-1.06: PARCEL STANDARDS**
- **SECTION 4-1.07: PERMITTED LOT SPLITS (QUARTER/QUARTER ZONING)**
- **SECTION 4-1.08: AGRICULTURAL BUFFER**
- **SECTION 4-1.09: WATERFRONT AND WETLAND SETBACKS**
- **SECTION 4-1.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS**
- **SECTION 4-1.11: SIGNS**

ARTICLE 2 – GENERAL AGRICULTURAL DISTRICT (AG-2)

- **SECTION 4-2.01: PURPOSE AND INTENT**
- **SECTION 4-2.02: PERMITTED USES**
- **SECTION 4-2.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS**

- **SECTION 4-2.04: PERMITTED ACCESSORY USES**
- **SECTION 4-2.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS**
- **SECTION 4-2.06: PARCEL STANDARDS**
- **SECTION 4-2.07: PERMITTED LOT SPLITS**
- **SECTION 4-2.08: AGRICULTURAL BUFFER**
- **SECTION 4-2.09: WATERFRONT AND WETLAND SETBACKS**
- **SECTION 4-2.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS**
- **SECTION 4-2.11: SIGNS**

ARTICLE 3 – AGRICULTURAL RESIDENTIAL DISTRICT (AG-3)

- **SECTION 4-3.01: PURPOSE AND INTENT**
- **SECTION 4-3.02: PERMITTED USES**
- **SECTION 4-3.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS**
- **SECTION 4-3.04: PERMITTED ACCESSORY USES**
- **SECTION 4-3.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS**
- **SECTION 4-3.06: PARCEL STANDARDS**
- **SECTION 4-3.07: AGRICULTURAL BUFFER**
- **SECTION 4-3.08: WATERFRONT AND WETLAND SETBACKS**
- **SECTION 4-3.09: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS**
- **SECTION 4-3.10: SIGNS**

Parcel Standards for Agricultural Districts			
Parcel Standards	AG-1	AG-2	AG-3
Minimum lot area	1 acre	2 acres*	1.5 acres*****
Maximum lot area for new parcels	2 acres	5 acres	None
Minimum lot width	200 ft.	300 ft	200 ft.
Minimum front setback	75 ft.**	75 ft.**	75 ft.**
Minimum rear setback	50 ft.	50 ft.	50 ft.
Maximum lot width to depth ratio	1 to 4	1 to 4	1 to 4
Minimum side setback	20 ft.***	20 ft.***	20 ft.***May allow for zero lot lines - see provisions in Chapter 4, Article 3
Maximum lot coverage	15%	15%	15%
Maximum building height	35 ft. or 2-1/2 stories****	35 ft. or 2-1/2 stories****	35 ft. or 2-1/2 stories
Minimum dwelling area	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
* Open space cluster development may reduce lot sizes.			
** 125 feet on state trunk lines			
*** May require additional setback from agricultural uses			
**** Farm buildings or structures may be up to 120 feet in height, provided they are set back from the lot line by a minimum of fifty (50) feet.			
***** Open space cluster development may reduce lot sizes to 3/4 of an acre.			

CHAPTER 4
AGRICULTURAL DISTRICTS
AGRICULTURAL PRESERVATION DISTRICT (AG-1)

TYPE OF DISTRICT: TRADITONAL

ARTICLE 1: AGRICULTURAL PRESERVATION DISTRICT (AG-1)

SECTION 4-1.01: PURPOSE AND INTENT

This District is intended primarily to conserve and protect prime agricultural lands for farming and agricultural uses. It is also the intent of this District to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farm land into non-agricultural uses. The District is established to preserve large, contiguous blocks of agricultural land. It allows maximum freedom of operations for agricultural pursuits by protecting such uses from encroachment of non-agricultural uses. Non-agricultural uses are substantially precluded, and severe restrictions are imposed on allowed development, including new single-family dwellings. While most of the areas included in this zoning district are crop land, the district may also include lands which are presently or may in the future appropriately be used for other types of agricultural production, including livestock production. As an agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety and welfare of Fremont community residents.

SECTION 4-1.02: PERMITTED USES

The following uses are permitted:

Residential

1. Single-family detached dwelling, subject to the following regulations:
 - a. When proposed for a former dwelling site or to replace an uninhabitable dwelling, the 11-point system requirements are waived.
 - b. All other proposed dwellings must meet the requirements of the 11-point system outlined below.
2. State licensed residential care facilities; family homes

Non-residential

1. Agricultural operations including general farming, truck farming, fruit orchards, nurseries, greenhouses, and usual farm buildings
2. Confined feedlots and livestock holding facilities [requires Site Plan Review and Generally Accepted Agricultural Management Practice's (GAAMP's) compliance]
3. Raising of fur-bearing animals or game birds (requires Site Plan Review and GAAMP's compliance)
4. Wireless communication towers of under 75 feet
5. Wireless communication antennas when attached to a lawful existing telecommunication tower, water tower or other structure

Single Family Detached Dwellings – 11 Point System

One (1) single-family detached dwelling shall be permitted per parcel in the Agricultural 1 (AG-1) District, upon application to and determination by the Zoning Administrator that the proposal has eleven (11) or more points in accordance with the following criteria:

1. The distance from the proposed dwelling unit to a County primary or secondary road or State or US Highway as measured from the centerline of the road is:
 - a. Less than one (1) mile 2 points
 - b. Between one (1) and two (2) miles 1 point
 - c. Greater than two (2) miles 0 points

2. The number of occupied dwelling units currently located within one-half mile radius of the proposed dwelling is:
 - a. Seven (7) or more 3 points
 - b. Four (4), five (5) or six (6) 2 points
 - c. Two (2), or three (3) 1 point
 - d. One (1) or less 0 points
3. Utilizing the “Limitations to Agricultural Use” map* at least fifty (50) percent of the parcel proposed for development into residential is classified as being:
 - a. Very severe or severe 4 points
 - b. Moderate severe or moderate 2 points
 - c. Slight 0 points

*Note: See Appendix 2 under List of Appendices

4. During the last five (5) years the proposed dwelling site has been:
 - a. Not used for crops or is woodland 2 points
 - b. Used for hay, pasture, row crops
or other farmland 1 point
 - c. Used for orchard or specialty crops 0 points
5. The distance from the proposed dwelling to the nearest feedlot, cattle or hog farm, liquid manure lagoon or storage area (and similar agricultural facilities or operations) is:
 - a. Greater than one-half (1/2) mile radius 2 points
 - b. greater than one-quarter (1/4) mile
but less than one-half (1/2) mile radius 1 point
 - c. Less than one-quarter (1/4) mile radius 0 points

Applications scoring fewer than eleven (11) points shall be denied zoning approval. Appeals or requests for variances from specific standards shall be to the Joint Zoning Board of Appeals, which for appeals shall review the determination by the Zoning Administrator

for error in application of the above criteria. For variance requests, in addition to the standards required for all variance reviews, the Joint Zoning Board of Appeals shall make findings of fact concerning the following points:

1. The proposed dwelling will not interfere with or substantially hinder any existing or potential future farming operation or activity within the immediate area.
2. The proposed dwelling will not significantly alter the land use pattern of the immediate area.
3. The proposed dwelling is situated upon land generally unsuited for the production of farm crops, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel involved.

Notwithstanding the above, the Joint Zoning Board of Appeals shall have the right to overturn any denial of zoning application, provided there is demonstrable error on the part of the Zoning Administrator (appeals) or there are extenuating and extraordinary circumstances that can be established as a matter of record by the applicant (variances).

SECTION 4-1.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

Residential

1. Agricultural labor housing
2. State licensed residential care facilities; small group homes provided the facility shall not be within 1,500 feet of another state licensed residential facility

Non-residential

1. Agricultural service establishments
2. Cemeteries
3. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and with limited retail sales (the sales area is less than 25% of the area of all structures)
4. Equine boarding stable and training facility
5. Essential services
6. Farm market
7. Municipal and public service activities
8. Place of religious worship
9. Shooting, rifle and handgun ranges

10. Wastewater treatment facilities
11. Wind Energy System in excess of 150 ft.
12. Wireless communication tower of 75 feet or over

SECTION 4-1.04: PERMITTED ACCESSORY USES

The following uses shall be allowed as long as they are accessory to a permitted principal use or a permitted Special Use:

1. Accessory buildings
2. Home occupations
3. Small excavations
4. Roadside stands
5. Ponds

SECTION 4-1.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS

The following uses shall be allowed by a Special Use permit:

1. Bed and breakfast
2. Cottage industry
3. Home-based business

SECTION 4-1.06: PARCEL STANDARDS

The following standards for parcels shall be complied with:

1. Minimum lot area: 1 acre
2. Maximum lot area for new parcels: 2 acres

3. Minimum lot width: 200 ft.
4. Minimum front setback**: 75 ft.
5. Minimum rear setback: 50 ft.
6. Lot width to depth ratio: 1:4
7. Minimum side setback***: 20 ft.
8. Maximum lot coverage: 15%
9. Maximum building height: **** 35 ft. or 2-1/2 stories
10. Minimum dwelling area: 1,000 sq. ft.

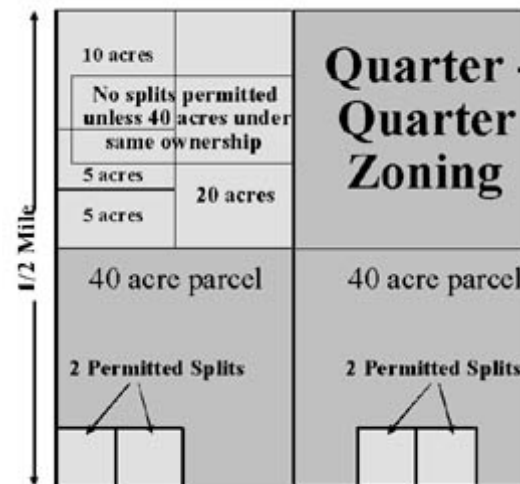
* *125 feet on state trunk line

** *May require additional setback from agricultural uses

**** Farm buildings or structures may be up to 120 feet in height, provided they are set back from the lot line by a minimum of fifty (50) feet.

SECTION 4-1.07: PERMITTED LOT SPLITS (QUARTER/QUARTER ZONING)

For all proposed divisions or splits within this District, Quarter/Quarter Zoning shall apply. Quarter/Quarter Zoning allows one additional lot per each 40 acres of land. No divisions or splits are available for parent parcels of less than 40 acres as of the effective date of this Ordinance. (The area of one-fourth of a quarter section of one square mile survey section of land is 40 acres, as shown at right.) Once this lot is created, the landowner cannot make any further divisions. If the landowner owns multiple contiguous quarter/quarter sections, then all of the permitted lots can be concentrated on one section. For example, if one owner holds both 40 acre parcels, the two available new parcels could be placed in either section, as shown at right. However, when any proposed lot includes tilled or tillable soil, the location of the new parcel is subject to approval via the Site Plan Review process. The Joint Planning Commission shall have the authority to waive the lot area and width requirements during the Review process if the intent of the proposed new parcel is to reestablish a single-family residence on a former dwelling site or to replace an uninhabitable dwelling.



SECTION 4-1.08: AGRICULTURAL BUFFER

Any side or rear yard of any parcel used for non-farming use and abutting agriculturally used land in the AG-1 District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with the “General Provisions” regulations may be used to reduce the agricultural buffer, but the buffer shall not be less than 25 feet in width.

SECTION 4-1.09: WATERFRONT AND WETLAND SETBACKS

1. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the system.
2. Within this waterfront setback, a minimum twenty-five (25) foot greenbelt shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. The walkway shall be perpendicular to the water. Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.
3. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

SECTION 4-1.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve.
2. See Chapter 3, “General Provisions” of the Ordinance for general parking area requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table:

Use	Parking Requirements (UFA = Usable Floor Area)
Residential	
Agricultural labor housing	2 per dwelling unit
Single-family detached dwellings	2 per dwelling unit
Bed and breakfast establishment	2 plus 1 per guest room
State licensed residential care facilities, family homes	1 per each 3 individuals computed on the basis of the licensing limits of the facility
State licensed residential care facilities, small group homes	1 per each 3 clients computed on the basis of licensing
Non-Residential	
Agricultural operations including general farming, truck farming, fruit orchards, nurseries, greenhouses and usual farm operations	1 per employee, plus 1 per each truck
Agricultural services establishments	1 per each two hundred (200) sq. ft. of UFA area, and 1 space for each service vehicle
Cemeteries	2 spaces
Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	1 space for each two hundred (200) sq. ft. of UFA, plus 1 space for each two thousand (2,000) sq. ft. of exterior sales area
CAFO	1 space for each service vehicle
Cottage Industry	Will vary depending on type of industry
Equine boarding stable and training facility	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers
Essential services	1 space for each service vehicle
Farm market	1 space for each two hundred (200) sq. ft. of UFA, plus 1 space for each two thousand (2,000) sq. ft. of exterior sales area
Home-based businesses	No more than 2 spaces associated with business vehicles
Place of religious worship	1 for each three (3) seats in the main worship unit
Municipal and public service activities	1 space per each service vehicle
Raising of fur bearing animals or game birds	1 per employee
Roadside stands	2 parking spaces
Shooting, rifle and handgun ranges	1 per shooting station

Use	Parking Requirements (UFA = Usable Floor Area)
Wastewater treatment facilities	1 space per employee, plus 3 for visitors
Wireless communication antennas when attached to a lawful existing telecommunications tower, water tower, or other structure	1 space for service vehicle
Wireless communication towers of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	1 space for service vehicle
Wireless communication towers of 75 feet or over	1 space for service vehicle

SECTION 4-1.11: SIGNS

1. The following signs are permitted in the AG-1 District:

- a. One (1) monument sign of up to sixteen (16) square feet is permitted for lawful Special Land Uses. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated wall sign of up to sixteen (16) square feet may also be permitted.
- b. One (1) sign of up to eight (8) square feet for a home occupation, home-based business, cottage industry, bed and breakfast, or roadside stand.
- c. Political signs of up to six (6) sq. ft.
- d. Non-illuminated real estate signs of up to six (6) sq. ft. provided they are removed within ten (10) days after lease or sale of property.
- e. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) sq. ft. in area.

- f. Name plates less than two (2) sq. ft.
- g. Road name signs and other signs established by state, county, city or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
- h. Non-advertising signs under two (2) sq. ft. erected by any organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.

2. Standards

- a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
- b. Sign design shall respect the rural character of the District. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
- c. See Chapter 3, “General Provisions” for more sign regulations.

CHAPTER 4

AGRICULTURAL DISTRICTS

GENERAL AGRICULTURAL DISTRICT (AG-2)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 2: GENERAL AGRICULTURAL DISTRICT (AG-2)

SECTION 4-2.01: PURPOSE AND INTENT

This District is comprised of those areas where agricultural production and other rural-type activities exist and should be preserved or encouraged as the principal land uses within the foreseeable future. Large vacant areas, fallow land and wooded areas are also included in this District. The regulations of this District are designed to stabilize and protect the essential characteristics of the District without unduly restricting its use solely to that of an agricultural nature; however, large non-agricultural uses, such as housing developments and subdivisions, are discouraged from locating in this district, to minimize conflicts between agricultural production and non-agricultural uses, and also to preserve an agricultural land base for the production of a food supply. To these ends, development is limited to a low concentration and to those uses which would not be detrimental to future development.

SECTION 4-2.02: PERMITTED USES

The following uses are permitted:

Residential

1. Single-family detached dwelling
2. State licensed residential care facilities, family homes

Non-residential

6. Agricultural operations including general farming, truck farming, fruit orchards, nurseries, green houses, and usual farm buildings

7. Confined feedlots and livestock holding facilities [requires site plan review and Generally Accepted Agricultural Management Practice's (GAAMP's) compliance]
8. Raising of fur-bearing animals or game birds (requires site plan review and GAAMP's compliance)
9. Wireless communication towers of under 75 feet in height
10. Wireless communication antennas when attached to a lawful existing telecommunication tower, water tower or other structure

SECTION 4-2.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

Residential

3. Agricultural labor housing
4. State licensed residential care facilities; small group homes provided the facility shall not be within 1,500 feet of another state licensed residential facility
5. Open space cluster development of up to twenty (20) dwelling units

Non-residential

13. Agricultural service establishments
14. Airports
15. Campgrounds, public or private
16. Cemeteries
17. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and with limited retail sales (the sales area is less than 25% of the area of all structures)
18. Commercial kennels
19. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resource
20. Equine boarding stable and training facility
21. Essential Services
22. Farm market
23. Golf courses or country clubs
24. Marina
25. Municipal and public service activities
26. Outdoor recreational facilities

- 27. Shooting, rifle and handgun ranges
- 28. Wastewater treatment facilities
- 29. Wireless communication towers of 75 feet or over
- 30. Place of religious worship

SECTION 4-2.04: PERMITTED ACCESSORY USES

The following uses shall be allowed as long as they are accessory to a permitted principal use or as a permitted Special Use.

- 6. Accessory buildings
- 7. Home occupations
- 8. Small excavations
- 9. Roadside stands
- 10. Ponds

SECTION 4-2.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMIT

The following uses shall be allowed by a Special Use Permit.

- 4. Bed and breakfast
- 5. Cottage industry
- 6. Home-based business

SECTION 4-2.06: PARCEL STANDARDS

The following standards for parcels shall be complied with:

11. Minimum lot area: 2 acres *
12. Maximum lot area for new parcels: 5 acres
13. Minimum lot width: 300 ft.
14. Minimum front setback**: 75 ft.
15. Minimum rear setback: 50 ft.
16. Lot width to depth ratio: 1:4
17. Minimum side setback***: 20 ft.
18. Maximum lot coverage: 15%
19. Maximum building height****: 35 ft. or 2-1/2 stories
20. Minimum dwelling area: 1,000 sq. ft.

* Open space cluster development may reduce lot sizes

* *125 feet on state trunk line

** *May require additional setback from agricultural uses

**** Farm buildings or structures may be up to 120 feet in height, provided they are set back from the lot line by a minimum of fifty (50) feet.

SECTION 4-2.07: PERMITTED LOT SPLITS

1. The maximum number of lots that may be created or divided shall be based on one division per ten (10) plus acres of gross land area of the parent parcel. The remnant of the parent parcel may be used for the construction of a single family dwelling provided the location of the dwelling does not inhibit agricultural production, wildlife habitat or existing natural features existing on the remnant parcel.
2. A transfer of vacant property to an adjacent vacant parcel shall not be considered an allotted land division under this Ordinance.

Sliding Scale – AG-2 District	
Area of Lot of Record	Maximum Additional Lots Permitted
10 acres or less	0
Over 10 but less than 20 acres	1
20 or more to less than 40 acres	2
40 or more to less than 60 acres	3
60 or more to less than 80 acres	4
More than 80 acres	5

3. In addition to the divisions allowed under the above table, every farm which contains a single-family dwelling existing before the date of this Ordinance shall be allowed to split a lot from the main farm acreage and thus create a new lot for the existing dwelling. This new lot shall comply with the provisions of section 4-2.08 below.
4. The above regulations shall not cause the lot of record to be split in a manner which would violate the requirements for access and other applicable provisions contained in the Michigan Land Division Act, Act 288 of 1967, as amended. Any provision of this Ordinance notwithstanding, the applicable jurisdiction is not responsible for any violations of this Ordinance or the Land Division Act.
5. Splits and combinations of large parcels not intended for building between operating farms shall not be counted in the sliding scale allocation.
6. Monitoring Lot Splits: Proper administration of this subsection must be established along with an official record containing the following information:
 - a. A map indicating existing lots and parcel numbers.
 - b. A register of land ownership.
 - c. An historic register of land splits and combinations as made.

7. The official map and register shall be maintained by the Zoning Administrator and/or Assessor and copies made available for inspection by the public.

SECTION 4-2.08: AGRICULTURAL BUFFER

Any side or rear yard of any parcel used for non-farming use and abutting agriculturally used land in the AG-2 District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with “General Provisions” regulations, may be used to reduce the agricultural buffer, but the buffer shall not be less than 25 feet in width.

SECTION 4-2.09: WATERFRONT AND WETLAND SETBACKS

4. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the system.
5. Within this waterfront setback, a minimum twenty-five (25) foot greenbelt shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. The walkway shall be perpendicular to the water. Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.
6. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

SECTION 4-2.10: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

1. Location of parking: The off-street parking facilities required shall be located on the same lot as the building they are intended to serve.
2. Parking areas for Special Uses that are adjacent to a residence shall be a minimum of thirty (30) feet from the side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards in Chapter 3, “General Provisions” of the Ordinance.

3. See Chapter 3, “General Provisions” of this Ordinance for general parking area requirements.
4. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table:

Use	Parking Requirements (UFA=Usable Floor Area)
Residential	
Agricultural labor housing	2 per dwelling unit
Bed and breakfast establishment	2 plus 1 per guest room
Single-family detached dwellings	2 per dwelling unit
State licensed residential care facilities, family homes	1 per each 3 individuals computed on the basis of the licensing limits of the facility
State licensed residential care facilities, small group homes	1 per each 3 clients computed on the basis of licensing
Non-Residential	
Agricultural operations including general farming, truck farming, fruit orchards, nurseries, green houses, and usual farm buildings	1 per employee, plus 1 per each truck
Agricultural services establishments	1 per each two hundred (200) sq. ft. of UFA area, and 1 space for each service vehicle
Airports	1 per plane that can be accommodated
Campgrounds, public or private	2 – 10’ x 30’ spaces for every campsite plus those for accessory uses

Use	Parking Requirements (UFA=Usable Floor Area)
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	1 space for each two hundred (200) sq. ft. of UFA, plus 1 space for each two thousand (2,000) sq. ft. of exterior sales area
Commercial kennels	1 per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces
Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	1 per employee, plus 1 per each truck
CAFO	1 space for each service vehicle
Cottage industry	Will vary depending on type of industry
Equine boarding stable and training facility	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers
Essential services	1 space for each service vehicle
Farm market	1 space for each two hundred (200) sq. ft. of UFA, plus 1 space for each two thousand (2,000) sq. ft. of exterior sales area
Golf courses or country clubs	2 per each hole for a par 3 course; 6 per hole for other courses plus those required for accessory uses as noted in the applicable districts

Use	Parking Requirements (UFA=Usable Floor Area)
Home-based businesses	No more than 2 spaces associated with business vehicles
Place of religious worship	1 for each three (3) seats in the main worship unit
Marina	1 space per 2 boat slips and 1 for each employee
Municipal and public service activities	1 space per each service vehicle
Raising of fur bearing animals or game birds	1 per employee
Roadside stands	2 parking spaces
Open space cluster development, up to 20 units	2 per dwelling unit
Outdoor recreational facilities	1 per each 3 participants or anticipated spectators
Shooting, rifle and handgun ranges	1 per shooting station
Wastewater treatment facilities	1 space per employee, plus 3 for visitors
Wireless communication antennas when attached to a lawful existing telecommunications tower, water tower, or other structure	1 space for service vehicle
Wireless communication towers of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	1 space for service vehicles
Wireless communication towers 75 feet in height or over	1 space for service vehicle

SECTION 4-2.11: SIGNS

1. The following signs are permitted in the AG- 2 District:

- a. One (1) monument sign of up to sixteen (16) square feet is permitted for Special Land Uses. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated wall sign of up to sixteen (16) square feet may also be permitted.
- b. One (1) sign of up to eight (8) square feet for a home occupation, home-based business, cottage industry, bed and breakfast, or roadside stand.
- c. Political signs of up to six (6) sq. ft.
- d. Non-illuminated real estate signs of up to six (6) sq. ft. provided they are removed within ten (10) days after consummation of lease or sale of property.
- e. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) sq. ft. in area.
- f. Name plates less than two (2) sq. ft.
- g. Road name signs and other signs established by state, county, city or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
- h. Non-advertising signs under two (2) sq. ft. erected by any organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.

3. Standards

- a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
- b. Sign design shall respect the rural character of the District. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
- c. See Chapter 3, "General Provisions" for more sign regulations.

CHAPTER 4

AGRICULTURAL DISTRICTS

AGRICULTURAL RESIDENTIAL DISTRICT (AG-3)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 3: AGRICULTURAL RESIDENTIAL DISTRICT (AG-3)

SECTION 4-3.01: PURPOSE AND INTENT

The regulations of the Agricultural 3 District recognize lands that retain a relatively high proportion of agriculture and open space use but due to urban proximity, population growth, soil characteristics and related factors, experience on-going transition to non-farm low-density residential development. This District is composed of land presently of a rural residential character where large lot single-family residential development has occurred or is likely to occur which does not require urban services such as municipal water supply or sanitary sewer access. However, agricultural activities and many of the uses provided for in other agricultural districts are permitted as well. Therefore, it is the intent that areas developed are done so as to buffer higher intensity urban uses from more intense agricultural activities, which generally would be located in adjacent Agricultural Districts

SECTION 4-3.02: PERMITTED USES

The following uses are permitted:

Residential

3. Single-family detached dwelling
4. State licensed residential care facilities, family homes

Non-residential

11. Agricultural operations including general farming, truck farming, fruit orchards, nurseries, green houses, and usual farm buildings

12. Confined feedlots and livestock holding facilities [requires site plan review and Generally Accepted Agricultural Management Practice's (GAAMP's) compliance]
13. Raising of fur-bearing animals or game birds (requires site plan review and GAAMP's compliance)
14. Wireless communication towers of under 75 feet in height
15. Wireless communication antennas when attached to a lawful existing telecommunication tower, water tower or other structure

SECTION 4-3.03: ADDITIONAL USES ALLOWED BY SPECIAL USE PERMITS

Residential

6. Agricultural labor housing
7. State licensed residential care facilities; small group homes provided the facility shall not be within 1,500 feet of another state licensed residential facility
8. Open space cluster development of up to twenty (20) dwelling units

Non-residential

31. Campgrounds, public or private
32. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and with limited retail sales (the sales area is less than 25% of the area of all structures)
33. Cemeteries
34. Commercial kennels
35. Equine boarding stable and training facility
36. Essential services
37. Golf courses or country clubs
38. Marina
39. Municipal and public service activities
40. Outdoor recreational facilities
41. Place of religious worship
42. Shooting, rifle and handgun ranges
43. State licensed residential care facilities, small group homes

SECTION 4-3.04: PERMITTED ACCESSORY USES

The following uses shall be allowed as long as they are accessory to a permitted principal use or a permitted Special Use:

11. Accessory buildings
12. Home occupations
13. Small excavations
14. Roadside stands
15. Ponds

SECTION 4-3.05: ACCESSORY USES ALLOWED BY SPECIAL USE PERMITS

The following uses shall be allowed by a Special Use Permit:

7. Bed and breakfast
8. Home-based business

SECTION 4-3.06: PARCEL STANDARDS

The following standards for parcels shall be complied with:

21. Minimum lot area: 1.5 acres *
22. Maximum lot area for new parcels: None
23. Minimum lot width: 200 ft.
24. Minimum front setback**: 75 ft.
25. Minimum rear setback: 50 ft.
26. Lot width to depth ratio: 1:4
27. Minimum side setback***: 20 ft. (May allow for a zero lot line – see provisions below)
28. Maximum lot coverage: 15%
29. Maximum building height: 35 ft. or 2-1/2 stories

30. Minimum dwelling area: 1,000 sq. ft.

* Open space cluster development may reduce lot sizes to $\frac{3}{4}$ of an acre.

* *125 feet on state trunk line

** *May require additional setback from agricultural use

- Lots platted prior to 1985 may have a front setback of 25 feet after Zoning Administrator review.
- Parcels fronting on a State trunkline are subject to additional setbacks and access management provisions.
- Zero lot line provisions may be used for main buildings provided:
 1. It is part of development proposal (e.g., a planned unit development or cluster development, not a single-lot development) and approved by the Joint Planning Commission.
 2. The building has an approved fire rating for zero-lot line development under the building code.
 3. The building has adequate fire access preserved pursuant to fire code requirements.
 4. The zero lot line side is not adjacent to a street.
 5. A maintenance access easement among properties is approved by the applicable jurisdiction and recorded with the County Register of Deeds.

SECTION 4-3.07: AGRICULTURAL BUFFER

Any side or rear yard of any parcel used for non-farming use and abutting agriculturally used land in the AG-3 District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with “General Provisions” regulations, may be used to reduce the agricultural buffer, but the buffer shall not be less than twenty-five (25) feet in width.

SECTION 4-3.08: WATERFRONT AND WETLAND SETBACK

7. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the system.

8. Within this waterfront setback, a minimum twenty-five (25) foot greenbelt shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. The walkway shall be perpendicular to the water. Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.
9. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

SECTION 4-3.09: LOCATION OF PARKING AND PARKING AREA REQUIREMENTS

5. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve.
6. See Chapter 3, “General Provisions” of this Ordinance for general parking area requirements.
7. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table:

Use	Parking Requirements (UFA = Usable Floor Area)
Residential	
Agricultural labor housing	2 per dwelling unit
Bed and breakfast establishment	2 plus 1 per guest room
Single-family detached dwellings	2 per dwelling unit
State licensed residential care facilities, family homes	1 per each 3 individuals computed on the basis of the licensing limits of the facility
State licensed residential care facilities, small group homes	1 per each 3 clients computed on the basis of licensing
Non-Residential	
Agricultural operations including general farming, truck farming, fruit orchards, nurseries, greenhouses and usual farm operations	1 per employee, plus 1 per each truck
Campgrounds, public or private	2 – 10’ x 30’ spaces for every campsite plus those for accessory uses
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office

Use	Parking Requirements (UFA = Usable Floor Area)
	spaces, plus that required for a caretaker's residence.
Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales	1 space for each two hundred (200) sq. ft. of UFA, plus 1 space for each two thousand (2,000) sq. ft. of exterior sales area.
Commercial kennels	1 per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces
Confined feedlots and livestock holding facility	1 space for each service vehicle
Equine boarding stable and training facility	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers
Essential Services	1 space for each service vehicle
Golf courses or country clubs	2 per each hole for a par 3 course; 6 per hole for other courses plus those required for accessory uses as noted in the applicable districts.
Home-based businesses	No more than 2 spaces associated with business vehicles
Place of religious worship	1 for each three (3) seats in the main worship unit
Marina	1 space per 2 boat slips and 1 for each employee
Municipal and public service activities	1 space per each service vehicle
Raising of fur bearing animals or game birds	1 per employee
Roadside stands	2 parking spaces
Open space cluster development, up to 20 units	2 per dwelling unit
Outdoor recreational facilities	1 per each 3 participants or anticipated spectators
Shooting, rifle and handgun ranges	1 per shooting station
Wireless communication antennas when attached to a lawful existing telecommunications tower, water tower, or other structure	1 space for service vehicle
Wireless communication towers of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	1 space for service vehicle

SECTION 4-3.10: SIGNS

1. The following signs are permitted in the AG- 3 District:

- a. Entranceway monument signs are permitted for residential developments of up to sixteen (16) square feet for Special Land Uses. One sign for each major public road frontage may be provided. Signs shall not exceed eight (8) feet in height.
- b. Internally illuminated monument signs of up to twenty-four (24) square feet for lawful institutional uses such as churches, schools, parks and all other authorized uses. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated wall sign of up to twenty-four (24) sq. ft. may also be permitted.
- c. One (1) sign of up to eight (8) square feet for a home occupation, home-based business, bed and breakfast, or roadside stand.
- d. Political signs of up to six (6) sq. ft.
- e. Non-illuminated real estate signs of up to six (6) sq. ft. provided they are removed within ten (10) days after consummation of lease or sale of property.
- f. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) sq. ft. in area.
- g. Name plates of under two (2) sq. ft.
- h. Road name signs and other signs established by state, county, city or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
- i. Non-advertising signs under two (2) sq. ft. erected by any organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.

4. Standards

- a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
- b. Sign design shall respect the rural character of the District. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
- c. See Chapter 3, "General Provisions" for more sign regulations.

TABLE OF CONTENTS FOR CHAPTER 5 COMMERCIAL DISTRICTS

ARTICLE 1 – DOWNTOWN COMMERCIAL DISTRICT (C-1)

- **SECTION 5-1.01: PURPOSE AND INTENT**
- **SECTION 5-1.02: USES**
- **SECTION 5-1.03: SITING**
- **SECTION 5-1.04: BUILDING ELEMENTS**
- **SECTION 5-1.05: ACCESSORY PROVISIONS**

ARTICLE 2 – URBAN COMMERCIAL DISTRICT (C-2)

- **SECTION 5-2.01: PURPOSE AND INTENT**
- **SECTION 5-2.02: USES**
- **SECTION 5-2.03: SITING**
- **SECTION 5-2.04: BUILDING ELEMENTS**
- **SECTION 5-2.05: ACCESSORY PROVISIONS**

ARTICLE 3 – RURAL COMMERCIAL DISTRICT (C-3)

- **SECTION 5-3.01: PURPOSE AND INTENT**
- **SECTION 5-3.02: USES**
- **SECTION 5-3.03: DESIGN STANDARDS**
- **SECTION 5-3.04: PARKING REQUIREMENTS**
- **SECTION 5-3.05: LANDSCAPING AND SCREENING**
- **SECTION 5-3.06: LIGHTING**

- **SECTION 5-3.07: SIGNS**
- **SECTION 5-3.08: MISCELLANEOUS REGULATIONS**

CHAPTER 5

COMMERCIAL DISTRICTS

DOWNTOWN COMMERCIAL DISTRICT (C-1)

TYPE OF DISTRICT: FORM-BASED

ARTICLE 1: DOWNTOWN COMMERCIAL DISTRICT (C-1)

SECTION 5-1.01: PURPOSE AND INTENT

The regulations applicable to the Downtown Commercial District are planned to permit a mix of land uses that complement the historic character ingrained in the features of the built environment. The downtown is intended as a diverse, concentrated, pedestrian-oriented environment where residents can live, work, shop and socialize throughout the day and evening. Its purpose is to provide a sense of place for Fremont residents and to instill a sense of civic pride throughout the region.

The ground floor space along Downtown Main is intended for pedestrian-oriented retail and personal service uses, with offices and residential units above. The Central Business District, as the physical, business and cultural hub of the community, has a relatively higher intensity of development, with services close to one another, a diversity of uses, and the presence of older, often historic, buildings. This District is intended to maintain and enhance the vitality of the Downtown area. Specific objectives include:

1. To reinforce and enhance a compact development pattern;
2. To improve mobility options downtown and to reduce the need for on-site parking by providing automobile alternatives, such as walking and bicycling;
3. To accommodate and promote commercial, residential, entertainment, educational, cultural, artistic, health care-related and governmental uses;
4. To preserve and reuse older buildings, as well as establish standards for their reconstruction and the construction of new buildings;
5. To expand the employment base and residential population downtown;
6. To reinforce the unique physical character of downtown, focusing on the design context;

7. To express the community's special commitment to the visual quality of downtown by establishing the minimum criteria for building design compatibility while promoting amenities necessary to attract business, residents and visitors; and
8. To establish clear development requirements in order to provide quick, efficient responses to typical development issues.

SECTION 5-1.02: Uses

Purpose and Intent

The uses planned for the Downtown Commercial District are intended to fulfill the Purpose and Intent of the District and to provide a comfortable balance of uses appropriate for a downtown setting. At the same time, some uses have more restrictive requirements or are prohibited altogether because they take up valuable retail space, which should be the focus of the downtown as a central shopping area for the community and the region. The adaptive reuse of residential units within the downtown for home occupations, specialty and office uses is encouraged.

Use	Use by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
Residential	Upper story residential	Single family detached and two family freestanding dwelling units are not permitted.	Attached single family	
			Senior housing	
			Multiple family	
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		All except Uses by Right	
	Museum			
Financial, Medical	Artist/craft studio		None	

Use	Use by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
and Professional Office and Related Services	Mailing & stenographic service, courier service		None	
	Bank, credit union and financial service offices		None	
	All others		None	
Personal Service	All except Special Land Uses		Tailor, dry-cleaning drop off/pick-up station, coin-operated laundry	
Retail Sales	All except Special Land Uses		Commercial bakery, brewery, micro-brewery	
Automotive Oriented Business	None, except Special Land Uses		Drive in & drive-through uses	
Entertainment & Recreation	Restaurants	For uses with outdoor seating a minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the	Hotel, including accessory commercial use	
			Bowling alley, skating rink, pool & billiard hall	
			Bed and breakfast inn	

Use	Use by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
		building entrance shall not be impaired by tables, chairs and other encumbrances.	Theatres	
		Outdoor seating areas shall be limited to the area directly in front of the use to which it is accessory and shall not extend into adjoining sites. If located in the rear or side yard, it shall be contained within the same lot, unless an agreement between the adjoining owners is approved by the Zoning Administrator.	Night club	
Entertainment & Recreation	Aerobics and dance studio			
Utility	None		Transit center, train & bus station	
			Off-street parking, surface or structured	Parking facilities must adhere to the RBL and screening requirements of this District.

SECTION 5-1.03: SITING

Purpose and Intent

The Siting provisions of this District are intended to provide a compact development pattern, ensure that uses are adjacent to the sidewalk, and provide for certain building projections and variations in design. An additional purpose is to create a walkable, pedestrian environment that promotes accessibility to retail spaces.

Siting Element	Standard	Development Requirements	Administrative Departures
Building Placement and Projections	Required Building Line	The RBL shall be consistent with the established dimension of existing main buildings. The RBL for a new structure shall be equal to, or the lesser of the front setbacks of existing main buildings within 200 ft. of the lot where the front yard setbacks are: <ul style="list-style-type: none">a. On the same side and facing side of the street; andb. In the same zoning district as the subject parcel	The RBL may be varied up to 5 ft. to account for changes in grade, landscape features or other physical obstruction that does not permit the average RBL to be maintained.
		The building façade shall occupy no less than eighty percent (80%) of the RBL for at least the minimum required building height.	
		The building façade shall be built to the RBL within 30 ft. of any block corner.	At corners, the minimum RBL may be increased if necessary to ensure clear vision at the intersection.
		A street wall shall be required along, or not more than 8 inches behind, any RBL frontage that is not	A street wall shall not be required if a through-block connection is provided.

Siting Element	Standard	Development Requirements	Administrative Departures
		otherwise occupied by a building.	
		An outdoor activity area or entry courtyard may occupy that portion behind the RBL frontage that is not otherwise occupied by a building.	Space for bike racks, civic art, or other similar uses/activities may be permitted within the activity area or courtyard.
			Roof top dining is allowed if properly secured for safety, subject to approval by the Zoning Administrator.
			An outdoor seating area on public right-of-way may be allowed by permit. However, no liquor may be served in the public right-of-way.
			If outdoor service is requested by a permanent liquor license holder, then service and consumption of alcoholic beverages and the area for patron assembly shall be confined to a permanent, structure or area approved by the Zoning Administrator.
	Side yard setback	None, except on a lot where a common lot line is shared with a property located within a residential district, the main building shall be set back at least 10 ft. from the shared lot line.	
	Rear yard setback	20 ft., except for lots with alley access where no setback is required.	

Siting Element	Standard	Development Requirements	Administrative Departures
	Projections	No part of any building, except overhanging eaves, canopies, awnings, covered walkways, balconies, shop fronts, and bay windows, as specified by this District, shall project forward of the RBL.	
		The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this District to allow shop fronts, bay windows and balconies.	
		Awnings or canopies that project over the sidewalk portion of a street space shall maintain a clear height of at least 8 ft.	
Lot Requirements	Minimum lot area	None	Buildings that existed on the effective date of this ordinance are exempt from this requirement.
	Minimum lot width	None	
	Lot coverage	At least ten percent (10%) of the total buildable area shall be preserved as contiguous open area on every lot. The contiguous open area may be located anywhere behind the building setback.	
Dwelling Requirements	Minimum floor area per unit	450 sq. ft.	
Variances and Deviations; Siting	Variances	Placement of buildings, parking areas, driveways or projections	

Siting Element	Standard	Development Requirements	Administrative Departures
		resulting in a RBL or setback that is less than the above requirements, other than administrative departures	
		All minimum lot requirements	
		Dwelling requirements	
	Deviations	All others	

SECTION 5-1.04: BUILDING ELEMENTS

Purpose and Intent

The intent of regulating building elements is to align building facades along the street and sidewalk. By doing so, building facades along a block face will form a street edge that frames the public realm, while retaining sufficient width for people to walk 2-3 abreast. Horizontal elements should be reflected in the design including lintels, windowsills, cornices, transoms, etc., but the vertical character of traditional storefronts as expressed by entries, window openings, and building height is emphasized. Walls visible from the public right-of-way include windows and architectural features customarily found on the front façade of a building, such as awnings, cornice work, columns, edge detailing or other decorative finish materials. A prominent and usable public building entrance is provided at the front of the building. Wall massing is broken up with architectural elements to reduce scale.

Building Element	Standard	Development Requirement	Administrative Departure
Height	Minimum of 1 story; Maximum of 3 stories		Up to one additional story not to exceed 4 stories may be permitted, provided that the additional story is used for residential purposes.
	Building height shall not vary from the height of adjoining		The provision may be waived

Building Element	Standard	Development Requirement	Administrative Departure
	buildings by more than 2 stories.		for residential use.
	Ground Story Interior Height	The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.	
		The ground story shall have at least 15 ft. of clear interior height (floor to ceiling) contiguous to the RBL frontage for at least a depth of 15 ft.	
		The maximum story height for the ground story is 20 ft.	
	Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories above the ground story is 12 ft.	
		At least eighty percent (80%) of upper stories shall have an interior clear height (floor to ceiling) of at least 9 ft.	
	Mezzanines	Mezzanines having a floor area greater than fifty percent (50%) of the floor area of the story in which the mezzanine is situated shall be counted as	

Building Element	Standard	Development Requirement	Administrative Departure
		full stories. Mezzanines shall not sit within 15 ft. of the RBL and are subject to the use requirements of this District.	
	The height requirements may be exceeded by parapet walls not over 4 ft. in height, or as needed to conceal mechanical equipment, roof structures (attic stories), chimneys, television and radio antennas, cupolas, spires or other ornamental projections.		Additional non-habitable height may be approved for ornamental projections that reflect the character of the Downtown Commercial District, such as those that house clocks, historic symbols and other similar elements.
	Additional habitable space is permitted within the roof where configured as an attic story.		
Façade Variation		New buildings whose façade exceeds 30 ft. in linear width shall be divided into multiple bays or shall create the impression of multiple storefronts at the discretion of the Zoning Administrator.	
		<p>The ground level façade shall be designed to include the elements that make up a traditional storefront including:</p> <ul style="list-style-type: none"> • A base panel between 	

Building Element	Standard	Development Requirement	Administrative Departure
		<p>the sidewalk and the display windows</p> <ul style="list-style-type: none"> • Display windows and an entry framed by piers/pilasters • A sign band • A middle cornice separating the ground level façade from the upper story(ies) 	
Windows/Transparency		<p>Transparency requirements shall apply to the area of the façade between 2 and 10 ft. above the sidewalk regardless of where windows are located. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent. Windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than 5 ft. into the building.</p>	
		<p>Façade transparency requirements do not apply for portions of structures in</p>	

Building Element	Standard	Development Requirement	Administrative Departure
		ground floor residential use, assembly area of theaters, auditoriums, churches, and similar uses, provided that façade is enhanced by architectural detailing, artwork, landscaping or similar features. Transparency shall also not apply to buildings less than 20 ft. in length at the RBL.	
		Building facades facing public streets, parks, and through block walkways shall have the following percentages of window and door openings: <ul style="list-style-type: none"> • Minimum forty percent (40%); maximum of ninety percent (90%) for ground level storefronts • Minimum twenty percent (20%); maximum of forty percent (40%) for the building façade above storefronts 	
		Shop front or ground floor	The minimum height for sills

Building Element	Standard	Development Requirement	Administrative Departure
		window sills shall not be higher than 2 ft. above the fronting sidewalk.	may be varied to account for changes in grade or other physical features that make the minimum height impractical.
		Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.	
		Exterior steel barriers and similar security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.	Security devices may be permitted for those uses required by law to provide them.
Roof Type		Pitched roofs shall be moderately steep with symmetrical slopes no less than 4:12 and not more than 12:12, except that entry ways may have slopes of not less than 2:12.	Public buildings are exempt.
		Flat roofs shall not be visible when viewed from street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of 42 inches high,	

Building Element	Standard	Development Requirement	Administrative Departure
		or as required to conceal mechanical equipment	
Exterior Building Wall Materials		<p>Durable building materials, simple configurations and solid craftsmanship are required. Eighty percent (80%) of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials:</p> <ul style="list-style-type: none"> • Brick • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintels, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Stone • Wood lap siding • Wood designed for exterior use • Cement board siding 	

Building Element	Standard	Development Requirement	Administrative Departure
		<ul style="list-style-type: none"> • High quality composite board siding (containing wood particles) • High quality vinyl siding 	
		Awnings shall be made of a waterproof canvas or similar material, and shall be opaque to light (no under or in canopy illumination showing through)	Similar materials shall be approved before use to ensure the waterproofing and color elements. Vinyl/plastic awnings are not permitted.
		No bright or distracting colors shall be used as primary building hues.	
Entry		A visible and usable building entrance is required for every 50 ft. of a building's frontage on the primary street.	The requirement for more than one entry on the building frontage may be waived where an entrance is provided to a parking area located to the side or rear of the building.
		The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as awnings, porticos, arcades, arches and integral planters.	Other methods, such as unique color treatments or other similar means may be approved provided the same effect is achieved.


Building Element	Standard	Development Requirement	Administrative Departure
		At least one main building entrance and exit shall face a street and shall be recessed.	
Variances and Deviations	Variances	Maximum building height and/or number of stories other than administrative departures	
	Deviations	All others	

SECTION 5-1.05: ACCESSORY PROVISIONS

Accessory Provisions	Development Requirements		Administrative Departures
Signs See Chapter 2 for “Definitions” and Chapter 3 for “General Provisions”	Wall or Projecting	One wall sign or one projecting sign is permitted per façade and/or frontage onto a parking area. If the building is located on a corner, a projecting sign on the first floor is allowed in addition to the allowed wall sign.	In through-block connections, an additional projecting sign, not exceeding 8 sq. ft. is permitted per business in building and one projecting sign not exceeding 16 sq. ft. is permitted for multiple tenants.
			On corners of downtown buildings, an additional

Accessory Provisions	Development Requirements		Administrative Departures
			projecting sign on the upper level of the building, not exceeding 32 sq. ft., is permitted.
		Wall signs shall not exceed 1.25 sq. ft. per each linear foot of building wall length associated with the use to which it refers, with a maximum of 32 sq. feet. Projecting signs shall not exceed 16 sq. ft. on lower levels of downtown buildings and shall not project farther than 4 feet from the building to which it is attached, and shall be no less than 8 feet above the grade.	
		Signs shall be located on the wall facing the street or off-street parking area designated for that use.	
		See “General Provisions” Chapter for regulations pertaining to multiple uses in a building.	
		One additional wall or projecting sign per building, not exceeding 10 sq. ft. per use, is permitted for the purposes of identifying uses on upper floors.	

Accessory Provisions	Development Requirements		Administrative Departures
	Sidewalk	<p>Sidewalk signs shall be limited to locations within ten (10) feet of the primary entrance to the use with which they are associated unless the sidewalk sign is for a special event that is taking place downtown. If the sidewalk sign is to advertise a special event taking place downtown, the sidewalk sign may be permitted if it satisfies all the other pertinent regulations and if the sign is placed in a location downtown that is approved by the Zoning Administrator via a special event permit. The sign shall be no less than two (2) feet from a curb. No sidewalk sign shall be placed in a manner that reduces the traveled width of a required sidewalk to less than five (5) feet.</p>	<p>Sidewalk signs located in the public right-of-way shall be subject to approval of the Zoning Administrator.</p>
		<p>No sidewalk sign shall be higher than 4-1/2 feet or more than 3 feet wide.</p>	
		<p>The sign shall be removed from the sidewalk and taken inside at the close of business each day.</p>	
		<p>Changeable letters (reader board/message board) or handwritten advertisements are allowed on sidewalk signs, but the signs must be maintained so as not to have letters that do not stay in place.</p>	

Accessory Provisions	Development Requirements		Administrative Departures
		The sign must be constructed of weather-proof, durable material and kept in good repair. The sign must be constructed of wood, metal or other natural material and must be heavy enough to withstand normal wind loads and occasional jostling by pedestrians, etc. Plastic signs are not allowed.	Example: 
		The owner of the sign shall provide proof of insurance for the sidewalk sign in the amount determined from time to time by the Fremont City Council and shall provide proof that the City of Fremont is an additional named insured on the policy.	
	Window	Signs may be painted, etched or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed 25% of the glass surface area. Signs noting business hours and/or “Open” or “Closed” signs are excluded from this calculation; these signs shall not exceed one square foot.	
	Awning or Canopy	A sign may be painted, stenciled or otherwise affixed flat to the surface or fascia of the awning or canopy but cannot extend vertically or horizontally beyond the limits of the awning.	

Accessory Provisions	Development Requirements		Administrative Departures
		Characters can take up no more than fifty percent (50%) of the awning or canopy surfaces that face the primary street, but designs can encompass the entire canopy.	
		One suspended sign may be hung under an awning or canopy for each business establishment, not exceeding 4 sq. ft. in area and having a minimum clearance of 8 feet above the sidewalk	
	Real Estate	One wall sign in addition to that permitted above per lot is permitted not exceeding 6 sq. ft. in area, provided a corner lot may have one sign on each street frontage.	
	Political	One wall sign in addition to that permitted above per issue or candidate not exceeding 6 sq. ft. in area.	
	Banner	Banners may be erected in the rear of a building as long as they do not exceed 32 sq. ft., are properly maintained, and are safely secured to the building or pole mount.	
	Entryway	An entryway sign not exceeding 60 sq. ft. and 15 ft. in height is allowed where there is a drive entrance onto a private lot and the placement of the sign satisfies setback	

Accessory Provisions	Development Requirements		Administrative Departures
		requirements and does not impair a driver's line of vision.	
	Temporary	Flags and banners are permitted subject to the requirements of the "General Provisions" Chapter. One flag, erected strictly to signify that the business is open, with a maximum area of 20 sq. ft. may be located on the front of the building, provided that no portion of the flag may be less than 6 feet from the sidewalk or obstruct the sidewalk in any way, and provided that such flags shall only be displayed between 6:00 p.m. and 8:00 a.m. the next morning during the week and between 8:00 a.m. on Sundays and holidays and 8:00 a.m. the following day.	
Parking	Location	Off-street parking shall be located at least 20 feet behind the RBL.	Parking may be permitted nearer to the RBL where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the
		No parking shall be permitted forward of the RBL.	

Accessory Provisions	Development Requirements		Administrative Departures
			pedestrian environment of the site and area. Appropriate screening shall be required.
	Number	The number of off-street parking spaces provided shall not exceed Standard Requirement for uses on the parcel.	Fewer parking spaces may be approved, provided a parking analysis submitted by the owner is approved demonstrating that the spaces planned will be sufficient.
			Additional parking spaces may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
		On-street parking spaces adjacent to the parcel shall be included in calculating the	If the owners are in dispute, the Zoning

Accessory Provisions	Development Requirements				Administrative Departures
		number of parking spaces required. Storefronts split by multiple spaces shall be counted for the building frontage occupying at least fifty percent (50%) of the length of the space in front of the storefronts. Each space may only be counted one time.		Administrator shall make a determination as to which space will be counted toward a specific use, giving due consideration to the use already established.	
		Except for Residential uses, off-street parking requirement may be met in a public or private shared off-street parking lot located within 300 ft. of the building/structure served.			
		Parking requirements shall not apply to that portion of restaurant seating which is outdoors and adjacent to the street and other uses generally considered as accessory to other principal uses.			
		Residential uses may utilize public parking spaces provided that a City sponsored parking or permit program allows this use.			
	Except for residential uses, the minimum parking space requirements shall apply only to new structures built after the effective date of this	Use	Standard Requirement		Parking should be located within 100 ft. of the building in which the dwelling
		Residential	1.5 spaces per dwelling	Residential uses shall provide	

Accessory Provisions	Development Requirements				Administrative Departures
	Ordinance and to areas rezoned to Downtown Main after the effective date of this Ordinance.		unit except senior housing, which shall provide 1 space per dwelling unit	reserved parking spaces or designated parking areas for each dwelling	is located except upper level residential may use public parking lots subject to the requirements established by the City of Fremont for upper level residential; however, the Zoning Administrator may approve a greater distance provided that pedestrian ways are provided.
		Retail Sales	3 spaces per 1,000 sq. ft. of UFA		
		Personal Service	1 space per 500 sq. ft. of UFA		
		Office	3 spaces per 1,000 sq. ft. of UFA		
		Utility	1 space per use		
		Entertainment & Recreation	1 space per 3 persons by occupancy		
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area is provided, 1 space per 1,000 sq. ft. of UFA		
	Special provisions	Parking lots with more than 50 spaces shall provide one bicycle parking space for each 50 automobile parking spaces, with a minimum of 6 bicycle spaces.			

Accessory Provisions	Development Requirements		Administrative Departures
Sidewalks	Sidewalks	A minimum combined sidewalk and parkway dimension of 12 ft. shall be provided for the width of the lot.	Space for bike racks, civic art, or other similar uses/activities may be permitted, provided the minimum sidewalk clear area is met.
	Outdoor Temporary Display Areas	Outdoor temporary display areas are permitted, limited to the area within 3 ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building entrance is not impaired.	Alternate locations may be approved where pedestrian circulation or entrances to buildings are not impaired.
Landscaping/Screening	Street Trees	One 2-1/2 inch caliper street tree shall be provided and located at not less than 30 foot intervals of street frontage. Spacing shall comply with Chapter 18 of the City Code of Ordinances.	Spacing may be varied by the Zoning Administrator for individual site conditions.
	Parking Areas	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways or adjacent Residential	Landscaping of the same height (at planting) may be used if it screens the

Accessory Provisions	Development Requirements		Administrative Departures
		Districts or uses shall be screened by a decorative masonry wall not less than 3 ft. and no greater than 5 ft. high, constructed at the RBL of the lot. However, screening must be broken up at intervals no greater than 50 ft. to allow pedestrian access.	parking area with at least seventy-five percent (75%) opacity.
		Parking lots exceeding 50 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per 12 parking spaces provided.	Location and design of interior landscaping shall be approved by the Joint Planning Commission if Site Plan Review is required.
Other	Trash Enclosures and Other Outdoor Equipment	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only to as high as necessary to fully screen the equipment. Trash enclosures used in common by multiple users are permitted.	Group enclosures that span the width of one building may be constructed of a uniform material throughout, provided that it is complimentary to the adjoining buildings.
	Lighting (See Chapter 3 “General	Lighting, if installed, shall be pedestrian-	

Accessory Provisions	Development Requirements		Administrative Departures
	Provisions” for General Requirements.)	style lighting along all sidewalks, within parking areas, and along other pedestrian ways.	
		For pole lighting within parking areas, light fixtures shall not exceed a height of 20 ft.	Higher fixtures not exceeding 30 ft. may be permitted for pole lighting if the fixture is located at least 200 ft. from any adjacent Residential District or use property line.
		Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	
		All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or uses. Light shall not exceed more than 0.5 foot candles at a residential property line. Light shall not exceed more than 1.5 foot candles at a non-residential property line.	Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be

Accessory Provisions	Development Requirements		Administrative Departures	
		The maximum intensity of lighting internal to the site shall be 10 foot candles.	submitted as part of a request for greater lighting. In no case shall illumination exceed 10 foot candles.	
	Accessory Buildings	Not permitted		
	Public Art	Public art is encouraged and may be located in appropriate areas without regard to setbacks, RBLs, etc., provided that clear vision at corners is maintained.	Sponsorship signs on a decorative town clock or similar community art piece are permitted, provided that the area of such signs do not exceed 15 sq. ft.	
Variances and Deviations; Accessory Provisions	Variations	Signs	All sign types: number permitted, height and maximum area	
			Suspended awning signs: minimum clearance above the sidewalk	
		Parking	Location	
			Minimum number of parking spaces, except administrative departures	
		Access Management	All requirements, other than administrative departures	
		Sidewalks	Minimum sidewalk and parkway dimension	
		Landscaping/Screening	Dimensions of landscaping/screening	

Accessory Provisions	Development Requirements			Administrative Departures
			(height, number, separation, etc.) except administrative departures	
			Parking area requirements	
		Lighting	All requirements, except lighting style and administrative departures	
	Deviations	All others		

CHAPTER 5

COMMERCIAL DISTRICTS

URBAN COMMERCIAL DISTRICT (C-2)

TYPE OF DISTRICT: FORM-BASED

ARTICLE 2: URBAN COMMERCIAL DISTRICT (C-2)

SECTION 5-2.01: PURPOSE AND INTENT

The regulations applicable to the Urban Commercial District are planned to permit a mix of land uses that provide suitable shopping and service areas that are primarily focused on auto-oriented uses. The Urban Commercial area is intended as a diverse, generally auto-oriented environment where residents can work, shop and socialize. Its purpose is to instill a sense of pride throughout the commercial area.

Specific objectives include:

- To express the community's special commitment to the visual quality of the area by establishing the minimum criteria for building design compatibility while promoting amenities necessary to attract business, residents and visitors; and
- To establish clear development requirements in order to provide quick, efficient responses to typical development issues.

SECTION 5-2.02: USES

Uses-Purpose and Intent: The purpose of the Urban Commercial District is to provide a comfortable balance of uses appropriate for a commercial corridor. At the same time, some uses have more restrictive requirements or are prohibited altogether because they take up valuable retail space, which should be the focus of the downtown as a central shopping area for the community and the region.

Use	Uses by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
Residential	Upper story residential	Floors with residential uses must be used for residential purposes, except that office uses are permitted.	None	
		Single-family detached and two family freestanding dwelling units are not permitted.		
Residential Care	None		Day care center (commercial)	
Government and Institutional	Government services		Community center & recreational center	
	Park, plaza, square, playground, walkway and similar uses		Medical centers and clinics, and administrative offices and related uses	
			Police station & firehouse	
			Social, fraternal and service organizations	
			Funeral homes and mortuary establishments	
			Golf courses, with or without club facilities	

Use	Uses by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
Financial, Medical and Professional Office and Related Services	All		None except animal hospitals and contractor offices with a storage yard	
Personal Service	All		None	
Retail Sales	All except Special Land Uses	All uses with a GFA under 100,000 sq. ft.	All uses with a GFA of 100,000 sq. ft. or more	
			Lumber yards	
			Micro brewery under 8,000 sq. ft.	
			Auction Houses	
		Outdoor display areas may not take up required parking spaces.		
		Outdoor storage or display of pesticides and other similar substances is not permitted.		
		The display area must not interfere with normal traffic circulation within the site.		
Automotive Oriented Businesses	None except vehicle body and repair shops		All except vehicle body and repair shops	

Use	Uses by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
Entertainment and Recreation	All except Special Land Uses	For uses with outdoor seating, a minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs and other encumbrances.	Convention center	
			Sports & entertainment arena or club	
			Outdoor recreation developments not otherwise specified	
			Banquet halls and catering	
			Motels	
			Golf course, with or without club facility and with or without alcohol, except adult cabaret.	
			Sexually Oriented Business	Outdoor seating does not apply.
		Outdoor seating areas shall be limited to the area		

Use	Uses by Right	Development Requirements	Special Land Uses	Use Restrictions and Requirements
		directly in front of the use to which it is accessory and shall not extend into adjoining sites. If located in the rear or side yard, it shall be contained within the same lot, unless an agreement between the adjoining owners, acceptable to the applicable jurisdiction is submitted.		
Utility	Off-street surface parking in connection with an existing use		Utility substation, communications switch facilities, central heating & cooling plant	
			Transit center, train and bus station	
			Off street parking structures	

SECTION 5-2.03: SITING

Purpose and Intent: The siting provisions of this District are intended to provide a development pattern that promotes a mix of uses, arranged in a manner that maximizes safety and convenience, to provide for smooth traffic flow and to provide for certain building projections and variations in design. An additional purpose is to improve conditions for pedestrians while promoting accessibility to retail spaces.

Siting	Urban Commercial District Development Requirements				Administrative Departures	
Building Placement and Projections	Required Building Line (RBL)	With parking in the front yard		RBL 50 – 60 ft.	The RBL may be varied up to 5 ft. to account for changes in grade, landscape features, or other physical obstruction that does not permit the RBL to be maintained, provided that the RBL shall not be varied for the purposes of adding parking or building area within the RBL.	
		No parking in the front yard	RBL 10 – 50 ft.	Off-street parking shall be located at least 10 ft. behind the RBL		
		A 50 – 60 foot RBL is required for buildings exceeding 3 stories.				
		At least sixty percent (60%) of the building façade shall occupy the RBL.				
		For sites allowed to have more than one main building, at least one shall meet the RBL requirements.				
		The building façade shall be built to the minimum RBL within 30 ft. of any block corner. Buildings on corner sites shall be located parallel to the street to frame the corner. At these corner locations, building facades shall be designed as storefronts along both frontages.				At corners, the minimum RBL may be increased if necessary to ensure clear vision at the intersection.

Siting	Urban Commercial District Development Requirements		Administrative Departures
		A street wall may be required along, or not more than 8 inches behind, any RBL frontage that is not otherwise occupied by a building	Landscaping of the same height (at planting) and at least seventy-five percent (75%) opacity may be used if it fulfills the same purpose.
		An outdoor activity area or entry courtyard may occupy that portion behind the RBL not occupied by the building.	Space for bike racks, civic art, or other similar uses/activities may be permitted within the activity area or courtyard.
			Rooftop dining is allowed if properly secured for safety, subject to approval by the Zoning Administrator.
			If “Outdoor Service” is requested by a permanent liquor license holder, then service and consumption of alcoholic beverages and the area for patron assembly shall be confined to a permanent, structure or area approved by the Zoning Administrator.
	Side yard setback	None, except on a lot where a common lot line is	

Siting	Urban Commercial District Development Requirements		Administrative Departures
		shared with a residential district or use property line the main building shall be set back at least 30 ft. from the shared lot line, including any awning or balcony.	
	Rear yard setback	20 ft., except for lots with alley or rear service drive access where no setback is required and 50 ft. where a common lot line is shared with a residential district or use property line.	
	Projections	No part of any building, except overhanging eaves, awnings, covered walkways, balconies, shop fronts and bay windows, as specified by this district shall project forward of the RBL.	A ramp meeting ADA requirements may be placed forward of the RBL or in a setback, provided that it is at least 5 ft. from any lot line.
		The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this ordinance to allow shop fronts, bay windows and balconies.	
		Awnings that projects over the sidewalk portion of a street-space shall maintain a clear height of at least 8 ft. and project a minimum of 6 ft. perpendicular to the façade.	
Lot Requirements	Minimum lot area	None	
	Minimum lot depth	150 ft.	
	Minimum lot width	100 ft.	
	Lot coverage	Ninety percent (90%) maximum lot coverage where storm water is collected; sixty-five percent 65%	

Siting	Urban Commercial District Development Requirements		Administrative Departures
		maximum lot coverage where storm water is not collected.	
Variances and Deviations: Siting	Variances	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less than the above requirements, other than administrative departures.	
		All minimum lot requirements	
	Deviations	Minimum projection of awning; all others.	

SECTION 5-2.04: BUILDING ELEMENTS

Purpose and Intent: The intent of regulating building elements is to align building faces along the street and sidewalk. By doing so, building facades along a block face will form a street edge that frames the public realm, while retaining sufficient width for people to walk 2-3 abreast. Horizontal elements should be reflected in the design including lintels, windowsills, cornices, transoms, etc., but the vertical character of traditional storefronts as expressed by entries, window openings, and building height is emphasized. Walls visible from the public right-of-way include windows and architectural features customarily found on the front façade of a building, such as awnings, cornice work, columns, edge detailing or other decorative finish materials. A prominent and usable public building entrance is provided at the front of the building. Wall massing is broken up with architectural elements to reduce scale.

Building Elements	Urban Commercial District Development Requirements	Administrative Departures
Height	Maximum of 3 stories	Up to 1 additional story, not to exceed 4 stories may be permitted, provided the additional story is

Building Elements	Urban Commercial District Development Requirements		Administrative Departures
			used for residential purposes.
	Ground Story Interior Height	The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.	
		The ground story shall have at least 12 ft. of clear interior height (floor to ceiling) contiguous to the RBL frontage for at least a depth of 12 ft.	
		The maximum story height for the ground story is 20 ft.	
	Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories above the ground story is 12 ft.	
	Mezzanines	At least eighty percent (80%) of each upper story shall have an interior clear height (floor to ceiling) of a least 9 ft.	
		Mezzanines having a floor area greater than fifty percent (50%) of the floor area of the story in which the mezzanine	

Building Elements	Urban Commercial District Development Requirements	Administrative Departures
	<div>is situated shall be counted as full stories. Mezzanines shall not sit within 15 ft. of the RBL and are subject to the Use requirements of this District.</div>	
	<div>The height requirements may be exceeded by parapet walls not over 4 ft. in height or screening walls or enclosures as needed to conceal mechanical equipment from the view of the street in front or across the street from the building, and chimneys, television and radio antennas, cupolas, spires or other ornamental projections as needed.</div>	
<div>Façade Variation</div>	<div>New buildings whose façade exceeds 40 ft. in linear width shall be divided into multiple bays or shall create the impression of multiple storefronts.</div>	<div>The transparency requirements may be varied if architectural style is in keeping with the intent of the requirement.</div>
	<div> <div>The ground level façade shall be designed to include the elements that make up a traditional storefront including:</div> <ul style="list-style-type: none"> • A base panel between the sidewalk and the display windows • Display windows and an entry framed by piers/pilasters • A sign band • A string course separating the ground level façade from the upper story/stories. </div>	

Building Elements	Urban Commercial District Development Requirements	Administrative Departures
Windows/Transparency	<p>Transparency requirements shall apply to the area of the façade between 2 and 10 ft. above the sidewalk regardless of where windows are located. Only clear or lightly tinted, non-reflective glass in windows, doors and display windows shall be considered transparent. Windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than 5 ft. into the building.</p>	
	<p>Façade transparency requirements do not apply for portions of structures in ground floor residential use, assembly area of theaters, auditoriums, churches and similar uses, provided that the façade is enhanced by architectural detailing, artwork, landscaping or similar features.</p>	
	<p>Building facades facing public streets shall have the following percentages of window and door openings:</p> <ul style="list-style-type: none"> • Minimum forty percent (40%); maximum of ninety percent (90%) for ground level storefronts • Minimum twenty percent (20%); maximum of forty percent (40%) for the building façade above storefronts. 	<p>The Zoning Administrator may approve a deviation from these façade requirements if the architectural style/detailing proposed satisfies the intent of the regulation.</p>
	<p>Shop front or ground floor window sills shall not be higher above grade than 2 ft. above the fronting sidewalk.</p>	<p>The minimum height for sills may be varied to account for changes in grade or other physical features that make the maximum height impractical.</p>
	<p>Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.</p>	
	<p>Exterior steel barriers and other similar security devices are not</p>	<p>Security devices may be permitted</p>

Building Elements	Urban Commercial District Development Requirements	Administrative Departures
	permitted. If they are located inside a building, they may not be visible from the outside during business hours.	for those uses required by law to provide them.
Roof Type	Pitched roofs shall be moderately steep with symmetrical slopes no less than 4:12 and not more than 12:12, except that entry-ways may have slopes of not less than 2:12.	Public buildings are exempt.
	Flat roofs shall not be visible when viewed from street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of 42 inches high, or as needed to conceal mechanical equipment.	
Exterior Building Wall Materials	<p>Durable building materials, simple configurations and solid craftsmanship are required. Eighty percent (80%) of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials:</p> <ul style="list-style-type: none"> • Brick • Fiber cement siding equivalent or better siding • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintels, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Split decorative block • Stone • Wood lap siding • Wood designed for exterior use • High quality vinyl siding 	

Building Elements	Urban Commercial District Development Requirements		Administrative Departures
	Awnings shall be made of a waterproof canvas material or similar material and shall be opaque to light (no under or in canopy illumination showing through).		Similar materials shall be approved before use. Vinyl/plastic awnings are not permitted.
Entry	The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as canopies, porticos, arcades, arches and integral planters		Other methods, such as unique color treatments or other similar means may be approved provided the same effect is achieved.
	Main building entrances and exits shall face the street and shall be recessed.		
Variances and Deviations	Variances	Maximum building height and/or number of stories other than administrative departures	
	Deviations	All others	

SECTION 5-2.05: ACCESSORY PROVISIONS

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
Signs (See Chapter 3 “General Provisions” for General Requirements)	Pole or Ground	One sign is permitted for each lot, provided that for a corner lot property, 1 sign is permitted for each frontage, not to exceed 2, provided that the signs are separated by at least 300 ft. as measured along the front property lines.	
		Maximum sign area shall be 32 sq. ft. plus 1 sq. foot for each linear foot of street frontage in excess of 50 ft., not to exceed 100 sq. ft.	
		Business Centers with up to 50,000 sq. ft. of GFA may have a sign of 100 sq. ft. plus 2 sq. ft. for each	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		full 1,000 sq. ft. of GFA above 50,000 sq. ft., not to exceed 200 sq. ft.	
		Pole signs shall not exceed 25 ft. in height. Ground signs shall be set back at least 10 ft. from any lot line and not exceed 8 ft. in height.	
		Up to thirty percent (30%) of a pole or ground sign may be dedicated to a reader board, electronic display or time and temperature sign.	
	Wall	One wall signs is permitted per façade and/or frontage onto a parking area	In business centers where individual tenants do not have frontage, more than one sign may be permitted, provided that the aggregate area of the signs does not exceed the maximum area as allowed.
		A wall sign shall not exceed 1.5 sq. ft. per each linear foot of building wall length associated with the use to which it refers, with a maximum of 50 sq. ft. However, if an existing structure is set back more than 100 feet from the property line, then wall signs shall not exceed twenty percent (20%) of the wall area to which it is attached.	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		Signs shall be located on the wall facing street and off-street parking area designated for that use.	
		See “Sign” Section in Chapter 3 “General Provisions” for regulations pertaining to multiple uses in a building.	
		One additional wall sign per building, not exceeding 10 sq. ft., is permitted for the purposes of identifying uses on upper floors.	
		Up to twenty percent (20%) of a wall sign may be dedicated to a reader board or time and temperature sign.	
	Window	Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area or diminish any applicable façade transparency requirements.	
	Awning or Canopy	A sign may be painted, stenciled or otherwise affixed flat to the awning surface and cannot extend vertically or horizontally beyond the limits of the awning.	
		Characters can take up no more than fifty percent (50%) of the awning or canopy surfaces that face the primary street, but graphics/designs can encompass the entire canopy.	
		One suspended sign may be hung under an awning for each ground floor establishment, not exceeding 4 sq. ft. in area and having a minimum clearance of 8 ft. above the sidewalk or other pedestrian area.	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
	Menu Board	Two menu board signs are permitted per drive-through lane, each not exceeding 60 sq. ft. and 6 ft. in height, oriented to a drive-through lane, for approved drive-in and drive-through uses.	
	Real Estate	One sign per lot is permitted not exceeding 6 sq. ft. in area, provided a corner lot may have one sign on each street frontage.	
	Political	One sign per issue or candidate not exceeding 6 sq. ft. in area, per lot.	
	Banner	Banners may be erected in the front or side of a building or on the subject property on a pole mount as long as they do not exceed 32 sq. ft., are properly maintained, setbacks are adhered to, and they are safely secured to the building or pole mount.	
Parking (See Chapter 3 “General Provisions” for General Parking Requirements.)	Location		
	Number	The number of off-street parking spaces shall not exceed the Standard Requirement for uses on the parcel by more than ten percent (10%) of the required spaces.	Additional parking spaces may be approved with a parking study provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures	
			Fewer parking spaces may be approved provided a parking analysis submitted by the owner is approved that demonstrates that the spaces planned will be sufficient.	
		Off-street parking requirements may be met in a shared public or private parking lot located within 300 ft. of the building/structure served.		
		Parking requirements shall not apply to that portion of restaurant seating which is outdoors and adjacent to the street and other uses generally considered as accessory to other principal uses on the same lot.		
		Use	Standard Requirement	
		Retail Sales	3 spaces per 1000 sq. ft. of UFA; Auction houses – One parking space per 2 seats, one parking space per 28 sq. ft. of assembly area, or one parking space per 500 sq. ft. of UFA, whichever is most applicable, plus one space per employee.	
		Automotive Oriented Businesses	2.5 spaces per 500 sq. ft. of GFA	

Accessory Provisions	Urban Commercial District Development Requirements			Administrative Departures	
		Personal Service	1 space per 500 sq. ft. of UFA		
		Office	3 spaces per 1000 sq. ft. of UFA		
		Residential	2 spaces per dwelling unit, except senior housing, which shall provide 1 space per dwelling unit	Residential uses shall provide reserved parking spaces per each dwelling	Parking should be located within 100 ft. of the building in which the dwelling is located; however, the Zoning Administrator may approve a greater distance provided that pedestrian ways are provided.
		Residential Care	Residential requirement, plus 1 space per employee not in residence		
		Utility	1 space per use		
		Entertainment & Recreation	1 space per 3 persons by occupancy		
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area is provided, 1 space per 1000 sq. ft. of UFA		Additional parking may be permitted for municipal vehicles.
	Special Provisions	Parking lots with more than 50 automobile parking			

Accessory Provisions	Urban Commercial District Development Requirements			Administrative Departures
		spaces shall set aside an area for bicycle spaces at a rate of one space for each 50 automobile parking spaces, with a minimum of 6 spaces. Bike racks are required.	A covered parking area strictly for the purpose of providing shelter to horse and buggy conveyances may be constructed in a parking area provided it may not be used for outdoor storage or parking of motor vehicles, and must be set back from any other building at least 10 feet. Hitching posts are allowed.	
Access Management	The intent of these provisions is to establish standards for driveways spacing and the number of driveways along the commercial district corridors. The requirements are intended to promote safe and efficient travel within the corridors; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways and between driveways and intersections; implement recommendations of the Comprehensive Plan and the M-82 Corridor Study; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access.			
	Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade.			
	Driveway/Intersection Spacing	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns	For sites with insufficient street frontage to meet the listed criterion, alternative arrangements may include a driveway along a side street, a shared driveway with an adjacent
Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of		200 ft.	125 ft.	

Accessory Provisions	Urban Commercial District Development Requirements				Administrative Departures
	the street shall be not less than the distances listed.				property, construction of a driveway along the property line farthest from the intersection or a service road.
	Commercial Driveway Spacing	Posted Speed Limit (MPH)		Minimum Driveway Spacing (In ft.)	In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the requirements may be modified by the minimum amount necessary, but in no case shall spacing of a full-access driveway
	Minimum spacing requirements between commercial driveways on the same side of the street shall be not less than the distances listed.	25		125	
		30		155	
		35		185	
		40		225	
		45		300	

Accessory Provisions	Urban Commercial District Development Requirements			Administrative Departures
				be less than 60 ft., measured at the driveway throat.
	To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 250 ft. along West Main and 150 ft. along other streets from those on the opposite side of the roadway. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.			This requirement may be reduced where topography or other site condition prevents compliance at the discretion of the Zoning Administrator.
	Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage.			Encroachment may be permitted if approved in writing by an adjacent property owner agreeing to the encroachment with the length of time the encroachment is allowed outlined in the Agreement.
Sidewalks	Sidewalks	A minimum combined sidewalk and parkway dimension of 10 ft. shall be provided for the width of the lot.		Space for bike racks, civic art, or other similar uses/activities may be permitted,
		If provided, a minimum sidewalk width of 5 ft. is required adjacent to storefronts.		

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
			provided the minimum sidewalk clear area is met. In lieu of a sidewalk, a path that aligns and/or connects to the Town & Country Path is allowed.
	Outdoor Temporary Display Areas	<p>Outdoor temporary display areas are permitted, but shall be limited to the following:</p> <ul style="list-style-type: none"> • If there is a sidewalk adjacent to a storefront, a display may be set against the front façade as long as there is at least five (5) feet for pedestrian passage. • Displays may be set against the rear or side façade as long as traffic flow is not impacted. • Displays may be set along any property line as long as the display does not exceed the height of the front façade of the principal building and does not impair the vision lines of vehicular traffic. • Displays are not to extend into adjoining sites. 	Alternate locations may be approved where pedestrian circulation or entrances to buildings are not impaired.
		A minimum 5 foot wide sidewalk shall be maintained from the curb or front sidewalk leading to the entrance to the establishment. Pedestrian circulation	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		and access to the building entrance shall not be impaired.	
Landscaping/Screening	Street Trees	One 2-1/2 inch caliper street tree shall be provided and located at not less than 30 foot intervals of street frontage.	Spacing may be varied for individual site conditions.
	Parking Areas	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways, or adjacent residential districts or uses shall be screened by a decorative masonry wall no less than 3 ft. high and no greater than 4 ft. high. However, to allow pedestrian access, screening must be broken up at least every 50 feet.	Landscaping of the same height (at planting) may be used if it screens the parking area with at least seventy-five percent (75%) opacity.
		Parking lots exceeding 50 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per each 12 parking spaces. Where drive-in and drive-through lanes are permitted, a combination of trees and shrubs shall be planted along the lanes to screen the lanes from view within the site and from adjacent	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		properties.	
	Foundations	Trees and shrubs shall be arranged around the foundation of all buildings so that there shall be no portion of any wall in excess of 10 feet in width where there are not plantings at least 18 inches high.	
	Screening	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, treated wood, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate of similar material on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need only be as high as necessary to fully screen the equipment.	
Other	Lighting (See Chapter 3 “General Provisions” for General Requirements)	Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
		For pole lighting within parking areas, light fixtures shall not exceed a height of 20 ft.	
		Higher fixtures not exceeding 30 ft. may be permitted for pole lighting if the fixture is located at least 200 ft. from any adjacent residential district or use property line.	
		Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	
		All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or uses. Light shall not exceed more than 0.5 foot candles at a residential property line. Light shall not exceed more than 2.0 foot candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be 12 foot candles.	Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be submitted as part of a request for greater lighting. In no case shall illumination exceed 10 foot candles.
		Lighting internal to the site used for nonresidential purposes or those used for security shall not be less than 2 foot candles.	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
	Accessory Buildings	No more than one detached accessory building, not exceeding forty percent (40%) of the ground floor GFA of the main building or 800 sq. ft., whichever is less, and 16 ft. in height (as measured to the peak of the roof) may be permitted.	
		A detached accessory building shall be no closer to the front lines than the RBL and should be at least three (3) feet from the side and rear property lines unless the structure is adjacent to a residential district or use in which case the accessory building should be at least ten (10) feet from the side and rear property lines.	
		A detached accessory building shall be located at least 10 ft. from the main building.	
		Accessory structure: A covered parking area strictly for the purpose of providing shelter to horse drawn conveyances may be constructed in a parking area provided that it may not be used for storage or parking of motor vehicles and must be set back from any other building at least ten (10) feet. Hitching posts are allowed.	
	Fencing	Fences shall be permitted behind the RBL to enclose	

Accessory Provisions	Urban Commercial District Development Requirements		Administrative Departures
		or screen allowed outdoor display or storage areas.	
		Fences shall not exceed 6 feet in height.	
	Public Art	Public art is encouraged and may be located in appropriate areas without regard to setbacks, RBLs, etc.	
Variances and Deviations: Accessory Provisions	Variances	Signs	All sign types: number permitted, height and maximum area
			Suspended signs: minimum clearance above the sidewalk
		Parking	Location
			Minimum number of parking spaces, except administrative departures
		Access Management	All requirements, other than administrative departures
		Sidewalks	Minimum sidewalk and parkway dimensions
		Landscaping/Screening	Dimensions of landscaping/screening (height, number, separation, etc.) except administrative departures
			Parking area requirements
		Lighting	All requirements, except

Accessory Provisions	Urban Commercial District Development Requirements			Administrative Departures
			lighting style and administrative departures	
		Accessory Buildings	All requirements for accessory buildings permitted as a departure by the Planning Commission	
	Deviations	Accessory buildings, all others		

CHAPTER 5

COMMERCIAL DISTRICTS

RURAL COMMERCIAL DISTRICT (C-3)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 3: RURAL COMMERCIAL DISTRICT (C-3)

SECTION 5-3.01: PURPOSE AND INTENT

The Rural Commercial District is oriented to meeting the rural business needs of the area. The Rural Commercial District is in an area that is not serviced by municipal public utilities. The Rural Commercial District has been identified as an area within the Fremont community that is available for small commercial activities that do not require municipal public utilities and are oriented to low volume commercial uses. The District is not intended to provide regional shopping opportunities but rather to be limited in design and scope for community-based businesses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed.

SECTION 5-3.02: USES

The following abbreviations apply to the Table of Uses:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right. Site Plan approval is necessary.
- SLU: Special Land Use: Special Land Uses may be permitted by obtaining Special Land Use approval when all applicable standards are met.
- NP: Not Permitted: The use is not permitted in the District.

Rural Commercial - Table of Uses	
P = Permitted Use; NP = Not Permitted; SLU = Special Land Use	
Uses	Classification
Accessory buildings	P
Auction Houses	SLU
Upper floor, accessory apartments as part of a business	NP
Amusement parks, fair grounds and flea markets	SLU
Bank or other financial institution without drive through facility	NP
Banquet hall, catering establishment	NP
Churches	SLU
Commercial kennels	P
Billboards	NP
Commercial mini-storage	SLU
Contractor's office without storage yard	P
Contractor's office with storage yard	SLU
Day care facility	NP
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy)	NP
Farm implement, assembly, sales & service	NP
Fraternal or social club or lodge	NP
Funeral homes and mortuary establishments	NP
Gas Station/convenience store/vehicle service stations	SLU
Grain elevator/Feedmill/farm supply - retail	SLU
Golf course	NP
Health or exercise club	NP
Hospitals	NP

Rural Commercial - Table of Uses	
P = Permitted Use; NP = Not Permitted; SLU = Special Land Use	
Uses	Classification
Hotels or motels	NP
Laundromat	NP
Lumber yard	SLU
Medical office, including clinic	NP
Municipal and public service activities	SLU
Nursing or convalescent homes	NP
Open air businesses (e.g., used car lot)	SLU
Outdoor recreation developments (e.g., miniature golf)	SLU
Personal service establishment (e.g., salon, tailor, tanning, dry cleaning drop-off site, etc.)	NP
Professional offices	NP
Propane distribution	SLU
Recreation facility, indoor (e.g., arcades, bowling, billiards)	SLU
Restaurants and café with no drive-through	NP
Restaurants, drive-through	NP
Restaurant, seasonal	SLU
Retail establishments (small retail up to 8,000 sq. ft.)	P
Truck and freight terminals	NP
Vehicle body and repair shops	SLU
Vehicle wash establishments, either self-serve or automatic	NP
Veterinary clinics and hospitals	SLU
Video rental and sales (except that video rentals are permitted as an accessory use)	P

Development Requirements – Rural Commercial			
Lot Requirements	Minimum Area		½ acre
	Minimum width		100 ft.
	Maximum width-to-depth ratio		1:4
	Maximum coverage		Ninety percent (90%) maximum lot coverage where storm water is collected; sixty-five percent (65%) maximum lot coverage where storm water is not collected.
Setback Requirements	Front Required Building Line (RBL)		125 feet from center of the road
	Side/Rear	Adjacent to commercial uses and agricultural uses	15 ft.
		Adjacent to residential uses and institutional uses	30 ft.
Building Requirements	Maximum height		35 ft.

SECTION 5-3.03: DESIGN STANDARDS

All commercial uses shall comply with the following architectural guidelines:

1. The applicant shall use quality architecture to ensure that buildings protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the Fremont community.
2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
3. The first floor of commercial buildings facing a road shall be comprised of at least thirty percent (30%) clear glass.
4. Any side of a commercial building facing a road shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
 - a. Brick
 - b. Decorative concrete block
 - c. Vinyl or wood siding
 - d. Cut or simulated stone
 - e. Logs

Other materials may be approved by the Joint Planning Commission as part of the site plan review.

5. In no case shall sheet metal or cement board be considered an acceptable outdoor wall covering on the front wall.
6. Building side and rear walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents and trees.

SECTION 5-3.04: PARKING REQUIREMENTS

- a. The number of off-street parking spaces provided shall not exceed Standard Requirements for uses on the parcel by more than ten percent (10%) of the required spaces. Additional parking spaces may be approved with a parking study provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day. Fewer parking spaces may be approved if a parking analysis submitted by the owner is approved that demonstrates that the spaces planned will be sufficient.
- b. Off-street parking requirements may be met in a shared public or private parking lot located within three hundred (300) feet of the building/structure served.

- c. Parking requirements shall not apply to that portion of seasonal restaurant seating which is outdoors and adjacent to the street and other uses generally considered as accessory to other principal uses on the same lot. Four (4) stacking spaces twenty-four (24) feet in length shall be provided for a drive-through for seasonal restaurants.
- d. Parking lots with more than fifty (50) automobile parking spaces shall set aside an area for bicycle storage spaces at a rate of one storage space for each fifty (50) automobile parking spaces, with a minimum of six (6) spaces. Bike racks are required.
- e. A covered parking area strictly for the purpose of providing shelter to horse drawn conveyances may be constructed in a parking area provided that it may not be used for storage or parking of motor vehicles and must be set back from any other building at least ten (10) feet. Hitching posts or bars are allowed.

Rural Commercial – Parking Requirement	
Uses	Spaces per unit of measurement GFA = gross floor area, UFA = Usable Floor area
Accessory buildings	1 space per building
Auction Houses	One parking space per 2 seats, one parking space per 28 sq. ft. of assembly area or one parking space per 500 square feet of UFA, whichever is most applicable, plus one space per employee.
Amusement parks, fair grounds and flea markets	2 spaces per 3 seats on amusement rides or 20 spaces per ride or attraction with no specific or defined seating.
Churches	1 space per 3 persons by seating occupancy in the largest assembly area; if no assembly area is provided, 1 space per 1000 sq. ft. of UFA.
Commercial kennels	1 space per four hundred (400) sq. ft. of gross floor area, but no fewer than four (4) spaces.
Commercial mini-storage	1 space for each storage unit (adjacent to each unit) plus one per each employee on site.
Contractor's office without storage yard	1 per each employee, plus 1 space for every 1000 sq. ft. of GFA.

Rural Commercial – Parking Requirement	
Uses	Spaces per unit of measurement GFA = gross floor area, UFA = Usable Floor area
Contractor's office with storage yard	1 per each employee, plus 1 space for every 1000 sq. ft. of GFA
Gas Station/convenience store/vehicle service stations	2 spaces for each pump plus one space per every 400 ft. UFA
Grain elevator/feedmill/farm supply – retail	1 per employee plus 1 space per each 300 sq. ft. of UFA
Lumber yard	1 per each employee, plus 1 space for every 1000 sq. ft. of GFA
Municipal and public service activities	1 space per each 300 sq. ft. of gross floor area, not including parking areas for municipal vehicles.
Open air businesses (e.g., used car lot)	1 space per each 800 sq. ft. of lot area used of the open air business, plus parking for any main use building and associated accessory uses.
Outdoor recreation developments (e.g., miniature golf)	3 spaces per 500 sq. ft. GFA
Propane distributor	1 per employee plus one per service truck
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 space for every 3 persons permitted in the structure by fire code
Retail establishments (small retail up to 8,000 sq. ft.)	1 space per each 300 sq. ft. of UFA
Restaurant, seasonal	1 space per each 100 sq. ft. of UFA
Vehicle body and repair shops	1 per employee plus one per service bay
Veterinary clinics and hospitals	1 per examination room plus 1 per employee
Video rental and sales (except that video rentals are permitted as an accessory use)	1 space per each 300 sq. ft. of UFA

SECTION 5-3.05: LANDSCAPING AND SCREENING

Landscaping - Parking areas: In order to enclose the portion of the parking exposed to view of adjacent residential districts or uses, screening must be provided.

Screening: Where drive-in or drive-through lanes are permitted, a combination of trees and shrubs shall be planted along the lanes to screen the lanes from view within the site and from adjacent properties.

Foundations: Trees and shrubs shall be arranged around the foundation of all buildings so that there shall be no portion of any wall in excess of ten (10) feet in width where there are not plantings at least eighteen (18) inches high.

Screening: Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, treated wood, or a material that matches the material of the main building. The enclosure shall be a minimum of six (6) ft. high, with three (3) sides with a gate of similar material on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.

SECTION 5-3.06: LIGHTING

- Lighting, if installed, shall be pedestrian style lighting along all sidewalks and within parking areas.
- For pole lighting within parking areas, light fixtures shall not exceed a height of twenty (20) feet.
- Higher fixtures not exceeding thirty (30) feet may be permitted for pole lighting if the fixture is located at least two-hundred (200) feet from any adjacent residential district or use property line.
- Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.
- All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or uses. Light shall not exceed more than 0.5 foot candles at a residential property line. Light shall not exceed more than 2.0 foot candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be twelve (12) foot candles. Greater intensities may be allowed where additional

security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be submitted as part of a request for greater lighting.

Note: See Chapter 3 “General Provisions” for more lighting requirements.

SECTION 5-3.07: SIGNS

The following signs are permitted in the Rural Commercial District:

- Wall signs: A wall sign totaling no more than ten (10) percent of the front face of the storefront is allowed. Signs may be placed on any face of the structure.
- Internally lit signs: Signs may be internally illuminated, provided that the source of light is directed in a manner that will prevent light from shining directly onto traffic or neighboring properties.
- Monument sign: One monument sign of up to thirty-two (32) square feet is allowed for a single occupancy property; it shall not exceed eight (8) feet in height. Properties with multiple tenants may have a monument sign of up to sixty-four (64) square feet; it shall not exceed eight (8) feet in height. Up to thirty percent (30%) of a monument sign may be dedicated to a reader board, electronic display or time and temperature sign. One additional monument sign may be erected per road frontage when the development has parallel frontage on more than one major road or corner frontages on major roads totaling over five hundred (500) linear feet.
- Window signs: Window signs may be painted, etched or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area.
- Pole signs: Pole signs are prohibited.
- Political signs: One political campaign sign per issue or candidate of up to six (6) sq. ft. is permitted per parcel, provided that the property contains an occupied structure and the sign is not placed within the public right-of-way.
- Real estate signs: Non-illuminated real estate signs up to twelve (12) sq. ft. are allowed provided there shall be one real estate sign per parcel.
- Miscellaneous signs: Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area are allowed.
- Name plates: Name plates of less than two (2) square feet are allowed.

- Road name signs: Road name signs and other signs established by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
- Non-advertising signs: Non-advertising signs of under two (2) sq. ft. in any district erected by any organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc. are allowed are allowed.
- Menu board signs: Menu board signs, two per use are permitted, each not exceeding sixty (60) sq. ft. and six (6) ft. in height, oriented to a drive-through lane, are allowed for approved drive in and drive through uses.
- Awning or canopy signs: Awning or canopy signs are permitted as long as they satisfy the following requirements:
 - A sign may be painted, stenciled or otherwise affixed flat to the surface or fascia of the awning or canopy and cannot extend vertically or horizontally beyond the limits of the awning.
 - Characters and graphics can take up to no more than fifty percent (50%) of the awning or canopy surfaces that face the primary street.
 - One suspended sign may be hung under an awning or canopy for each business establishment, not exceeding four (4) sq. ft. in area and having a minimum clearance of eight (8) ft. above the sidewalk.

Freestanding Sign Standards

- Sign design shall respect the rural character of the District. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
- Signs shall pertain exclusively to the business carried out on the property.
- Signs shall be setback from the road right-of-way a minimum of ten (10) feet and from side property lines a minimum of ten (10) feet.
- Signs shall not project above the roofline or cornice.
- Signs shall not exceed eight (8) feet in height.

Note: See the Chapter 3 “General Provisions” for list of prohibited signs.

SECTION 5-3.08: MISCELLANEOUS REGULATIONS

Access Management: See regulations for Access Management in the Access Management Overlay District.

Sidewalks: A minimum sidewalk width of five (5) feet is required adjacent to storefronts.

Outdoor Display Areas: Outdoor temporary displays are permitted, but shall be limited to the area within three (3) ft. of the façade in the rear or side yard of the building to which it is accessory and shall not extend into adjoining sites. Pedestrian circulation and access to the building entrance shall not be impaired. The displays are also allowed in the front yard at least five (5) feet from the front property line as long as the display does not impair the vision of passing motorists.

Outdoor Inventory: Outdoor inventory is permitted; however, it cannot be displayed in the right-of-way.

Accessory Buildings: A detached accessory building shall be located at least ten (10) feet from the main building.

Fences: See Chapter 3 “General Provisions” for Fencing Requirements

Public Art: Public art is encouraged and may be located in appropriate areas without regard to setbacks, etc. as long as it is not in the right-of-way and does not block vehicular vision.

**TABLE OF CONTENTS
FOR
CHAPTER 6
RESIDENTIAL DISTRICTS**

ARTICLE 1 – LOW DENSITY RESIDENTIAL DISTRICT (R-1)

- **SECTION 6-1.01: PURPOSE**
- **SECTION 6-1.02: USES**
- **SECTION 6-1.03: DEVELOPMENT REQUIREMENTS**

ARTICLE 2 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

- **SECTION 6-2.01: PURPOSE**
- **SECTION 6-2.02: USES**
- **SECTION 6-2.03: DEVELOPMENT REQUIREMENTS**

ARTICLE 3 – ESTATE RESIDENTIAL DISTRICT (R-3)

- **SECTION 6-3.01: PURPOSE AND INTENT**
- **SECTION 6-3.02: DEVELOPMENT OBJECTIVES**
- **SECTION 6-3.03: USES**
- **SECTION 6-3.04: SITING**
- **SECTION 6-3.05: BUILDING ELEMENTS**
- **SECTION 6-3.06: ACCESSORY PROVISIONS**

ARTICLE 4 – NEIGHBORHOOD RESIDENTIAL DISTRICT (R-4)

- **SECTION 6-4.01: PURPOSE AND INTENT**
- **SECTION 6-4.02: DEVELOPMENT OBJECTIVES**
- **SECTION 6-4.03: USES**

- **SECTION 6-4.04: SITING**
- **SECTION 6-4.05: BUILDING ELEMENTS**
- **SECTION 6-4.06: ACCESSORY PROVISIONS**

ARTICLE 5 – MULTIPLE FAMILY DISTRICT (R-MF)

- **SECTION 6-5.01: PURPOSE**
- **SECTION 6-5.02: DEVELOPMENT OBJECTIVES**
- **SECTION 6-5.03: USES**
- **SECTION 6-5.04: DEVELOPMENT REQUIREMENTS**
- **SECTION 6-5.05: ACCESSORY PROVISIONS**

ARTICLE 6 – MANUFACTURED HOME PARK DISTRICT (R-MHP)

- **SECTION 6-6.01: PURPOSE**
- **SECTION 6-6.02: USES**
- **SECTION 6-6.03: DEVELOPMENT REQUIREMENTS**
- **SECTION 6-6.04: ACCESSORY PROVISIONS**

ARTICLE 7 – LAKE RESIDENTIAL DISTRICT (R-LD)

- **SECTION 6-7.01: PURPOSE**
- **SECTION 6-7.02: USES**
- **SECTION 6-7.03: DEVELOPMENT REQUIREMENTS**

ARTICLE 8 – WATERFRONT OVERLAY DISTRICT (R-WO)

- **SECTION 6-8.01: PURPOSE AND INTENT**
- **SECTION 6-8.02: USES**
- **SECTION 6-8.03: SITE AND BUILDING PLACEMENT**

- **SECTION 6-8.04: BUILDING ELEMENTS**
- **SECTION 6-8.05: ACCESSORY PROVISIONS**

CHAPTER 6
RESIDENTIAL DISTRICTS
LOW DENSITY RESIDENTIAL DISTRICT (R-1)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 1: LOW DENSITY RESIDENTIAL DISTRICT (R-1)

SECTION 6-1.01: PURPOSE

The regulations of the R-1 District are intended to encourage a suitable environment for a variety of suburban residential densities and compatible supportive recreational, institutional and educational uses. The intent of this District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment and to permit residential and institutional uses not well suited for an Agricultural District.

It is the intent of this District that any development with over ten (10) dwelling units must be processed as a Planned Unit Development. The more detailed process of design review for such developments will help maintain the rural character and minimize the impacts of large developments in a rural setting.

SECTION 6-1.02: USES

Table of Uses		R-1
Residential Uses	State licensed residential family facilities provided the facility shall not be within 1,500 feet of another State licensed residential facility.	Permitted Use
	State licensed residential group facilities provided the facility shall not be within	Special Land Use

Table of Uses		R-1
	1,500 feet of another State licensed residential facility	
	Any residential development of over ten (10) dwelling units	Planned Unit Development
	Single-family detached dwelling	Permitted
	Two-family dwelling	Special Land Use
	Bed and breakfast home or inn	Special Land Use
Institutional Uses	Nursing or convalescent home	Special Land Use
	Place of religious worship	Special Land Use
	Libraries, museums, community centers, governmental, administration, or service buildings and similar uses which are owned and operated by a governmental agency or a noncommercial organization	Special Land Use
	Schools, elementary, middle and high school (public and private)	Public schools – Permitted Private schools - Special Land Use
Non-Residential Uses	Campgrounds, public or private	Special Land Use
	Cemeteries	Special Land Use
Accessory Uses	Accessory buildings and uses as allowed in Chapter 3	Permitted
	Golf course or country club	Special Land Use
	Home occupation	Permitted
	Municipal and public service activities	Special Land Use
	Roadside stands	Permitted
	Small excavations	Permitted
	Ponds	Permitted

Table of Uses		R-1
	Utility substation, transmission line and switching station	Special Land Use
	Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	Permitted
	Wireless communication tower of under 75 feet in height	Permitted

SECTION 6-1.03: DEVELOPMENT REQUIREMENTS

A. Lot, Yard and Building Requirements

Requirement	R-1
Minimum lot area*	1 acre
Maximum lot area	2 acres
Minimum lot width	200 ft.
Maximum width to depth ratio	1:4
Minimum front yard**	50 ft.
Minimum rear yard	40 ft.
Minimum side yards***	15 ft.
Maximum lot coverage	20%
Maximum bldg. height	35 ft.
Minimum floor area per dwelling unit	1,000 sq. ft.

* Open space cluster developments may reduce the lot size to $\frac{3}{4}$ of an acre.

** Front yard setback in all residential districts shall be seventy-five (75) feet on those roads designated as County Primary routes.

** Streetside setback for lake frontage lots shall be the same.

** Lots platted prior to 1985 may have a front setback of twenty-five 25 feet after Zoning Administrator review.

** Note additional front setbacks of Access Management Overlay District. Parcels fronting on M-82 are subject to additional setbacks and the access management provisions.

*** Zero lot line provisions may be used for main buildings provided:

- It is part of a development proposal (i.e., a planned unit development or cluster development, not a single-lot development) and approved by the Joint Planning Commission.
- The building has an approved fire rating for zero lot line development under the building code.
- The building has adequate fire access preserved pursuant to fire code requirements.
- The zero lot line side is not adjacent to a street.
- A maintenance access easement among properties is approved by the Zoning Administrator and recorded with the County Register of Deeds.

B. Agricultural Buffer

Any side or rear yard of any parcel used for non-farming use and abutting land in an Agricultural District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with Chapter 3 “General Provisions” may be used to reduce the agricultural buffer, but the buffer shall not be less than twenty-five 25 feet in width.

C. Waterfront and Wetland Setback

1. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the structure.
2. Within this waterfront setback, a minimum twenty-five (25) foot natural vegetative buffer shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. The walkway shall be perpendicular to the water.

Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.

3. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

D. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve. In the R-1 District parking is limited to the garage and driveway only.
2. See also Chapter 3 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 3 for lighting, loading spaces and landscaping.

Use	Parking Requirement
Residential	
State licensed residential care facilities	1 per each 3 individuals computed on the basis of the licensing limits of the facility.
Single-family detached and two family dwellings	2 per dwelling unit
Bed and breakfast home or inn	2 plus 1 per guest room
Non-Residential	
Campgrounds, public or private	1 – 10' x 30' space for every campsite
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Institutional Uses	
Nursing or convalescent home	1 per each 3 beds or 2 rooms, plus 10 spaces marked for

Use	Parking Requirement
	visitors
Place of religious worship	1 for each three (3) seats in the main worship unit
Libraries, museums, community centers and similar uses which are owned and operated by a governmental agency or a noncommercial organization.	1 per every two people based on capacity
Schools	Elementary and Junior High, one space per employee plus 5 spaces for visitors. High schools, 1 space per 10 students or the amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Accessory Uses	
Golf course or country club	2 per each hole for a par 3 course; 6 per hole for other courses
Roadside stands	1 space
Municipal and public service activities	1 space for each service vehicle
Utility substation, transmission line and switching station	1 space for each service vehicle
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower or other structure	1 space per service vehicle

E. Signs

1. The following signs are permitted in all residential districts:
 - a. Entranceway monument signs up to sixteen (16) square feet are permitted for residential developments. One sign for each major public road frontage may be provided. Signs shall not exceed eight (8) feet in height.
 - b. Internally illuminated monument signs of up to twenty-four (24) square feet for lawful institutional uses such as churches, schools, parks and all other authorized uses. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated wall sign of up to twenty-four (24) square feet may also be permitted.
 - c. One (1) sign of up to eight (8) square feet for a bed and breakfast or roadside stand.
 - d. One wall (1) sign up to two (2) square feet for a home occupation.
 - e. Political campaign signs of up to six (6) square feet.
 - f. Non-illuminated real estate signs, of up to six (6) square feet provided they are removed within 10 days after consummation of lease or sale of property.
 - g. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - h. Name plates of under two (2) square feet.
 - i. Road name signs and signs established by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
 - j. Non-advertising signs erected by an organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., of under two (2) square feet.
2. Standards
 - a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
 - b. Sign design shall respect the rural character of the district. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
3. See Chapter 3 “General Provisions” for prohibited signs.

CHAPTER 6
RESIDENTIAL DISTRICTS
MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 2: MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

SECTION 6-2.01: PURPOSE

The regulations of the R-2 District are intended to encourage a suitable environment for a variety of suburban residential densities and compatible supportive recreational, institutional and educational uses. The intent of this District is primarily for single-family residential use on land where public services should be available in the near future.

It is the intent of this District that any development with over ten (10) dwelling units must be processed as a planned unit development. The more detailed process of design review for such developments will help maintain the rural character and minimize the impacts of large developments in a rural setting.

SECTION 6-2.02: USES

Table of Uses		R-2
Residential Uses	State licensed residential family facilities provided the facility shall not be within 1,500 feet of another State licensed residential facility.	Permitted Use
	State licensed residential group facilities provided the facility shall not be within	Special Land Use

Table of Uses		R-2
	1,500 feet of another State licensed residential facility	
	Any residential development of over ten (10) dwelling units	Planned Unit Development
	Single-family detached dwelling	Permitted
	Two-family dwelling	Special Land Use
Institutional Uses	Nursing or convalescent home	Special Land Use
	Place of religious worship	Special Land Use
	Libraries, museums, community centers, governmental, administration, or service buildings and similar uses which are owned and operated by a governmental agency or a noncommercial organization	Special Land Use
	Schools, elementary, middle and high school (public, private and parochial)	Special Land Use
Non-Residential Uses	Campgrounds, public or private	Special Land Use
	Cemeteries	Special Land Use
Accessory Uses	Accessory buildings and uses as allowed in Chapter 3	Permitted
	Home occupation	Permitted
	Municipal and public service activities	Special Land Use
	Small excavations	Permitted
	Ponds	Permitted
	Utility substation, transmission line and switching station	Special Land Use
	Wireless communications antenna when	Permitted

Table of Uses		R-2
	attached to a lawful existing telecommunications tower, water tower, or other structure	
	Wireless communication tower of under 75 feet in height	Permitted

SECTION 6-2.03 DEVELOPMENT REQUIREMENTS

F. Lot, Yard and Building Requirements

Requirement	R-2
Minimum lot area	21,750 sq. ft. (1/2 acre)
Maximum lot area*	1 acre
Minimum lot width	100 ft.
Maximum width to depth ratio	1:4
Minimum front yard**	50 ft.
Minimum rear yard	30 ft.
Minimum side yards***	10 ft.
Maximum lot coverage	50%
Maximum bldg. height	35 ft.
Minimum floor area per dwelling unit	1,000 sq. ft.

* Open space cluster developments may reduce the lot size to $\frac{3}{4}$ of an acre.

** Front yard setback in all residential districts shall be seventy-five (75) feet on those roads designated as County Primary routes.

** Streetside setback for lake frontage lots shall be the same.

** Lots platted prior to 1985 may have a front setback of twenty-five 25 feet after Zoning Administrator review.

** Note additional front setbacks of Access Management Overlay District. Parcels fronting on M-82 are subject to additional setbacks and the access management provisions.

*** Zero lot line provisions may be used for main buildings provided:

- It is part of a development proposal (i.e., a planned unit development or cluster development, not a single-lot development) and approved by the Joint Planning Commission.
- The building has an approved fire rating for zero lot line development under the building code.
- The building has adequate fire access preserved pursuant to fire code requirements.
- The zero lot line side is not adjacent to a street.
- A maintenance access easement among properties is approved by the Zoning Administrator and recorded with the County Register of Deeds.

G. Agricultural Buffer

Any side or rear yard of any parcel used for non-farming use and abutting land in an Agricultural District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with Chapter 3 “General Provisions” may be used to reduce the agricultural buffer, but the buffer shall not be less than twenty-five 25 feet in width.

H. Waterfront and Wetland Setback

1. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the structure.
2. Within this waterfront setback, a minimum twenty-five (25) foot natural vegetative buffer shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways and/or for a view of the waterway. The walkway shall be perpendicular to the water. Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.
3. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

I. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve. In the R-2 District parking is limited to the garage and driveway only.
2. See also Chapter 3 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 3 for lighting, loading spaces and landscaping.

Uses	Parking Requirement
Residential	
State licensed residential care facilities	1 per each 3 individuals computed on the basis of the licensing limits of the facility.
Single family detached and two family dwellings	2 per dwelling unit
Non-Residential	
Campgrounds, public or private	1 – 10' x 30' space for every campsite
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Institutional Uses	
Nursing or convalescent home	1 per each 3 beds or 2 rooms, plus 10 spaces marked for visitors
Place of religious worship	1 for each three (3) seats in the main worship unit
Libraries, museums, community centers and similar uses	1 per every two people based on capacity

Uses	Parking Requirement
which are owned and operated by a governmental agency or a noncommercial organization.	
Schools	Elementary and Junior High, one space per employee plus 5 spaces for visitors. High schools, 1 space per 10 students or the amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Accessory Uses	
Municipal and public service activities	1 space for each service vehicle
Utility substation, transmission line and switching station	1 space for each service vehicle
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower or other structure	1 space per service vehicle

J. Signs

1. The following signs are permitted in all residential districts:
 - a. Entranceway monument signs are permitted for residential developments of up to sixteen (16) square feet. One sign for each major public road frontage may be provided. Signs shall not exceed eight (8) feet in height.
 - b. Internally illuminated monument signs of up to twenty-four (24) square feet for lawful institutional uses such as churches, schools, parks and all other authorized uses. Signs shall not exceed eight (8) feet in height. One (1) non-illuminated wall sign of up to twenty-four (24) square feet may also be permitted.
 - c. One (1) sign of up to eight (8) square feet for a home occupation.
 - d. Political campaign signs of up to six (6) square feet.
 - e. Non-illuminated real estate signs, of up to six (6) square feet provided they are removed within 10 days after consummation of lease or sale of property.
 - f. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area.

- g. Name plates of under two (2) square feet.
- h. Road name signs and signs established by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
- i. Non-advertising signs erected by an organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., of under two (2) square feet.

2. Standards

- a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
- b. Sign design shall respect the rural character of the district. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).

3. See Chapter 3 for prohibited signs.

CHAPTER 6

RESIDENTIAL DISTRICTS

ESTATE RESIDENTIAL DISTRICT (R-3)

TYPE OF DISTRICT: FORM-BASED DISTRICT

ARTICLE 3: ESTATE RESIDENTIAL DISTRICT (R-3)

SECTION 6-3.01: PURPOSE AND INTENT

The Estate District is comprised of residential neighborhoods on larger lots, located in areas that begin a transition to the more rural and agricultural areas in neighboring townships. It is made up of a mix of homes, but leaning more toward outlying urban or rural residences. It is characterized by the presence of natural landscape features, a greater amount of open space, and greater building setbacks.

SECTION 6-3.02: DEVELOPMENT OBJECTIVES

Development objectives in the Estate Residential District include:

- Maintaining a stable, single-family residential environment.
- Creating an open space character while accommodating low-density residential development.
- Allowing a modest mix of non-residential uses intended to address the needs of the District.

SECTION 6-3.03: USES

Purpose and Intent

While a modest mix of land uses is permissible, it is the intent of the District to maintain a low-density residential environment. With some exceptions, nonresidential uses will be limited to those that are intended to serve the immediate neighborhood.

Uses		Estate Residential District		
Uses	Uses by Right	Development Requirements	Special Land Uses	Development Requirements
Educational	None		All	
Residential	Detached single family	See Chapter 3 “General Provisions”	Attached single-family	
			Accessory dwelling unit	
	Home occupations	As accessory use see Chapter 3 “General Provisions”	Bed and breakfast home	
	Community Garden			
Residential Care	Adult foster care family home		Adult foster care small group home	
	Family day care home		Group day care home	
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		Religious institution	
Financial, Medical and Professional Office and Related Services	None		Artist/craft studio	Permitted only in structures that are residential in character. UFA for any single building shall not exceed 5,000 sq. ft.
			General & professional office	
			Medical & dental clinic	Permitted only on properties that abut a non-residential use.
			Restaurants: Drive-through windows /services are not	Permitted only on properties that abut a non-residential use or on

Uses	Estate Residential District			
Entertainment & Recreation	None		allowed.	property used as a conforming non-residential use. Usable floor areas shall not exceed 8,000 sq. ft. Outdoor seating is not permitted.
SECTION 6-3.04: SITING	Estate Residential District Development Requirements			Administrative Departures
Purpose and Intent	The siting provisions of this District are intended to create a residential setting with more open space while ensuring that permitted structures contribute to its character.			
Building Placement and Projections	Required Building Line (RBL)	The RBL shall be consistent with the established dimension of existing main buildings. The RBL for a new structure or addition shall be equal to or the average of the front setbacks of existing main buildings within two-hundred 200 ft. of the lot where the front yard setbacks are established. Where there is no established dimension, the RBL shall be thirty 30 ft.		The RBL may be varied up to ten 10 ft. where necessary to account for changes in grade, landscape features, or other physical obstruction that does not permit the RBL to be met.
		Buildings may occupy any portion of the lot behind the RBL, provided other setbacks are met.		
		An attached garage may extend in front of the principal structure as long as it does not extend in front of the required RBL.		
		The building façade shall occupy no less than twenty-four 24 ft. of the RBL length, exclusive of side yard setbacks, unless a garage is located in front of the main building.		

Uses	Estate Residential District		
		On corner lots the RBL shall be met on both frontages.	

Building Placement and Projections	Side yard setback	Buildings: 15 ft.	
		Driveways: If located in the front, driveways shall be set back at least five 5 ft. from a common lot line. If located on a corner lot, driveways shall be at least twenty-five 25 ft. from any block corner or other driveway.	A shared driveway may be permitted where existing conditions allow.
			The driveway setback from the corner may be varied up to ten 10 ft. where necessary to account for changes in grade, landscape feature, or other physical obstruction.
	Rear yard setback	25 ft.	
	Projections	No part of any buildings, except overhanging eaves, awnings, balconies, bay windows, front porches (and the habitable space above it), and stoops, as specified by this ordinance, shall encroach beyond the RBL.	A ramp meeting ADA requirements may be placed forward of the RBL or in a setback, provided that it is located at least three 3 ft. from any lot line.
		Bay windows shall project not more than thirty-six 36 inches beyond the RBL; shall maintain an interior clear width of at least four 4 ft.	
		The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this district to allow bay windows and	

		balconies.	
		Balconies shall not project into a required setback.	
Lot Requirements	Minimum lot area	10,000 sq. ft.	
	Minimum lot width	90 ft.	
	Lot coverage	At least twenty percent 20% of the total buildable area shall be preserved as contiguous open area on every lot, located behind the RBL.	
Variances and Deviations: Siting	Variances	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less restrictive than the above requirements, other than administrative departures.	
		All lot requirements	
	Deviations	All others	
SECTION 6-3.05 BUILDING ELEMENTS	Estate Residential District Development Requirements		Administrative Departures
Purpose and Intent	The intent of regulating building elements is to ensure compatibility with the single-family, large lot character of the areas included in this District.		
Height	Maximum of 2 ½ stories		
	Residential Ground Story Interior Height	The finished floor elevation shall be no less than two 2 feet above ground elevation once construction is complete.	
		The first story shall have a maximum interior floor to ceiling height of sixteen 16 ft. At least eighty percent 80% of the first story shall have an interior floor to ceiling height of at least eight 8 ft.	
	Residential Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories other than the ground story is 12 ft.	
		At least eighty percent 80% of each upper story	

		shall have an interior clear height (floor to ceiling) of at least eight 8 ft.	
	Commercial	Single story only.	
Height (Cont.)	The height requirements may be exceeded by parapet walls not over four 4 ft. in height, chimneys, television and radio antennas, cupolas, spires or other ornamental projections.		
	Additional habitable space is permitted within the roof where configured as a half story.		
Façade Variations	Nonresidential buildings	A maximum of forty 40 ft. of RBL frontage shall be continuous as a single (attached) building, except for corner lots, which shall not exceed eighty 80 feet. There shall be a gap between adjacent frontage buildings of not less than ten 10 ft.	
Windows/ Transparency	Building facades facing public streets shall have a minimum of twenty percent 20% and a maximum of sixty percent 60% of window and door openings.		
	Transparency requirements shall apply to the area of the façade between two 2 and ten 10 ft. above grade of the building. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.		
	Façade transparency requirements do not apply to religious institutions and similar assembly uses, provided that the façade is enhanced by architectural detailing, artwork, landscaping or similar features.		
	Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.		
	Exterior steel barriers and other security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.		Security devices may be permitted for those uses required by law to provide them.

Roof Type	Pitched roofs shall be moderately steep and symmetrically sloped no less than 4:12 and not more than 12:12, except that entry ways may have slopes of not less than 2:12.	Public buildings are exempt.
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Roof Type	Flat roofs shall not be visible when viewed from the street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of forty-two 42 inches high, or as required to conceal mechanical equipment.		
Exterior Building Wall Materials	Durable building materials, simple configurations and solid craftsmanship are required. Eighty percent (80%) of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials: <ul style="list-style-type: none"> • Brick • Fiber cement siding equivalent or better siding • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintels, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Stone • Wood lap siding • Vinyl siding 		Solar panels
	Awnings shall be made of a canvas material or similar material, and shall be opaque to light (no under or in canopy illumination showing through).		Similar materials shall be approved before use. Vinyl awnings are not permitted.
Entry	Nonresidential uses	A visible and usable building entrance is required for a building's frontage on the primary street; the street providing the principal frontage for nonresidential buildings that is most intensively used by pedestrians or patrons.	

		The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as porticos, arcades, arches, and integral planters.	Other methods, such as unique color treatments or other similar means may be approved provided that the same effect is achieved.
Entry	Nonresidential uses	Main building entrances and exits shall face the street and may be recessed.	
	Residential uses	Each lot/ground floor façade unit shall include a stoop or a front porch. The stoop or porch may be covered.	
		A stoop may project forward of the RBL and be not more than five 5 ft. deep and eight 8 ft. wide (including steps).	
		A front porch may project forward of the RBL and be between eight 8 and ten 10 ft. deep, with a width not less than fifty percent (50%) of the façade at the RBL. Front porches may not be enclosed unless approved by the Zoning Administrator.	Dimension and size of the stoop or porch may be varied to account for various architectural and design considerations, provided that usability and function are not impaired.
Variances and Deviations: Building Elements	Variances	Maximum building height and/or number of stories	A front porch may be enclosed if approved by the Zoning Administrator if it satisfies the setback requirements and if it is in keeping with the character of the neighborhood.
		Entry projections forward of the RBL, other than administrative departures	
	Deviations	All others	
SECTION 6-3.06 ACCESSORY PROVISIONS	Estate Residential District Development Requirements		Administrative Departures

See Chapter 3 “General Provisions” for General Requirements.			
Signs	Ground (Government and Institutional Uses Only)	One thirty-two 32 sq. ft. sign is permitted, not exceeding six 6 ft. in height and set back at least ten 10 feet from all side and rear lot lines and at least five 5 ft. from the right-of-way line.	

Signs	Ground	Up to thirty percent (30%) of the sign may include a reader board or electronic display; however, electronic displays shall be limited to text only, with only one color use for text, on a single color background.	
	Wall (Non-Residential Only)	One wall sign is permitted per façade and/or frontage onto a parking area.	
		Wall signs shall not exceed ½ sq. ft. per each lineal foot of building wall length associated with the use to which it refers, with a maximum of twenty 20 sq. ft.	
	Window (Non-Residential Uses Only)	Signs shall be located on the wall facing the street and off-street parking area designated for that use.	
		See Chapter 3 “General Provisions” for regulations pertaining to multiple uses in a building.	
		Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area or diminish any applicable façade transparency requirements.	
		An awning or canopy sign may be painted, stenciled or otherwise affixed flat to the awning or canopy	

	Awning or Canopy (Non-Residential Uses Only)	surface and cannot extend vertically or horizontally beyond the limits of the awning or canopy.	
		Characters can be no more than twelve 12 inches in height.	
		No more than two 2 awnings and/or canopies per frontage shall contain signs.	
		The combined area of signs on one awning or canopy shall not exceed fifteen 15 square feet.	

Signs	Awning or Canopy	One suspended sign may be suspended under an awning or canopy for each ground floor establishment, not exceeding three 3 sq. ft. in area and with a minimum clearance of eight 8 ft. above the sidewalk.	
	Real Estate	One sign per lot is permitted not exceeding six 6 sq. ft. in area, provided a corner lot may have one sign on each street frontage.	
	Political	One sign per issue or candidate not exceeding six 6 sq. ft. in area.	
Parking	See Chapter 3 “General Provisions” for General Requirements		
	Location	Nonresidential parking areas shall be located behind the RBL.	Parking may be permitted nearer to the RBL where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian environment of the site and area. Appropriate screening

			shall be required.
	Number	The number of off-street parking spaces provided shall not exceed standard requirements for uses on the parcel.	Additional parking spaces may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
			Fewer parking spaces may be approved, provided a parking analysis submitted by the owner is approved that demonstrates that the spaces planned will be sufficient.

Parking	Number	On-street spaces adjacent to the parcel shall be included in calculating the required number of parking spaces. Uses split by multiple spaces shall be counted for the building frontage occupying at least fifty percent 50% of the length of the space in front of the building.		
		Use	Standard Requirement	
		Educational	One (1) for each teacher, employee, or administrator, plus one (1) for each three (3) seats in the auditorium	
			For high schools, add one (1) space per ten (10) students	
		Office	3 spaces per 1,000 sq. ft. of UFA	
		Residential	2 spaces per dwelling unit, except	

			senior housing, which shall provide 1 space per dwelling unit.	
		Residential Care	Residential requirement, plus 1 space per employee not in residence	
		Entertainment & Recreation	1 space per 3 persons by occupancy	
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area – 2 spaces per 1,000 sq. ft. of UFA	
Sidewalks	Dimensions	A minimum combined sidewalk and parkway width of ten 10 ft. shall be provided for all lots in a new subdivision and for all new lots in a neighborhood where an established sidewalk network is established. Sidewalks will not be required on lots that are developed in neighborhoods without an established sidewalk network.		Space for bikes, civic art, or other similar uses/activities may be permitted, provided the minimum sidewalk clear area five 5 ft. is met.

Sidewalks	Display Areas (nonresidential uses only)	Outdoor temporary displays are permitted on nonresidential sites, but shall not be forward of the RBL and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired.	Alternate locations may be approved where pedestrian circulation or entrances to buildings are not impaired, provided that the RBL is maintained free of displays.
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Landscaping/ Screening	See Chapter 3 “General Provisions” for General Requirements		
	Street Trees	One 2 ½ inch caliper street tree shall be provided and located between the sidewalk and curb at not less than thirty 30 feet intervals of street frontage. Spacing shall comply with the City’s Code of Ordinances. .	Spacing may be varied for individual site conditions.
	Parking Areas (nonresidential uses only)	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways, or adjacent Residential Districts shall be screened by a decorative masonry wall no greater than three 3 ft. high, constructed at the RBL of the lot.	Landscaping of the same height (at planting) may be used if it screens the parking area with at least seventy-five percent 75% opacity.
		Parking lots exceeding twenty-five (25) spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per twelve 12 spaces.	Zoning Administrator may approve interior landscaping that satisfies the intent of this regulation but may need to be arranged on the site differently to accommodate such things as snow plowing, etc. as long as the same number of required trees are planted.
	Screening (nonresidential uses only)	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of six 6 ft. high, with three 3 sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need by only as high as necessary to fully screen the equipment.	
		See Chapter 3 “General Provisions” for General Requirements	
		Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
			Higher fixtures not exceeding thirty 30 ft. may be permitted

Other	Lighting (nonresidential uses only)	For pole lighting within parking areas, light fixtures shall not exceed a height of twenty 20 ft.	for pole lighting if the fixture is located at least two-hundred 200 ft. from any adjacent Residential property line.
		Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	
		All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences. Light shall not exceed more than 0.5 foot-candles at a residential property line. Light shall not exceed more than 1.5 foot-candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be ten 10 foot-candles.	Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be submitted as part of a request for greater lighting. In no case shall illumination exceed ten 10 foot-candles.
	Accessory Building (See Chapter 3 “General Provisions”)	One attached or detached accessory garage, not exceeding the ground floor GFA of the main building, or eight-hundred-and-fifty 850 sq. ft., whichever is less, and nineteen 19 ft. in height (as measured to the peak of the roof) is permitted.	The height may be varied if the Zoning Administrator determines the height needs to be adjusted to be in keeping with the architectural design of the building.

	Accessory Building	A detached accessory building shall be located at least five 5 ft. from the rear or side lot lines and shall be no closer to the front lot line than the RBL established by	
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Other		the main building.	
		In addition to the above accessory building, one accessory building of not more than three-hundred-and-twenty 320 sq. ft. and twelve 12 ft. in height may be erected on a residential lot for storage purposes (e.g., shed), meeting the setback requirements for accessory buildings. Additional accessory structures used for entertainment purposes (gazebo, pergola, etc.) are allowed, and if attached to the main building, it shall be considered as part of the main building for setback purposes. If the accessory structure is detached, the spacing requirements in this section apply.	
		For single family uses one carport space is permitted per residential dwelling unit if no accessory garage is present. No single carport or space shall exceed four-hundred 400 sq. ft. in roofed area or be higher than ten 10 ft. Carports shall maintain a side yard setback of fifteen 15 ft. from any property line and otherwise meet all other setbacks and the RBL applicable in the District.	
		A detached accessory structure shall be located at least ten 10 ft. from the main building and at least ten 10 ft. from any other accessory structure.	
	Fencing (See Chapter 3 “General Provisions”)	A front yard fence, wall, or hedge, not more than thirty-six 36 inches in height, may be placed along the frontage and common lot lines surrounding the front yard.	Fences located in a front yard adjacent to a public sidewalk shall be setback a minimum of two (2) feet from the sidewalk; however, fencing in the front yard adjacent to a public sidewalk may be placed on the property line if it is determined

				that care of the sidewalk will not be impaired and/or if the property owner agrees to maintain the fence if the care of the sidewalk damages the fence.	
		A privacy fence, maximum six 6 ft. in height, may be placed along any unbuilt rear and common lot line not surrounding the front yard or otherwise occupied by the building.			
		The height of the front yard fence, wall, or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground elevation once construction is complete.			
Variances and Deviations	Variances	Signs	All sign types: number permitted, height and maximum area		
			Suspended signs; minimum clearance above the sidewalk		
		Parking	Location		
			Minimum number of parking spaces, other than administrative approvals		
		Sidewalks	Minimum sidewalk and parkway dimension		
			Clear area between building and curb		
		Landscaping/ Screening	Dimensions of screening (fences, walls, landscaping, etc.)		
		Lighting	Maximum height of fixtures		
		Accessory Buildings	All requirements		
		Fencing	Height		
	Deviations	All others			

CHAPTER 6

RESIDENTIAL DISTRICTS

NEIGHBORHOOD RESIDENTIAL DISTRICT (R-4)

TYPE OF DISTRICT: FORM-BASED

ARTICLE 4: NEIGHBORHOOD RESIDENTIAL DISTRICT (R-4)

SECTION 6-4.01: PURPOSE

This Residential District makes up the core of the residential neighborhoods surrounding the Downtown and other areas of nonresidential development. It is made up of a complementary mix of historical and post-WW II homes. These areas reflect what is known as Traditional Neighborhood Design (TND). The Neighborhood District expresses its residential character with its mature trees, grid street system, sidewalks, with clearly defined front entrances, small lots, front porches, and well maintained homes relatively close to the street.

SECTION 6-4.02: DEVELOPMENT OBJECTIVES

Development objectives in the Neighborhood District include:

- Maintaining a stable, single family residential environment.
- Providing access to the commercial center of the community, Downtown Fremont.
- Allowing a modest mix of non-residential uses intended to complement the Downtown, rather than compete with it.

SECTION 6-4.03: USES

Purpose and Intent

While a modest mix of land uses is permissible, it is not the intent of the District to create a substantial non-residential/commercial area that competes with the Downtown or Urban commercial areas. With some exception, nonresidential uses will be limited to those that are intended to serve the immediate neighborhood, as opposed to larger scale retail uses.

Uses	Neighborhood Residential District			
Uses	Uses by Right	Development Requirements	Special Land Uses	Development Requirements
Educational	None		Private pre-school, elementary, middle & secondary school	
Residential	All except Special Land Uses	See Chapter 3 “General Provisions”	Two Family	Permitted on lots with frontage on collector or arterial streets
	Home Occupations	See Chapter 3 “General Provisions”	Multiple family	Permitted only on corner lots that abut a non-residential use.
			Senior housing	
			Bed and breakfast home	
Residential Care	Adult foster care family home		Accessory dwelling unit	
	Family day care home		Adult foster care small group home	
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		Group day care home	
			Religious institution	

Financial, Medical and Professional Office and Related Services	General and professional office	Permitted only on lots that directly abut or front upon streets that abut properties in the Downtown Commercial District. Permitted only in structures that are residential in character. UFA for any single building shall not exceed 5,000 sq. ft.	Artist/craft studio	Permitted only in structures that are residential in character. UFA for any single building shall not exceed 5,000 sq. ft.
	Medical and dental clinic		General and professional office	Permitted only on properties that abut a non-residential use. UFA for any single building shall not exceed 5,000 sq. ft.
			Medical and dental clinic	
Utility	None		Electrical substation, communications switch facilities, central heating and cooling plant	Permitted only on properties that abut a non-residential use.

SECTION 6-4.04: SITING

Siting	Neighborhood Residential District Development Requirements		Administrative Departures	
Purpose and Intent	The Siting provisions of this District are intended to provide a complementary development pattern, ensure that uses are easily accessible, and provide for certain building projections and variations in design. An additional purpose is to create a walkable, pedestrian environment that promotes accessibility to nonresidential uses.			
Building Placement and Projections	Required Building Line (RBL)	The building façade shall occupy at least fifty percent 50% of the RBL		
		Building frontages shall be located parallel to the street and sidewalk.		
		The RBL shall be consistent with the established dimension of existing main buildings. The RBL for a new structure or addition shall be equal to, or the average of the front setbacks of existing main buildings within 200 ft. of the lot where the front yard setbacks are established.	The RBL shall be:	Adjustments of up to 5 ft. in the established dimensions may be permitted to accommodate individual site conditions such as mature trees, topography, or other similar physical condition. In no case shall the setback be less than ten 10 ft.
			On the same side and facing side street; and	
			In the same zoning district as the subject parcel.	
		Where there is no establishment dimension the RBL shall be between fifteen 15 and twenty 20 ft.		
		An attached garage may extend in front of the principal structure as long as it does not extend in front of the required RBL.		
On corner lots the RBL shall be met on both				

		frontages.	
	Side yard setback	<p>5 feet except zero side lot setbacks are permitted under the following conditions:</p> <ul style="list-style-type: none"> • Both properties are being used for commercial purposes • Both properties are adjacent to the C-1 Downtown Commercial District 	

Building Placement and Projections	Side yard setback	At least 10 ft. shall be maintained between a non-residential building and a residential building.	
		Driveways, if located in the front and not shared with an adjacent property, shall be set back at least 5 ft. from a common lot line. If located on a corner lot, driveways shall be at least 25 ft. from any block corner or other driveway.	<p>A shared driveway may be permitted where existing conditions require.</p> <p>The driveway setback from the corner may be varied up to 10 ft. where necessary to account for changes in grade, landscape features, or other physical obstruction.</p>
	Rear yard setback	12 ft., except for lots with alley access where a 3 foot setback is required.	
	Projections	No part of any building, except overhanging eaves, awnings, balconies, bay windows, front porches and stoops, as specified by this Ordinance, shall encroach beyond the RBL.	A ramp meeting ADA requirements may be placed forward of the RBL or in a required setback, provided that it is at least

			3 ft. from any lot line.
		Bay windows shall project not more than 36 inches beyond the RBL; and shall maintain an interior clear width of at least four 4 ft.	

Building Placement and Projections	Projections	The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this district to allow bay windows, and balconies	
		Balconies shall not project more than 15 ft. forward of the RBL or into a required side or rear setback.	
Lot Requirements	Minimum lot area	4,500 sq. ft.	
	Maximum lot area	15,000 sq. ft.	The Zoning Administrator may permit a lot that exceeds this requirement by up to fifty percent (50%), if the existing lot shape or lot frontage makes compliance impractical; or if creation of the lot results in lessening the nonconforming nature of a lot or of adjacent lots.

	Minimum lot width	30 ft.	
	Lot coverage	At least fifteen percent 15 % of the total buildable area shall be preserved as contiguous open area on every lot, located behind the RBL.	

Variances and Deviations Siting	Variances	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less than the above requirements, other than administrative departures.	
		All lot requirements, other than administrative departures, except maximum lot area.	
	Deviations	Maximum lot area, all others.	
SECTION 6-405: BUILDING ELEMENTS	Neighborhood Residential District Development Requirements		Administrative Departures
Purpose and Intent	The intent of regulating building elements is to pull building facades closer to the street and sidewalk. By doing so, building facades along a block face will be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk and mingle with their neighbors. New buildings shall be designed to blend with existing buildings. Horizontal elements should be reflected in the design including lintels, windowsills, cornices, transoms, etc., but the character of existing residential areas as expressed by traditional architecture and residential style entries, window openings, and building height shall be emphasized.		
	Maximum of 2 ½ stories		
	Residential Ground Story Interior Height	The finished floor elevation shall be no less than two 2 ft. above the exterior sidewalk elevation in front of the building and no more than five 5 ft.	

Height		above the exterior sidewalk elevation in front of the building or from the ground elevation once construction is complete.	
		The first story shall have a maximum interior floor to ceiling height of 16 ft. At least eighty percent 80% of the first story shall have an interior floor to ceiling height of at least eight 8 ft.	
	Residential Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories other than the ground story is twelve 12 ft.	
Height	Residential Upper Story Interior Height	At least eighty percent 80 % of each upper story shall have an interior clear height (floor to ceiling) of at least eight 8 ft.	
	The height requirements may be exceeded by parapet walls not over four 4 ft. in height, chimneys, television and radio antennas, cupolas, spires or other ornamental projections as needed.		
	Additional habitable space is permitted within the roof where configured as a half story.		
Façade Variations	Blank walls shall not face a public street. For building facades facing public streets and/or parks that exceed 100 ft., no more than 30 ft. of horizontal distance of wall shall be provided without articulation or architectural design variations for building walls facing the street to assure that the building is not monotonous in	Recess and projections along the building façade. Variations in depth must be a minimum of eighteen 18 inches.	The 30-foot requirement may be varied by up to five 5 ft., depending on actual building design, entry placement, and other factors that make the thirty 30 foot requirement impractical.
		Architectural details or features.	
		Enhanced ornamentation around building entryways.	

	appearance. Acceptable variations include, but are not limited to:	Streetscape element, such as park benches or street trees.	Other methods may be used to provide adequate articulation, provided that the visual effect of articulation is maintained.
	For multiple family buildings:	There shall be a gap between adjacent frontage buildings of between not less than ten 10 or more than twenty 20 feet.	
		Not more than one-hundred-thirty 130 ft. of one RBL frontage shall be continuous as a single (attached) building. On corner lots the remaining RBL may be constructed as a continuous building of not more than two-hundred 200 ft.	

Windows/ Transparency	Building facades facing streets shall have a minimum of twenty percent 20% and a maximum of sixty percent 60% of window and door openings.	
	Transparency requirements shall apply to the area of the façade between two 2 and ten 10 ft. above grade of the building. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.	
	Façade transparency requirements do not apply to religious institutions and similar assembly uses, provided that the façade is enhanced by architectural detailing, network, landscaping or similar features.	
	Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.	
	Exterior steel barriers and other security devices are not permitted. If they are located inside a building, they may not be visible from the outside business hours.	

	No window may face or direct views toward a common lot line within fifteen 15 ft. unless that view is contained within the lot (e.g. by a privacy fence/wall) or the sill is at least six 6 ft. above the finished floor level.	The Zoning Administrator may permit alteration of this requirement when the privacy of the structure or of an adjoining structure is not compromised.
Roof Type	Pitched roofs shall be moderately steep and symmetrical slopes no less than 4:12 and not more than 12:12, except that entry ways may have slopes of not less than 2:12.	Public buildings are exempt.
	For nonresidential buildings, flat roofs shall not be visible when viewed from the street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of forty-two 42 inches high, or as required to conceal mechanical equipment.	

Exterior Building Wall Materials	Durable building materials, simple configurations and solid craftsmanship are required. Eighty (80) percent of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials:		
	<ul style="list-style-type: none"> • Brick • Fiber cement siding or better siding • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintel, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Stone • Wood lap siding • Vinyl 		
	Awnings shall be made of a canvas material or similar material, and shall be opaque to light (no under or in canopy illumination may show through).		Similar materials shall be approved before use. Vinyl awnings are not permitted.
	Residential Uses	The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as porticos, arcades, arches, and integral planters.	Other methods, such as unique color treatments or other similar means may be approved provided the same effect is achieved.
		Main building entrances and exits shall face the street and may be recessed.	
		Each lot/ground floor façade unit shall include a stoop or a front porch. The stoop or porch may be covered.	
		A stoop may be built forward of the RBL and be not more than five 5 ft. deep and eight 8 ft. wide (plus steps).	Dimension and size of the stoop or porch may be varied to account for various architectural and design considerations, provided that usability and function are not impaired.

		A front porch shall project forward of the RBL and be between eight 8 and ten 10 ft. deep, with a width not less than fifteen percent 50% of the RBL. A porch may not be enclosed unless approved by the Zoning Administrator.		A front porch may be enclosed if approved by the Zoning Administrator if it satisfies the setback requirements and if it is in keeping with the character of the neighborhood.
Entry	Non-residential uses	A visible and usable building entrance is required for a building’s frontage on the primary street (the street providing the principal frontage for nonresidential buildings that is most intensively used by pedestrians or patrons).		
Variances and Deviations	Variances	Maximum building height and/or number of stories		
		Façade variation requirements for multiple family buildings		
		Entry projections forward of the RBL other than administrative departures		
	Deviations	All others		
SECTION 6-4.06: ACCESSORY PROVISIONS	Neighborhood Residential District Development Requirements			Administrative Departures
Signs	See Chapter 2 “Definitions” and Chapter 3 “General Requirements”			
	Government and Institutional Uses and Financial/Medical Professional Offices only	Ground	One thirty-two 32 sq. ft. sign is permitted, not exceeding 6 ft in height and set back at least ten 10 ft. from side and rear property lines and five 5 ft. from the right-of-way line.	
			Up to thirty percent 30% of the sign may include a reader board or electronic display; however, electronic	

			displays shall be limited to text only, with only one color used for text, on a single color background.	
	Non-residential uses only	Wall	One wall sign is permitted per façade and/or frontage onto a parking area	

Signs	Non-residential uses only	Wall	Wall signs shall not exceed 1.25 sq. ft. per each lineal foot of building wall length associated with the use to which it refers, with a maximum of thirty-two 32 sq. ft.	
			Signs shall be located on the wall facing street and off-street parking area designated for that use.	
			See Section Chapter 3 “General Provisions” for regulations pertaining to multiple uses in a building.	
		Window	Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five 25% of the glass surface area or diminish any applicable façade transparency requirements.	
		Awning or Canopy	An awning or canopy sign may be painted, stenciled or otherwise affixed flat to the awning surface, and cannot extend vertically or horizontally beyond	

			the limits of the awning or canopy.	
			Characters can be no more than twelve 12 inches in height	
			No more than two 2 awnings and/or canopies per frontage shall contain signs.	

Signs	Non-residential uses only	Awning or Canopy	The combined area of signs on one awning or canopy shall not exceed fifteen 15 sq. ft.	
			One suspended sign may be suspended under an awning or canopy for each ground floor establishment, not exceeding three 3 sq. ft. in area and with a minimum clearance of eight 8 ft. above the sidewalk.	
	Real Estate	One sign per lot is permitted not exceeding six 6 sq. ft. in area, provided a corner lot my have one sign on each street frontage		
	Political	One sign per issue or candidate not exceeding six 6 sq. ft. in area.		
Parking	See Chapter 3 “General Provisions” for General Requirements			
	Location	Residential parking areas shall be located behind the RBL.		Parking may be permitted nearer to the RBL where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian

			environment of the site and area. Appropriate screening may be required.
		Non-residential and multiple family parking shall be located not less than twenty 20 ft. behind the RBL excepting the side street for corner lots, where it shall be behind the RBL.	
Parking	Number	The number of off-street parking spaces provided shall not exceed Standard Requirement for uses on the parcel.	Additional parking may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
			Fewer parking spaces may be approved, provided a shared parking analysis is submitted by the owner demonstrating that the spaces planned will be sufficient.
		On-street parking adjacent to the parcel shall be included in calculating the required number of parking spaces. Uses split by multiple spaces shall be counted for the building frontage occupying at least fifty percent 50% of the length of the space in front of the building.	
		Use	Standard Requirement
		Educational	One (1) for each teacher, employee, or administrator, plus one (1) for each three (3) seats in the auditorium.

			For high schools, add 1 space per 10 students.	
		Office	3 spaces per 1,000 sq. ft. of UFA.	
		Residential	2 spaces per dwelling unit, except senior housing, which shall provide 1 space per dwelling unit.	

Parking	Number	Residential Care	Residential requirement, plus 1 space per employee not in residence	
		Utility	1 space per use	
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area if no assembly area is provided, 2 spaces per 1,000 sq. ft. of UFA	
Sidewalks	Dimensions	A minimum combined sidewalk and parkway dimension of ten 10 ft. shall be provided for all lots in a new subdivision and for all new lots in a neighborhood where an established sidewalk network is established. Sidewalk will not be required on lots that are developed in neighborhoods without an established sidewalk network.		Space for bikes, civic art, or other similar uses/activities may be permitted, provided the minimum sidewalk clear area (5 feet) is met.
	Display Areas (non-residential uses only)	Outdoor temporary displays are permitted on nonresidential sites, but shall not be forward of the RBL and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum of five 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired.		Alternate locations may be approved where pedestrian circulation or entrances to building are not impaired, provided that the RBL is maintained free of displays.
Landscaping/ Screening	See Chapter 3 “General Provisions” for General Requirements			
	Street Trees	One 2 ½ inch caliper street tree shall be provided and		Spacing may be varied for

		located at no less than thirty 30 foot intervals of street frontage. Spacing shall comply with Chapter 18 of Fremont's Code of Ordinances.	individual site conditions.
	Parking Areas (non-residential and multiple family uses only)	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways, or adjacent Residential District shall be screened by a decorative masonry wall no greater than three 3 ft. high, constructed at the RBL of the lot.	Landscaping of the same height (at planting) may be used if it screens the parking area with at least 75% opacity.
Landscaping/ Screening	Parking Areas (non-residential and multiple family uses only)	Parking lots exceeding twenty-five 25 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least 1 canopy tree shall be provided per 12 parking spaces.	Location and design of interior landscaping shall be administratively approved unless a Site Plan Review is required.
	Screening (non-residential and multiple family uses only)	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of six 6 ft. high, with three 3 sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.	
Other	Lighting (non-residential and multiple family uses only)	See Chapter 3 "General Provisions" for General Requirements	
		Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
		For pole lighting within parking areas, light fixtures shall not exceed a height of twenty 20 ft.	Higher fixtures not exceeding thirty 30 ft. may be permitted for pole lighting if the fixture is located at least two-hundred 200 ft. from any adjacent Residential

			District or use property.
		Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers where needed. A lighting plan shall be submitted as part of a request for greater lighting. In no case shall illumination exceed ten 10 foot-candles.
Other	Accessory Buildings: Residential (See Chapter 3 “General Provisions”)	One attached or detached accessory garage, not exceeding the ground floor GFA of the main building, or 700 sq. ft., whichever is less, and seventeen 17 ft. in height (as measured to the peak of the roof) is permitted.	The height of the garage may be varied if the Zoning Administrator determines the height needs to be adjusted to be in keeping with the architectural design of the building.
		In addition to the above accessory building, one accessory building of not more than 144 sq. ft. and twelve 12 ft. in height may be erected on a residential lot for storage purposes (e.g., sheds), meeting the setback requirements for accessory buildings. Additional accessory structures used for entertainment purposes (gazebo, pergola, etc.) are only allowed, and if attached to the main building, it should be considered as part of the main building for setback purposes. If the accessory structure is detached, the spacing requirements as required in this section apply.	
		For single and two family uses one carport space is permitted per residential dwelling unit if no other accessory garage is present. No single carport or space	

		shall exceed four-hundred 400 sq. ft. in roofed area or be higher than ten 10 ft. Carports shall maintain a side yard setback of five 5 ft. from any property line and otherwise meet all other setbacks and the RBL applicable in the District.	
		A detached accessory structure shall be located at least 10 ft. from the main building and at least ten 10 ft. from any other accessory structure.	
		A detached accessory building shall be located at least five 5 ft. from the rear or side lot lines and shall be no closer to the front lot line than the RBL established by the main building.	
	Fencing (See Chapter 3 “General Provisions”)	A front yard fence, wall, or hedge, not more than thirty-six 36 inches in height, may be placed along the frontage and common lot lines surrounding the front yard.	Fences located in a front yard adjacent to a sidewalk shall be setback a minimum of two 2 feet from the sidewalk; however, fencing in the front yard adjacent to a public sidewalk may be placed on the property line if it is determined that care of the sidewalk will not be impaired and/or if the property owner agrees to maintain the fence if the care of the sidewalk damages the fence.
		A privacy fence, maximum six 6 ft. in height, may be placed along any unbuilt rear and common lot line not surrounding the front yard or otherwise occupied by the building.	
Other	Fencing	The height of the front yard fence, wall, or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent	

		ground elevation once construction is complete.		
Variances and Deviations: Accessory Provisions	Variances	Signs	All signs number permitted, height and maximum area	
			Suspended signs: minimum clearance above the sidewalk	
		Parking	Location	
			Minimum number of parking spaces, if not approved administratively	
		Sidewalks	Minimum sidewalk and parkway dimension	
			Clear area between building and curb	
		Landscaping/ Screening	Dimensions of screening (fences, walls, landscaping, etc.) except administrative departures	
			Parking area requirements	
		Lighting	Maximum height of fixtures	
		Accessory Buildings	All requirements	
		Fencing	Height	
	Deviations	All others		

CHAPTER 6

RESIDENTIAL DISTRICTS

MULTIPLE-FAMILY DISTRICT (R-MF)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 5: MULTIPLE-FAMILY DISTRICT (M-MF)

SECTION 6-5.01: PURPOSE

This District is intended to provide opportunities for affordable housing and alternatives to traditional subdivision housing through quality design and compatible layout that will be urban in nature and harmonious with adjacent properties.

SECTION 6-5.02: DEVELOPMENT OBJECTIVES

Development objectives in the Multiple-Family District include:

- Multiple-family and other nonresidential uses can be transitional land uses, i.e. buffering single-family from more intense uses, or from the impacts of major traffic routes.
- Multiple-family projects shall be adequately served by public water, storm sewers, storm drainage systems and trash disposal.
- Access shall be from primary or secondary streets

SECTION 6-5.03: USES

Uses	Multiple-Family District			
Uses	Uses by Right	Development Requirements	Special Land Uses	Development Requirements
Educational	None		Private pre-school, elementary, middle, high school	
Residential	Two-family		Rooming house & boardinghouse	
	Attached single-family			
	Multiple- family	Maximum of 11 dwelling units per building		
	Senior housing	Building height shall not exceed 3 stories or 36 ft., whichever is lower		
		Density shall not exceed 20 units per acre		
Residential Care	Adult Foster Care Family Home		Adult Foster Care Group Home (large or small)	
			Nursing or convalescent homes and clinics for human care	

			Group day care home	
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		Community center & recreation center	
			Religious institution	
Entertainment & Recreation	Golf course, with or without club facilities	May include restaurant, pro-shop and driving range as accessory uses	None	
		Signs may be approved as part of the review process		
Entertainment & Recreation	Health or athletic club aerobics and dance studio	May include snack bar, retail sales as accessory uses	None	
Financial, Medical and Professional Office and Related Services	None		Bank, credit union, and financial services office	
			Medical and dental office or clinic	
Utility	Electrical substation, communications switch facilities, central heating and cooling plant; must be enclosed by a solid wall.	The nearest part of any structure shall be at least 25 ft. from any property line.	None	
SECTION 6-5.04: DEVELOPMENT REQUIREMENTS				
Front yard setback	25 ft.			
Rear yard setback	30 ft.	Or equal to the height of the nearest wall facing the lot line, whichever is greater.		
Side yard setback	25 ft.	Or equal to the height of the nearest wall facing the lot line, whichever is greater.		
Minimum lot area	4,000 sq. ft. per unit, not to exceed a density of 11 units per acre			

	Non-residential uses: ½ acre	
Minimum lot width	66 ft.	
	Non-residential uses: 100 ft.	
Maximum lot coverage	40%	
Building height	Maximum of 2 ½ stories or 35 ft. in height, whichever is lower (except senior housing)	
Façade variation	New buildings with facades exceeding 40 ft. in linear width shall be designed to create the impression of multiple units.	
Multiple building separation	Where there is more than one building located on a lot, no building shall be located in front of the main entrance wall of another unless separated by a common yard of at least 50 ft., nor shall any building be located opposite from a window or doorway on the rear entrance wall of another unless separated by a common yard of at least 100 ft.	
Development entrance	For all nonresidential uses the principal means of access shall be from a primary or secondary street.	
Floor area per individual dwelling unit	Unit Type	Dwelling Unit Minimum
	Two-family	960 sq. ft.
	Attached single-family	960 sq. ft.
	Multiple-family	600 sq. ft. plus 100 sq. ft. for each bedroom over two
	Senior housing	600 sq. ft.
	Group Homes	400 sq. ft.
SECTION 6-5.05: ACCESSORY PROVISIONS		
Signs	See Chapter 2 “Definitions” and Chapter 3 “General Provisions” for General Requirements	
Development entry	One sign, not to exceed 50 sq. ft., and 6 ft. in height is permitted. The sign shall be set back at least 10 ft. from any property line.	
Ground	For Nonresidential uses other than those qualified for Institutional signs.	
	One sign, not to exceed 50 sq. ft., and 6 ft. in height is permitted. The sign shall be set back at least 10 ft. from any property line.	
Wall	One wall sign for nonresidential buildings, not exceeding 10% of the wall area to which it is attached with a maximum of 30 sq. ft. No other wall signs are permitted. One wall sign is permitted for each street frontage.	
Institutional	One sign, not exceeding 50 sq. ft. and 6 ft. in height is permitted. The sign shall be set back at least 5 ft. from any property line.	

Real Estate	One sign per lot is permitted not exceeding 6 sq. ft. in area
Political	One sign per issue or candidate not exceeding 6 sq. ft. in area
Parking	See Chapter 3 “General Provisions” for General Requirements
Location	No parking shall be permitted in a front yard unless no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian environment of the site and area.
	Parking areas for the development shall be located no further than 150 ft. (straight line measurement) from the main entrance of the main building it serves.

Parking	See Chapter 3 “General Provisions” for General Requirements	
Number	The number of off-street parking spaces provided shall not exceed the Standard Requirement for uses on the parcel.	
	Additional parking spaces may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.	
	Fewer parking spaces may be approved, provided a parking analysis submitted by the owner demonstrating that the spaces planned will be sufficient if provided by the applicant.	
	Use	Standard Requirement
	Educational	One (1) for each teacher, employee, or administrator, plus one (1) for each three (3) seats in the auditorium.
	Residential	1.5 spaces per dwelling unit
		Senior housing - .5 spaces per unit.
	Residential Care	1 space per dwelling unit or bed, whichever is greater:
		Day care 1 space per 10 children at licensed capacity, plus a separate, off-street drop off area.
	Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, 2 spaces per 1,000 sq. ft. UFA.
	Entertainment and Recreation	1 space per 3 persons by occupancy.

	Financial, Medical and Professional Office and Related Services	3 spaces per 1,000 sq. ft. of UFA.
	Utility	1 space per use.
Special Provisions	Parking lots with more than 50 spaces shall provide one bicycle parking space for each 50 automobile parking spaces.	

Landscaping/ Screening	See Chapter 3 “General Provisions” for General Requirements	
Street trees	One 2 ½ inch caliper street tree shall be provided and located at not less than 30 foot intervals of street frontage. Spacing shall comply with Chapter 18 of the City Codes of Fremont.	
Screening	Any lot or development that adjoins a lot with a single family use or a non-residential use shall have a minimum 20 foot greenbelt on the side bordering those uses.	
	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate on the fourth. For all group or multiple family dwellings, there shall be provided a walled area or a portion of a building for the collection of garbage or waste so the refuse shall not be visible from any dwelling unit, adjacent property or public street. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.	
	Parking areas	Any portion of a parking lot within 25 feet of a right-of-way line or a building on an adjacent lot shall provide a landscaped headlight screen of at east 3 ft. in height.
		Parking lots exceeding 25 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per 12 spaces.
Other		
Lighting	See Chapter 3 “General Provisions” for General Requirements	
	Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
	For pole lighting within parking areas, light fixtures shall not exceed a height of 20 ft. Fixtures not exceeding 30 ft. may be permitted for pole lighting if the fixture is located at least 200 ft. from any adjacent residential district or use property line.	

	Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.
	All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences. Light shall not exceed more than 0.5 footcandles at a residential property line. Light shall not exceed more than 1.5 footcandles at a non-residential property line. The maximum intensity of lighting internal to the site shall be 10 footcandles.
Lighting	Greater intensities may be allowed by the Zoning Administrator where additional security may be needed. A lighting plan shall be submitted as part of a request for greater lighting. In no case shall illumination exceed 10 footcandles.
Accessory Buildings (See Chapter 3 “General Provisions”)	For freestanding multiple family uses, individual garages not exceeding 400 sq. ft. each is permitted, and 10 feet in height. If more than one garage is provided, garage structures shall be attached in groups of not more than 10 garage spaces per group. Setbacks and heights for garage structures shall be the same as for single accessory buildings. Larger groups may be permitted if topography or other natural condition on the site prevents a convenient arrangement of structures, or if the structures are completely screened from the view of adjacent public streets or adjoining single family residential uses.
	One carport space is permitted per residential dwelling unit. No single carport or space shall exceed 400 sq. ft. in roofed area or be higher than 10 ft. Carports shall maintain a side yard setback of 5 ft. from any property line and otherwise meet all other setbacks applicable in the District. If more than one is provided, carport structures shall be attached in groups of not more than 10 carports per group.
	A garage shall not be located in the front yard and shall meet all other setback requirements.
Fencing (See Chapter 3 “General Provisions”)	A front yard fence, or hedge, not more than 36 inches in height, may be placed along the frontage and common lot lines surrounding the front yard.
	A privacy fence, maximum 6 ft. in height, may be placed along any unbuilt rear and common lot lines not surrounding the front yard or otherwise occupied by a building.
	The height of the front yard fence, wall or privacy fence shall be measure from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground elevation once construction is complete.

CHAPTER 6
RESIDENTIAL DISTRICTS
MANUFACTURED HOME PARK DISTRICT (R-MHP)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 6: MANUFACTURED HOME PARK DISTRICT (R-MHP)

SECTION 6-601: PURPOSE

A new Manufactured Home Park District may be established by amendments to the official zoning in accordance with the procedures, requirements, and limitations set forth in the Zoning Act and this Ordinance. Manufactured home communities, with accessory uses permitted in this section, may be established and shall be operated subject to the requirements and imitations set forth in the Manufactured Home Commission Act, (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules promulgated by the State Manufactured Home Commission and this Ordinance.

SECTION 6-6.02: USES

Intent:

It is intended that the uses permitted within a Manufactured Home Community District be located, designed and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent properties, access for vehicular traffic without traversing local streets in adjoining residential neighborhoods, and accessibility to public facilities, places of employment and facilities for meeting commercial and service needs equivalent to that of other forms of residential development.

Uses	Manufactured Home Park District		
Use s	Uses By Right	Development Requirements	
Residential	Manufactured home parks		
	Home occupations	See Chapter 3 “General Provisions”	
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		
Financial, Medical and Professional Office and Related Services	Office for manufactured home park	Shall not exceed 1,500 sq. ft. GFA	
Personal Service	Coin operated laundry	Intended to serve only persons residing within the development and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.	
Retail Sales	Convenience retail	Shall not exceed 3,000 sq. ft. UFA	
		Shall have no signs or advertising visible form adjacent public streets	
		Shall have a minimum site area of 10,000 sq. ft.	
SECTION 6-6:03: DEVELOPMENT REQUIREMENTS			
All manufactured home park developments shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.) and the rules promulgated by the State Manufactured Home Commission.			
Site Feature	Entire MHP Site	Dwelling Unit Requirements	Other Uses Within Park
Minimum Site Area	10 acres	3,500 sq. ft.	2,000 sq. ft.
Front Yard Setback	50 ft.	5 ft.	20 ft.
Side Yard Setback	25 ft.	15 ft.	20 ft.
Rear Yard Setback	25 ft.	15 ft.	20 ft.
Height	--	15 ft.	25 ft.
Minimum floor area	--	720 sq. ft. per unit	--

Open Space	At least 10% of the total MHP area shall be preserved as contiguous open space. The contiguous open space may be located anywhere within the MPH but shall not be located on the perimeter of the site.	
SECTION 6-604: ACCESSORY PROVISIONS		
Signs	See Chapter 2 “Definitions” and Chapter 3 “General Provisions”	
Development Identification	One sign, not to exceed 50 sq. ft., and 6 ft. in height is permitted. The sign shall be set back from the public right-of-way by at least 5 ft.	
Wall	Wall signs for nonresidential buildings shall not exceed 20% of the wall area to which it is attached with a maximum of 20 sq. ft. No other wall signs are permitted.	
Real Estate	One sign per dwelling unit is permitted not exceeding 6 sq. ft. in area.	
Political	One sign per issue or candidate not exceeding 6 sq. ft. in area.	
Parking	See Chapter 3 “General Provisions”	
Location	Off-street parking shall be located at least 40 ft. from any public right-of-way.	
Number	Use	
	Retail Sales	1 space per 500 sq. ft. of UFA
	Personal Service	1 spaces per 300 sq. ft. of UFA
	Office	2 spaces per dwelling unit
	Residential	1 space per each 5 home sites
	Visitor Parking	1 space per each 5 home sites
	Government and Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, 2 spaces per 1,000 sq. ft. UFA

Streets and Sidewalks	Required Street Width		Other Requirements
With no on-street parking	One way	20 ft.	All streets within the manufactured home park shall be of bituminous aggregate or similar surface.
	Two way	20 ft.	
Parallel parking on one side of street	One way	30 ft.	Each manufactured home park site shall have direct access to a primary, all season, road.
	Two way	26 ft.	
Parallel parking on both sides of street	One way	36 ft.	Each lot shall front on sidewalks at least 5 ft. in width, located directly next to and parallel to the street.
	Two way	36 ft.	
Landscaping / Screening	See Chapter 3 “General Provisions” for General Requirements		
Street Trees (MHP internal streets)	One 2 ½ inch caliper street tree shall be provided and located at each 30 foot interval of street frontage		Spacing may be varied for individual site conditions provided the minimum number of trees is provided.
	Street trees may be located at 40 foot intervals if they are 4 inches or greater caliper at planting.		
Dwelling Unit Sites	At least one shade tree shall be provided for every 2 lots. Trees shall be located to provide shade for manufactured home park sites.		
Parking Areas	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street or adjacent residential districts shall be screened by a decorative masonry wall no greater than 3 ft. high, constructed at the edge of the parking area facing the street or district.		Landscaping of the same height (at planting) may be used if it screens the parking area with at least 75% opacity.
Screening	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate on the fourth side.		

Other	
Lighting	See Chapter 3 “General Provisions” for General Requirements
	Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park and at entries to the park site.
	For pole lighting within parking areas, light fixtures shall not exceed a height of 15 ft.
	Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.
	All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or uses.
	Light shall not exceed more than 0.5 footcandles at a residential District or use property line. Light shall not exceed more than 1.5 footcandles at a non-residential property line.
Utilities	All utilities shall be underground.

**CHAPTER 6
RESIDENTIAL DISTRICTS
LAKE DISTRICT (R-LD)**

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 7: LAKE DISTRICT (R-LD)

SECTION 6-7.01: PURPOSE

This District is designed to permit the safe and healthful development of seasonal and year-round single-family dwellings on lake shores in the Fremont Community and to provide for other uses customarily associated with lake development. Its regulations are designed to avoid contamination or destruction of lakes and to protect the riparian rights of lakefront property owners.

It is the intent of this District that any development with over ten (10) dwelling units must be processed as a Planned Unit Development. The more detailed process of design review for such developments will help maintain the rural character and minimize the impacts of large developments.

SECTION 6-7.02: USES

Table of Uses		R-LD
Residential Uses	State licensed residential family facilities provided the facility shall not be within 1,500 feet of another State licensed residential facility.	Permitted Use
	State licensed residential group facilities provided the facility shall not be within 1,500 feet of another State licensed residential facility	Special Land Use
	Open space cluster development of up to	Special Land Use

Table of Uses		R-LD
	twenty (20) dwelling units	
	Any residential development of over ten (10) dwelling units	Planned Unit Development
	Single-family detached dwelling	Permitted
	Two-family dwelling	Planned Unit Development
	Bed and breakfast home or inn	Special Land Use
Institutional Uses		
	Place of religious worship	Special Land Use
Non-Residential Uses	Campgrounds, public or private	Special Land Use
Accessory Uses	Accessory buildings and uses as allowed in Chapter 3	Permitted
	Golf course or country club	Special Land Use
	Home occupation	Permitted
	Municipal and public service activities	Special Land Use
	Roadside stands	Permitted
	Small excavations	Permitted
	Ponds	Permitted
	Utility substation, transmission line and switching station	Special Land Use
	Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	Permitted
	Wireless communication tower of under 75 feet in height	Permitted

SECTION 6-7.03: DEVELOPMENT REQUIREMENTS

K. Lot, Yard and Building Requirements

Requirement	R-LD
Minimum lot area*	w/sewer 20,000 sq. ft.; w/o sewer 30,000 sq. ft.
Maximum lot area	none
Minimum lot width	100 ft.
Width to depth ratio	1:4
Minimum front yard**	50 ft.
Rear yard	25 ft.
Side yards***	5 ft.
Maximum lot coverage	50%
Maximum bldg. height	35 ft.
Minimum floor area per dwelling unit	1,000 sq. ft.

* Open space cluster developments may reduce the lot size to $\frac{3}{4}$ of an acre.

** Front yard setback in all residential districts shall be seventy-five (75) feet on those roads designated as County Primary routes.

** Streetside setback for lake frontage lots shall be the same.

** Lots platted prior to 1985 may have a front setback of 25 feet after Zoning Administrator review.

** Note additional front setbacks of Access Management Overlay District. Parcels fronting on M-82 are subject to additional setbacks and the access management provisions.

*** Zero lot line provisions may be used for main buildings provided:

- It is part of a development proposal (i.e., a planned unit development or cluster development, not a single-lot development) and approved by the Joint Planning Commission.
- The building has an approved fire rating for zero lot line development under the building code.
- The building has adequate fire access preserved pursuant to fire code requirements.
- The zero lot line side is not adjacent to a street.
- A maintenance access easement among properties is approved by the Zoning Administrator and recorded with the County Register of Deeds.

L. Agricultural Buffer

Any side or rear yard of any parcel used for non-farming use and abutting land in an Agricultural District shall be a minimum of fifty (50) feet and shall contain an agricultural buffer. In lieu of a natural open space area, fencing, densely planted vegetation or other similar barrier compliant with Chapter 3 “General Provisions” may be used to reduce the agricultural buffer, but the buffer shall not be less than twenty-five (25) feet in width.

M. Waterfront and Wetland Setback

1. A one hundred (100) foot waterfront setback shall be required for septic systems on lots adjacent to a lake, river, creek or stream. Such setback shall be measured from the ordinary high water mark of the body of water to the nearest point of the structure.
2. Within this waterfront setback, a minimum twenty-five (25) foot natural vegetative buffer shall be maintained parallel and immediately adjacent to the bank or ordinary high water level. Within the greenbelt, the Zoning Administrator may approve clearing of a space of no greater than ten (10) feet in width, selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. The walkway shall be perpendicular to the water. Individual trees may also be removed which are in danger of falling and damaging structures or blocking a navigable waterway.
3. Grading or removal of vegetative cover shall not be permitted within twenty-five (25) feet of a wetland.

N. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve. In the Lake District parking is limited to the garage and driveway only.
2. See also Chapter 3 “General Provisions” for general parking requirements.

3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Chapter 3 "General Provisions" for lighting, loading spaces and landscaping.

Use	Parking Requirement
Residential	
State licensed residential care facilities	1 per each 3 individuals computed on the basis of the licensing limits of the facility.
Single-family detached and two-family dwellings	2 per dwelling unit
Bed and breakfast establishment	2 plus 1 per guest room
Non-Residential	
Campgrounds, public or private	1 – 10' x 30' spaces for every campsite
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Institutional Uses	
Place of religious worship	1 for each three (3) seats in the main worship unit
Accessory Uses	
Golf course or country club	2 per each hole for a par 3 course; 6 per hole for other courses
Roadside stands	1 space
Municipal and public service activities	1 space for each service vehicle
Utility substation, transmission line and switching station	1 space for each service vehicle
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower or other structure	1 space per service vehicle

O. Signs

1. The following signs are permitted in all residential districts:
 - a. Entranceway monument signs are permitted for residential developments of up to sixteen (16) square feet. One sign for each major public road frontage may be provided. Signs shall not exceed eight (8) feet in height.
 - b. Internally illuminated monument signs of up to twenty four (24) square feet for lawful institutional uses such as churches, schools, parks and all other authorized uses. Signs shall not exceed eight feet in height. One (1) non-illuminated wall sign of up to twenty four (24) square feet may also be permitted.
 - c. One (1) sign of up to eight (8) square feet for a bed and breakfast home/ inn or roadside stand.
 - d. One (1) wall sign up to two (2) sq. ft. for a home occupation.
 - e. Political campaign signs of up to six (6) square feet.
 - f. Non-illuminated real estate signs, of up to six (6) square feet provided they are removed within 10 days after consummation of lease or sale of property.
 - g. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area or signs announcing the sale of produce each not exceeding six (6) square feet in area.
 - h. Name plates of under two (2) square feet.
 - i. Road name signs and signs established by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public.
 - j. Non-advertising signs erected by an organization, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., of under two (2) square feet.
2. Standards
 - a. Signs shall be set back from the road right-of-way and from side property lines a minimum of ten (10) feet.
 - b. Sign design shall respect the rural character of the district. As examples, sign colors should be natural and subdued and sign materials should be natural looking (e.g., wood and field stone vs. glossy metals and plastics).
3. See Chapter 3 “General Provisions” for prohibited signs.

CHAPTER 6

RESIDENTIAL DISTRICTS

WATERFRONT OVERLAY DISTRICT (R-W0)

TYPE OF DISTRICT: OVERLAY

ARTICLE 8: WATERFRONT OVERLAY DISTRICT (R-O)

SECTION 6- 8.01: PURPOSE AND INTENT

Applicability: The requirements of this District apply to any lot or parcel having any lot frontage on Fremont Lake within the City.

The Waterfront Overlay District is a supplementary District which applies to designated lands, as shown on the Zoning Map and as described in this Chapter, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the “underlying” district. Lands included in the Waterfront Overlay District are all such lands located along waterfront and shoreline areas characterized by uses which are strongly oriented toward residential and recreational experience and enjoyment of surface waters.

It is the intent of the Waterfront Overlay District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the waterfront and shoreline areas. The purpose of these regulations is to recognize the unique physical, economic and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Where specific requirements of the Waterfront Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter requirement shall govern.

SECTION 6-8.02: USES

Uses					
Uses	Uses Permitted by Right	Use Restrictions and Requirements	Special Land Uses	Uses Not Permitted	Use Restrictions and Requirements
Uses allowed in the underlying District, except as listed in this Section	Any residential or residential care use permitted by right in the underlying District	As required in the underlying District	Any use allowed as a Special Land Use in the underlying District, except as listed to the right	Two-family	As required in the underlying District
				Multiple-family	
				Senior housing	
				Financial, Medical and Professional Office and Related Services	
				Utility	
			Commercial boat launching and/or docking facilities		
			Seasonal lodging, including an accessory restaurant, with or without outdoor seating		Restaurant areas shall be limited to 2,500 square feet UFA, including outdoor seating

SECTION 6-8.03: SITE AND BUILDING PLACEMENT

Development Requirements

Front Yard Setback:

- The waterfront side of the lot shall be considered a front yard.
- All buildings shall maintain a minimum setback of 25 ft. from the right-of-way line or the shoreline.

Rear Yard Setback: 15 ft.

Side Yard Setback: 5 ft.

Minimum Lot Area: 3,500 sq. ft.

Minimum Lot Width: 50 ft.

Maximum Lot Coverage: 60%

SECTION 6-8.04: BUILDING ELEMENTS

As required in the underlying District.

SECTION 6-8.05: ACCESSORY PROVISIONS

As permitted in the underlying District; however, an accessory garage may be located in the non-required front yard.

A property with frontage on the waterfront may have a dock and/or a boat launching facility for use only by the owner or lessee of the parcel. A parcel shall not be used to provide access to non-waterfront lots (keyholing); however, a lot on the lakefront that does not contain a principal use may be used for lake access by a lot separated from the lakefront lot only by a street and directly across therefrom, provided that both lots are under the same ownership.

TABLE OF CONTENTS FOR CHAPTER 7 OTHER DISTRICTS

ARTICLE 1 – INSTITUTIONAL DISTRICT (O-INS)

- **SECTION 7-1.01: PURPOSE**
- **SECTION 7-1.02: DEVELOPMENT OBJECTIVES**
- **SECTION 7-1.03: USES**
- **SECTION 7-1.04: DEVELOPMENT REQUIREMENTS**
- **SECTION 7-1.05: ACCESSORY PROVISIONS**
- **SECTION 7-1.06: OTHER**

ARTICLE 2 – INDUSTRIAL DISTRICT (O-IND)

- **SECTION 7-2.01: PURPOSE**
- **SECTION 7-2.02: DEVELOPMENT OBJECTIVES**
- **SECTION 7-2.03: USES**
- **SECTION 7-2.04: DEVELOPMENT REQUIREMENTS**
- **SECTION 7-2.05: ACCESSORY PROVISIONS**
- **SECTION 7-2.06: OTHER**

ARTICLE 3 – MIXED USE DISTRICT (O-MU)

- **SECTION 7-3.01: PURPOSE**
- **SECTION 7-3.02: DEVELOPMENT OBJECTIVES**
- **SECTION 7-3.03: USES**
- **SECTION 7-3.04: SITING**

- **SECTION 7-3.05: BUILDING ELEMENTS**
- **SECTION 7-3.06: ACCESSORY PROVISIONS**

ARTICLE 4 – AIRPORT OVERLAY DISTRICT (O-AO)

- **SECTION 7-4.01: PURPOSE**
- **SECTION 7-4.02: APPLICABILITY**
- **SECTION 7-4.03: HAZARDS**
- **SECTION 7-4.04: UNLAWFUL LAND USES**

ARTICLE 5 – ACCESS MANAGEMENT CORRIDOR OVERLAY DISTRICT (O-AMC)

- **SECTION 7-5.01: PURPOSE**
- **SECTION 7-5.02: INTENT**
- **SECTION 7-5.03: APPLICABILITY**
- **SECTION 7-5.04: ADDITIONAL SUBMITTAL INFORMATION**
- **SECTION 7-5.05: ACCESS MANAGEMENT STANDARDS**
- **SECTION 7-5.06: MODIFICATION OF ACCESS STANDARDS**

CHAPTER 7

OTHER DISTRICTS

INSTITUTIONAL DISTRICT (O-INS)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 1: INSTITUTIONAL DISTRICT (O-INS)

SECTION 7-1.01: PURPOSE

The Institutional District is intended to provide for the limited need for open space areas, parks, conservation areas, public schools, religious institutions, hospitals, governmental facilities and preservation of historic places. In addition, the District encompasses land uses that take up large areas where much of the internal activity does not affect surrounding properties.

SECTION 7-1.02: DEVELOPMENT OBJECTIVES

1. Though some public and private institutional uses are appropriate in other zoning districts, the Institutional District is specifically meant to cater to these uses and provide them with adequate protection.
2. Park and recreation development should be in accordance with the Fremont Area Parks and Recreation Plan.

SECTION 7-1.03: USES

Purpose and Intent

The Institutional District is designed to protect and facilitate use of property owned by larger public and religious institutions and related organizations. Its purpose is to allow for growth and development while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development. A key feature of this District is the preparation of a site plan that would allow the property owner, immediate neighbors and the larger community to understand specifically what levels of development are being proposed and what effects would likely accompany the development so that mitigation measures can be designed and implemented.

Uses		INS Institutional District		
Use (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses (See Chapter 9 “Special Land Uses” for specific standards)	Use Restrictions and Requirements
Educational	None		All	
Residential	None except community gardens		Senior Housing	
Residential Care	Operated as a charity, relief, benevolent or philanthropic function		Day care (commercial)	
			Foster care large group home	
			Nursing/convalescent home	
Government & Institutional	Community center & recreation center		All except Uses By Right	Facilities within these uses may include accessory day care, retail, cafeteria, pharmacies, and other similar uses related to and primarily intended for the principal use.
	Library			
	Park, plaza, square, playground, walkway and similar uses			
	Religious institution			
Financial, Medical and Professional Office and Related Services	Computer and data processing center		General and Professional Office	
			Research institution	
			Medical and dental office or clinic	
Utility	None		All	

SECTION 7-1.04: DEVELOPMENT REQUIREMENTS

Development Requirements		
Purpose and Intent	As development occurs on larger parcels, the precise locations for individual uses and buildings on the parcel are of less concern, except as they occur on the perimeter of the site. In these locations, the City is concerned about how buildings, parking areas, storage areas and other similar structures and uses relate to surrounding properties. Increased setbacks, landscaping, and careful consideration of loading and parking areas will be paramount.	
Front yard setback	30 ft.	
Rear yard setback	20 ft.	
Side yard setback	20 ft.	No setback is required for lots with alley access.
Screened outdoor storage	10 ft.	
Minimum lot area	None	
Minimum lot width	100 ft.	
Lot coverage	Maximum 75%	
Building height	Lower of 40 ft. or 3 stories	See Chapter 3 “General Provisions”

SECTION 7-1.05: ACCESSORY PROVISIONS

(See Chapter 2 for” Definitions” and Chapter 3 for “General Provisions”)

Signs

Archway Signs

- Permanent signs may be affixed or attached to the arch or on the pillars that uphold the arch, or on fencing connected to the arch, but the sign(s) may only include information that is in relation to the entities or events that take place on premise.
- No plastic material may be used for an archway sign.
- An archway sign may not be illuminated.

- If an arched entryway connects to fencing, permanent archway signs that are no larger than 25% of a fence panel may be placed on the fence.

Ground Signs

- For nonresidential uses other than those qualified for Institutional signs.
- One sign, not to exceed fifty (50) sq. ft. and six (6) ft. in height is permitted. The sign shall be set back at least ten (10) ft. from any property line.

Wall or Projecting Signs

- One wall sign or one projecting sign is permitted per façade and/or frontage onto a parking area.
- Wall signs shall not exceed one (1) sq. ft. per each lineal foot of building wall length associated with the use to which it refers, with a maximum of fifty (50) sq. ft. Projecting signs shall not exceed four (4) sq. ft. or project farther than four (4) ft. from the building to which it is attached.
- Signs shall be located on the wall facing street and off-street parking areas designated for that use.
- See Chapter 3 “General Provisions” for regulations pertaining to multiple uses in a building.
- One additional wall or projecting sign per building, not exceeding ten (10) sq. ft. is permitted for the purposes of identifying uses on upper floors.

Window Signs

- Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area or diminish any applicable façade transparency requirements.

Identification Signs

- One identification sign is permitted on any entryway area into an institutional use as long as it satisfies sign setback requirements as outlined in Chapter 3, Section 3.21.
- An identification sign may be a ground sign or located on a fence, retaining wall or other structure as long as the height of the sign and any independent supporting structure does not exceed eight (8) feet.

- The lettering on the sign shall not exceed 50% of the structure to which it is attached.

Institutional Signs

- One sign, not exceeding fifty (50) sq. ft. and 6 ft. in height is permitted. The sign shall be set back at least five (5) ft. from any property line.

Real Estate Signs

- One wall sign in addition to that permitted above per lot is permitted not exceeding six (6) sq. ft. in area, provided a corner lot may have one sign on each street frontage.

Political Signs

- One wall sign in addition to the permitted above per issue or candidate not exceeding six (6) sq. ft. in area.

Parking

(See Chapter 3 “General Provisions” for General Requirements.)

Location

No parking shall be permitted in a front yard except where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian environment of the site and area.

Appropriate screening shall be required.

- The number of off-street parking spaces provided shall not exceed Standard Requirements for uses on the parcel.

Number

- Additional parking spaces may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
- Fewer parking spaces may be approved, provided a parking analysis submitted by the owner demonstrating that the spaces planned will be sufficient.

- Off-street parking requirements may be met in a shared parking lot located within three hundred (300) ft. of the building/structure served.
- On-street parking spaces adjacent to the parcel shall be included in calculating the number of parking spaces required.

Use	Standard Requirement
Educational	1 space per 3 person by seating capacity in the largest assembly area
	Where assembly areas are not present, 1 space per classroom and 1 space per 300 sq. ft. of office area shall be provided.
	Technical, vocational and trade schools shall provide 1 space per each 10 students in addition to the spaces required above.
Residential	1.5 spaces per dwelling unit
	Senior housing - 1 space per unit
Residential Care	.5 spaces per dwelling unit or bed, whichever is greater; day care uses – 1 space per 10 children at licensed capacity
Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area is provided, 2 spaces per 1,000 sq. ft. of UFA
Office	2 spaces per 1,000 sq. ft. of UFA
Utility	1 space per use

Special Provisions: Parking lots with more than fifty (50) spaces shall provide one bicycle parking space for each forty (40) automobile parking spaces, with a minimum of six (6) bicycle spaces.

Sidewalks

- A minimum combined sidewalk and parkway dimension of ten (10) feet shall be provided.
- Space for bike racks, civic art, or other similar uses/activities may be permitted, provided that a minimum sidewalk clear area of five (5) ft. is met.

Landscaping/Screening

(See Chapter 3 “General Provisions” for General Requirements.)

Street Trees

- One 2-1/2 inch caliper street tree shall be provided and located at each thirty (30) foot interval of street frontage.
- Street trees may be located at forty (40) foot intervals if they are four (4) inches or greater caliper at planting.

Spacing of street trees shall comply with Chapter 18 “Streets and Sidewalks” of the City Code of Ordinances.

Parking Areas

- In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways, or adjacent Residential Districts shall be screened by a decorative masonry wall no greater than three (3) ft. high. However, screening must be broken up at intervals no greater than 50 ft. to allow pedestrian access. Landscaping of the same height (at planting) may be used if it screens the parking area with at least seventy-five percent (75%) opacity.
- Parking lots exceeding 50 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per 12 parking spaces.

Screening

- Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of six (6) ft. high, with three (3) sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.

SECTION 7-1.06: OTHER

(See Chapter 3 “General Provisions” for General Requirements.)

Lighting

- Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.
- For pole lighting within parking areas, light fixtures shall not exceed a height of twenty (20) ft. Fixtures not exceeding thirty (30) ft. may be permitted for pole lighting if the fixture is located at least two hundred (200) ft. from any adjacent Residential District or use property line.
- Building, wall, and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.
- All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or adjacent residences. Light shall not exceed more than 0.5 foot-candles at a residential property line. Light shall not exceed more than 1.5 foot-candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be ten (10) foot-candles. Greater intensities may be allowed where additional security may be needed. A lighting plan shall be submitted as part of a request for greater lighting.

Accessory Buildings

- For approved Residential and Residential Care uses, individual garages not exceeding four hundred (400) sq. ft. per dwelling unit are permitted. If more than one garage is provided, garage structures shall be attached in groups of not more than ten (10)

garage spaces per group. Larger groups may be permitted if topography or other natural conditions on the site prevent a convenient arrangement of structures, or if the structures are completely screened from the view of adjacent public streets.

- A garage shall not be located in the front yard and shall meet all other setback requirements.
- In addition to an accessory garage, one accessory structure or building of not more than three-hundred-and-twenty (320) sq. ft. and twelve (12) feet in height may be erected as long as it meets the setback requirements for accessory structures.
- A detached accessory building or structure shall be located at least ten (10) feet from the main building.
- A detached accessory building or structure shall be located at least five (5) feet from the rear or side lot lines and shall be no closer to the front lot line than the RBL established by the main building.

Fencing

- Fencing connected to an arched entryway cannot exceed 4-1/2 ft. in height in the front yard and six (6) ft. in height in the side or rear yards. The fencing must be made of a decorative material (e.g., wrought iron).
- The height of the fence shall be measured from the adjacent ground elevation once construction is complete.

General

- A site plan shall address issues such as general location and size of new facilities, parking, utilities, storm water management, impervious surface and access/circulation. A site plan shall identify the general location, size and proposed uses of buildings. Accompanying materials shall estimate effects on adjacent uses, streets, water and sewer facilities, storm water runoff, air quality, noise and lighting.
- Specific descriptions of proposed development with building locations, building sizes, parking arrangements and description of building heights with consideration of impact on adjacent areas.
- Individual effects must be evaluated in the context of the entire development and not in isolation. Analysis of effects resulting from proposed development is required, along with options to mitigate effects relating to:
 - Transportation management (traffic, transit, parking, bikes, pedestrians, and air quality)
 - Storm-water management analysis (quantity and quality)
 - Noise and lighting analysis
 - Preliminary timetable and sequencing schedule for building construction and for related mitigation measures.

CHAPTER 7

OTHER DISTRICTS

INDUSTRIAL DISTRICT (O-IND)

TYPE OF DISTRICT: TRADITIONAL

ARTICLE 2: INDUSTRIAL DISTRICT (O-IND)

SECTION 7-2.01: PURPOSE

The Industrial District is intended to encourage the development of research, warehouse and light industrial activities in a setting conducive to public health, economic stability and growth.

SECTION 7-2.02: DEVELOPMENT OBJECTIVES

1. Adjoining non-industrial zones and developments shall be afforded protection from blight, deterioration, and non-industrial encroachment.
2. Properties in the Fremont Industrial Park shall be governed by the restrictive and protective covenants; these covenants precede any regulations outlined in this Section.
3. All industrial development shall ensure efficient traffic movement, including both employee and truck traffic.
4. Industrial activities will be characterized by the absence of objectionable external effects and attractive industrial architecture.
5. Sound industrial site design principles will be followed, which include:
 - a. Controlled access
 - b. Service areas located at the sides and rear of buildings
 - c. Convenient access, visitor parking and on-site circulation
 - d. Screening of outdoor storage, work areas, and equipment; and emphasis on the main building entry and landscaping.

SECTION 7-2.03: USES

Purpose and Intent

The Industrial District is intended primarily for industrial uses and processes of manufacture, fabrication, assembly, packaging, printing, reproduction, equipment services, transportation, storage and warehousing, while meeting specific performance and design standards. Accessory retail sales connected with a permitted principal use, certain public uses, essential services, and accessory uses are also permitted.

Uses		IND Industrial District	
Use (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses
Educational	Technical, vocational & trade school		None
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		None
	Police station & firehouse		
	Government service		
Financial, Medical and Professional Office and Related Services	Research institution	When accessory to an allowed utility or industrial use	None
	General & professional offices		
	Computer & data-processing center		

Uses		IND Industrial District	
Use (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses
Utility	Electrical substation, communications switching facilities, central heating & cooling plant		None
	Off street surface parking	Parking areas shall be landscaped in accordance with the requirements of this District.	

Uses		IND Industrial District	
Use (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses
Industrial	Building material suppliers and offices and showrooms of contractors, decorators or similar trades	Outdoor storage of equipment and material shall be screened from the view of any public street or Residential District.	See chart below
	Industrial plants, manufacturing, compounding, processing, packaging, treating, or assembling materials or including but not limited to textiles, apparel, paper, pharmaceuticals, glass, pottery, and	All operations shall be conducted wholly within the confines of a building; provided, that necessary accessory outdoor processes or the outdoor storage of	

Uses		IND Industrial District	
Use (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses
	fabricated metal products except heavy machinery.	equipment and material may utilize required side yard or rear yard space if screened from any public street or Residential District.	
	Monument and art stone productions operations	Outdoor storage of equipment and material shall be screened from the view of any public street or Residential District.	
	Wholesale and warehousing, including commercial storage warehousing		
	Printing and publishing plants		
	Wholesale trade business without the storage of flammable liquids		
	Industrial laundry		

Uses		IND Industrial District	
Uses (See Appendix 1 for List of Uses)	Uses by Right	Development Requirements	Special Land Uses
Industrial	Living quarters for one security guard or caretaker employed on the premises with at least 800 sq. ft. of living area.	As accessory use	None
	Recycling of household and similar materials.	All storage and processing areas shall be located no closer than 100 ft. from a residential property line.	
Residential Care	Day Care Center (Commercial)	Allowed only when accessory to a permitted use on the same site	None
		Child care shall be provided only to minor children of parents or guardians employed by the principal use	
		An adequate pick-up and drop-off area shall be provided and arranged to prevent backup onto public streets.	

Uses	IND Industrial District	
Uses (See Appendix 1 for List of Uses)	Special Land Uses	Development Requirements
Industrial	Above ground storage of flammable liquids, subject to State and Federal requirements	No property line may abut land in any other District
	Metal and wood stripping establishment	No property line may abut land in any other District
	Wood processing facilities	Permitted only on properties that only abut the Industrial District
	Accessory retail sales connected with a permitted principal use	As accessory use. No more than 25% of floor area or 2,500 sq. ft., whichever is less.
	Truck terminal or transfer station	Permitted only on properties that only abut the Industrial District
		Minimum lot size 3 acres
	Scrap metal recycling, not including vehicle recycling	

SECTION 7-2.04: DEVELOPMENT REQUIREMENTS

Development Requirements		
Front yard setback	60 ft.	Pedestrian walks, vehicular access drives, railroad tracks, landscaping or berming, stormwater detention and filtering areas, material pits, light fixtures, recording instruments, and utility manholes extending not more than six (6) inches above finished grade shall be permitted within said 60 foot setback. Off-street parking, gate or guard houses, roofs or canopies covering unenclosed pedestrian walks and walls or fences shall be permitted in the rear fifteen (15) feet of any required front yard setback.
Rear yard setback	20 ft.	Setback shall be increased to fifty (50) feet when adjoining any Residential District and be screened in accordance with the requirements of this District. Properties that abut a railroad right-of-way along the rear property shall have no rear yard setback requirement.
Side yard setback	20 ft.	Setback shall be increased to fifty (50) feet when adjoining any Residential District and be screened in accordance with the requirements of this District.
Screened outdoor storage	10 ft.	Permitted only in side or rear yards.
Minimum lot area	32,670 sq. ft (.75 acre)	
Minimum lot width	100 ft.	
Lot coverage	Maximum 75 %	
Building height	45 ft.	See Chapter 3 “General Provisions”

SECTION 7-2.05: ACCESSORY PROVISIONS

(See Chapter 2 for “Definitions” and Chapter 3 for “General Provisions”)

Signs

Ground Signs

- One ground sign is permitted, not exceeding fifty (50) sq. ft., located at least five (5) ft. from any lot line and ten (10) ft. in height. Up to thirty percent (30%) of the ground sign may be dedicated to a reader board, electronic display or time and temperature sign.

Wall Signs

- One wall sign is permitted per façade and/or frontage onto a parking area.
- Wall signs shall not exceed 1.25 sq. ft. per each lineal foot of building wall length associated with the use to which it refers, whichever is less, with a maximum of fifty (50) sq. ft.
- Signs shall be located on the wall facing street and off-street parking area designated for that use.
- See Chapter 3 “General Provisions” for regulations pertaining to multiple uses in a building.

Awning or Canopy Signs

- An awning or canopy sign may be painted, stenciled or otherwise affixed flat to the awning surface and cannot extend vertically or horizontally beyond the limits of the awning.
- Characters can be no more than twelve (12) inches in height.
- One suspended sign may be suspended under an awning for each ground floor establishment, not exceeding three (3) sq. ft. in area and have a minimum clearance of eight (8) ft. above the sidewalk or other pedestrian area.
- No more than two (2) awnings per frontage shall contain signs.
- The combined area of all signs on one awning shall not exceed twenty (20) sq. ft.

Real Estate Signs

- One sign per lot is permitted not exceeding six (6) sq. ft. in area, provided a corner lot may have one sign on each street frontage.

Political Signs

- One sign per issue or candidate is permitted not exceeding six (6) sq. ft. in area.

Parking

(See Chapter 3 “General Provisions” for General Requirements.)

Location

- Off-street parking shall be located outside required setback areas.
- Parking may be permitted in side or rear setbacks where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding buildings and the pedestrian environment of the site and area.
- No parking shall be permitted in a front yard.
- Off-street parking requirements may be met in a shared parking lot located within three hundred (300) ft. of building/structure served.

Number

- The number of off-street parking spaces, provided shall not exceed the Standard Requirement for uses on the parcel.
- Additional parking spaces may be approved, based on documented evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
- Fewer parking spaces may be approved, provided a parking analysis submitted by the owner demonstrating that the spaces planned will be sufficient if approved.

Use	Standard Requirement
Education	1 space per each 5 enrolled students
Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area is provided, 2 spaces per 1,000 sq. ft. of UFA
Office	3 spaces per 1,000 sq. ft. of UFA
Utility	1 space per use
Industrial	1 space per 1,000 sq. ft. of UFA
Warehouse or wholesale establishments	1 space per 2,000 sq. ft. of GFA
Residential Care (Day Care Center only)	1 space per each employee of the center based on the maximum shift, plus 1 space for each six (6) children based on maximum enrollment, plus adequate pick-up/drop-off spaces.

Loading

- All loading areas shall have their access from a side or rear yard. Delivery or supply trucks shall not be parked, loaded or unloaded on public rights-of-way.

Landscaping/Screening

(See Chapter 3 “General Provisions” for General Requirements.)

Street Trees

- One 2-1/2 inch caliper street tree shall be provided and located at each thirty (30) foot interval of street frontage.
- Spacing of street trees shall comply with Chapter 18 “Streets and Sidewalks” of the City Code of Ordinances unless the development is in the Fremont Industrial Park, in which case the spacing of approximately fifty (50) feet between each tree is required.

Parking Areas

- Parking lots exceeding fifty (50) spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per twelve (12) parking spaces provided.

Screening

- Screening shall be provided on any side or rear lot line that abuts a Residential District or use.
- All unpaved areas of any front or side yard not screened for outdoor storage shall be landscaped and regularly maintained.
- Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of six (6) ft. high, with three (3) sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.

SECTION 7-2.06: OTHER

(See Chapter 3 “General Provisions” for General Requirements.)

Lighting

- The Joint Planning Commission may waive any portion or all of the lighting requirements if it determines that security of the site is adequate and lighting of certain areas is not warranted.
- Lighting shall be pedestrian-style lighting along all sidewalks and within parking areas.
- Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.
- For pole lighting within parking areas, light fixtures shall not exceed a height of twenty (20) feet. Higher fixtures not exceeding thirty (30) feet may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from any adjacent Residential District or use property line.

- All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or adjacent residences. Light shall not exceed more than 0.5 foot-candles at a residential property line. Light shall not exceed more than 1.5 foot-candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be ten (10) foot-candles.
 - Greater intensities may be allowed where additional security may be needed. A lighting plan shall be submitted as part of a request for greater lighting.

Accessory Buildings

- Accessory buildings shall be considered main buildings for purposes of setbacks. Trailers may be used for storage purposes.

CHAPTER 7 OTHER DISTRICTS MIXED-USE DISTRICT (O-MU)

TYPE OF DISTRICT: FORM-BASED

ARTICLE 3: MIXED-USE DISTRICT (O-MU)

SECTION 7-3.01: PURPOSE

The regulations applicable to the Mixed-Use District are planned to permit a limited mix of land uses that complement nearby residential neighborhoods. The Mixed-Use District is intended as a diverse, generally pedestrian-oriented environment that provides adequate vehicular access where needed. Its purpose is to provide a transitional space between residential uses and intensive land uses, such as between Downtown and uses adjacent to primary and collector roads.

SECTION 7 – 3.02: DEVELOPMENT OBJECTIVES

Development Objectives in the Mixed-Use District include:

- A complementary mix of residential, service and office uses.
- Creating an aesthetically pleasing entrance into the community.
- Allowing a smooth land use and development transition from Downtown to adjacent residential neighborhoods.

SECTION 7-3.03: USES

Purpose and Intent

While a comfortable mix of land uses is intended, it is not the intent of the District to create a substantial non-residential/commercial area that competes with the Downtown or urban commercial areas. Generally, nonresidential uses will be limited to those of an office or service nature. Residential uses, including multiple-family uses, may also be permitted although it is recognized in some instances

that their long-term viability might be an issue and that their use may transition to a nonresidential character over time. However, while they exist, the development and operation of nonresidential uses must be sensitive to existing residential uses.

Uses	MU Mixed-Use District			
Use	Uses by Right	Development Requirements	Special Land Uses	Development Requirements
Educational	Public schools		All except uses by right	
Residential	All including community gardens except Special Land Uses	See General Provisions on Home Occupations and Regulations Applicable to Single-family Dwellings	Boardinghouse	
			Bed and breakfast home	
Residential Care	Day care (commercial)		All except Uses by Right	
	Adult foster care family home			
	Family day care home			
Government & Institutional	Park, plaza, square, playground, walkway and similar uses		Medical center, including hospital, rehabilitation center & clinic & administrative offices and related uses	
	Governmental services		Library	
	Social, fraternal & service organizations		Community center & recreation center	
	Museum		Religious institution	
	Governmental office			
	Court or courthouse			
Financial, Medical and Professional Office and Related Services	All		None	

Uses	MU Mixed-Use District			
Personal Service	All except Special Land Uses	No building shall exceed 5,000 sq. ft. in UFA	Tailor, dry-cleaning drop-off/pick-up station, coin operated laundry	
Retail Sales	All except Special Land Uses	No building shall exceed 10,000 sq. ft. in UFA	Commercial bakery, micro-brewery	
Automotive Oriented Business	Vehicle rental establishments		Drive-through establishments	
Entertainment & recreation	Restaurants; banquet hall with catering as a use by right	Not exceeding 8,000 sq. ft. UFA	All except Uses by Right	
		For uses with outdoor seating a minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs and other encumbrances.		
		Outdoor seating areas shall be limited to the area directly in front of the use to which it is accessory and shall not extend into adjoining sites. If located in the rear or side yard, it shall be contained within the same lot, unless an agreement between the adjoining owners, acceptable to the applicable municipality is submitted.		
Utility	None		All	

SECTION 7-3.04: SITING

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
Purpose and Intent		The siting provisions of this District are intended to provide a complementary development pattern, ensure that uses are easily accessible and provide for certain building projections and variations in design. An additional purpose is to create a walkable, pedestrian environment that promotes accessibility to nonresidential uses.	
Building Placement and Projections	Required Building Line (RBL)	The RBL shall be consistent with the established dimension of existing main buildings. The RBL for a new structure shall be equal to, or to the average of the front setbacks of existing main buildings within 200 ft. of the lot where the front yard setbacks are: <ul style="list-style-type: none"> • On the same side and facing side of the street • In the same zoning district 	The RBL may be varied up to 5 ft. to account for changes in grade, landscape features, or other physical obstruction or location of existing lots and buildings that do not permit the average RBL to be maintained.
		Where the average setback calculation is not applicable, the RBL shall be 12 ft.	
		The building façade shall be constructed at the minimum required building height for no less than sixty-five percent (65%) of the RBL. The remainder of the RBL may be less than the required height.	
		The building façade shall be built to the RBL within 30 ft. of any block corner.	At corners, the minimum RBL may be increased if necessary to ensure clear vision at the intersection.
		Except for single and two family dwellings, a street wall or landscaping shall be required along, or not more than 8 inches behind, any RBL frontage that is not otherwise occupied by a building.	
		An outdoor activity area or entry courtyard may occupy	Space for bike racks, civic art, or other

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
		that portion behind the RBL not occupied by the building.	similar uses/activities may be permitted within the activity area or courtyard.
	Side yard setback	5 feet	
		At least 10 ft. shall be maintained between a non-residential building and a residential building.	
		Driveways, if located in the front and not shared with an adjacent property, shall be setback at least 2 ft. from a common lot line.	
	Rear yard setback	20 ft., except for lots with alley access where no setback is required.	
	Projections	No part of any building except overhanging eaves, awnings, balconies, and bay windows as specified by this District shall project forward of the RBL.	
		The sections of the building façade at the RBL may include jogs of not more than 18 inches in depth, except as specified by this District to allow bay windows and balconies.	
		Awnings, canopies or balconies shall not project closer than 4 ft. to a common lot line.	
		Awnings or canopies that project over the sidewalk shall maintain a clear height of at least 8 ft. and project a minimum of 6 ft. perpendicular to the façade.	
Lot Requirements	Minimum lot area	6,000 sq. ft.	
	Minimum lot width	50 ft.	
	Lot coverage	At least fifteen percent (15%) of the total buildable	

Siting		MU Mixed-Use District Development Requirements	Administrative Departures
		area shall be preserved as contiguous open area on every lot. The contiguous open area may be located anywhere behind the parking setback.	
Variances and Deviation: Siting	Variances	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less than the above requirements, other than administrative departures.	
		Required building façade height at the RBL	
		All lot requirements	
	Deviations	All others	

SECTION 7-3.05: BUILDING ELEMENTS

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
Height	Nonresidential and mixed-use buildings shall be 2 stories. Single-family detached and two-family dwellings may be 1 story, with a maximum height of 2-1/2 stories.		For mixed-use buildings, one additional story, not to exceed 3 stories may be permitted, provided that the additional story is used for residential purposes.
	Ground Story Interior Height	Nonresidential buildings shall have a ground story finished floor elevation that is equal to, or to a maximum finished floor elevation of 18 inches above the exterior sidewalk elevation in front of	The finished floor elevation may be varied up to 2 ft. to account for changes

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
		the building.	in grade, landscape features, or other physical obstruction. It may also be varied to meet ADA requirement, where applicable.
		For residential buildings the finished floor elevation shall be no less than 2 ft. above the exterior sidewalk elevation in front of the building and no more than 7 ft. above the exterior sidewalk elevation in front of the building or from the ground elevation once construction is complete.	
		The ground story shall have at least 12 ft. of clear interior height (floor to ceiling) contiguous to the RBL frontage for at least a depth of 15 ft.	
		The maximum story height for the ground story is 16 ft.	
	Upper Story Interior Height	The maximum interior clear height (floor to ceiling) for stories other than the ground story is 12 ft.	
		At least eighty percent (80%) of each upper story shall have an interior clear height (floor to ceiling) of at least 8 ft.	
	The height requirements may be exceeded by parapet walls not over 4 ft. in height, chimneys, television and radio antennas, cupolas, spires or other ornamental projections as needed.		
	Additional habitable space is permitted within the roof where configured as a half story.		
Façade Variation	Nonresidential: New buildings whose façade exceeds 32 ft. in linear width along the RBL shall be divided into multiple bays or shall create the impression of multiple fronts.		
	Nonresidential: A maximum of 100 ft. of RBL frontage shall be continuous as a single (attached) building, except for corner lots, which shall not exceed 200 ft. for corner lots. There shall be a gap between adjacent frontage buildings of between 10 and 20 ft.		

Building Elements	MU Mixed-Use District Development Requirements	Administrative Departures
Windows – Transparency	Building facades facing public streets, parks and through-block walkways shall have a minimum of twenty percent (20%) and a maximum of sixty percent (60%) of window and door openings. Windows or doors shall not be separated by more than 25 ft.	
	Transparency requirements shall apply to the area of the façade between 2 and 10 ft. above grade of the building. Only clear or lightly tinted, non-reflective glass in windows, doors and display windows shall be considered transparent. For nonresidential uses, windows shall not be blocked by interior displays or otherwise have views to the interior obstructed for a depth of not less than 5 ft. into the building.	
	Façade transparency requirements do not apply for portions of structures in ground floor residential uses, assembly area of theaters, auditoriums, religious institutions, and similar uses, provided that façade is enhanced by architectural detailing, artwork, landscaping or similar features.	
	Window openings and window panes shall be taller than they are wide or be divided into segments that are taller than they are wide.	
	Exterior steel barriers and other security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.	
Roof Type	Pitched roofs shall be moderately steep with symmetrical slopes no less than 4:12 and not more than 12:12, except that entryways may have slopes of not less than 2:12.	Public buildings are exempt
	Flat roofs shall not be visible when viewed from street level in the immediate vicinity of the building and shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.	
Exterior Building Wall Materials	Durable building materials, simple configurations and solid craftsmanship are required. Eighty percent (80%) of the building façade (after transparency requirements are met) visible from public streets shall be constructed of the following materials:	

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
	<ul style="list-style-type: none"> • Brick • Fiber cement siding or better siding • Gypsum reinforced fiber concrete (for trim and cornice elements only) • Metal (beams, lintels, trim elements and ornamentation only) • Split faced block (piers, foundation walls and chimneys) • Stone • Wood lap siding • Wood designed for exterior use • High quality vinyl siding 		
	Awnings shall be made of a canvas material or similar material, and shall be opaque to light (no under- or in-canopy illumination showing through).		Similar materials shall be approved before use. Vinyl is not permitted.
Entry	Nonresidential Uses	The entrance shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as porticos, arcades, arches and integral planters.	Other methods, such as unique color treatments or other similar means may be approved provided the same effect is achieved.
		Main building entrances and exits shall face the street and shall be recessed.	
	Residential Uses	Each lot/ground floor façade unit shall include a stoop or a front porch. The stoop or porch may be covered.	
		A stoop shall be built forward of the RBL and extend no further than 5 ft. forward of the RBL and extend at least 8 ft. parallel to the building.	Dimension and size of stoop or porch may be varied to account for various
		A front porch shall project forward of the RBL and be	

Building Elements	MU Mixed-Use District Development Requirements		Administrative Departures
		between 8 and 10 ft. deep, with a width not less than forty percent (40%) of the RBL.	architectural and design considerations of existing setbacks, provided that usability and function are not impaired.
Variances and Deviations: Building Elements	Variances	Maximum building height and/or number of stories other than administrative departures.	
		Façade variation RBL frontage requirements and gap between adjacent buildings for nonresidential buildings.	
		Entry projections forward of the RBL, other than administrative departures	
	Deviations	All others	

SECTION 7-3.06: ACCESSORY PROVISIONS

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
Signs (nonresidential uses only)	Ground	One ground sign is permitted and the maximum sign area shall be 50 sq. ft. plus 1 sq. ft. for each linear foot of street frontage in excess of 50 ft., not to exceed 100 sq. ft. Thirty percent (30%) of the ground sign may be dedicated to a reader board, electronic display or time and temperature sign.	
	Wall	One wall sign is permitted per façade and/or frontage onto a	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		parking area.	
		Wall signs shall not exceed 1 sq. ft. per each lineal foot of building wall length associated with the use to which it refers, with a maximum of 32 sq. ft.	
		Signs shall be located on the wall facing street and off-street parking area designated for that use.	
		See Chapter 3 “General Provisions” section for regulations pertaining to multiple uses in a building.	
		One additional wall sign per building, not exceeding 10 sq. ft., is permitted for the purpose of identifying uses on upper floors.	
	Window	Signs may be painted, etched, or affixed to glass windows or doors provided they pertain to the business conducted on the premises and do not exceed twenty-five percent (25%) of the glass surface area or diminish any applicable façade transparency requirements.	
	Awning or Canopy	An awning or canopy sign may be painted, stenciled or otherwise affixed flat to the awning or canopy surface, and cannot extend vertically or horizontally beyond the limits of the awning or canopy.	
		Characters can be no more than 12 inches in height.	
		No more than 2 awnings and/or canopies per frontage shall contain signs.	
		The combined area of signs on one awning or canopy shall not exceed 15 square feet.	
		One suspended sign may be suspended under an awning or canopy for each ground floor establishment, not exceeding 3 sq. ft. in area and have a minimum clearance of 8 ft. above	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		the sidewalk.	
	Real Estate	One sign per lot is permitted not exceeding 6 sq. ft. in area, provided a corner lot may have one sign on each street frontage.	
	Political	One sign per issue or candidate not exceeding 6 sq. ft. in area.	
Parking	Location	Off-street parking for nonresidential and multiple-family uses shall be located at least 20 ft. behind the RBL.	Parking may be permitted nearer to the RBL where no other location or parking arrangement is possible provided that the location of parking ensures compatibility with surrounding building lines and the pedestrian environment of the site and area. Appropriate screening shall be required.
		Residential parking areas shall be located behind the RBL.	
		No parking shall be permitted forward of the RBL.	
	Number	The number of off-street parking spaces provided shall not exceed Standard Requirement for uses on the parcel.	Additional parking spaces may be approved, based on documented

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
			evidence provided by the applicant demonstrating that the parking will be required to accommodate the use on a typical day.
			Fewer parking spaces may be approved, provided a parking analysis submitted by the owner is approved that demonstrates that the spaces planned will be sufficient.
		On-street parking spaces adjacent to the parcel shall be included in calculating the required number of parking spaces. Uses split by multiple spaces shall be counted for the building frontage occupying at least fifty percent (50%) of the length of the space in front of the storefronts.	
		Off-street parking requirements for non-residential and multiple family uses may be met in a shared parking lot located within 300 ft. of building/structure served.	
		Parking requirements shall not apply to that portion of restaurant seating which is outdoors and adjacent to the street and other uses generally considered as accessory to other	

Accessory Provisions		MU Mixed-Use District Requirements		Administrative Departures
		principal uses.		
		Use	Standard Requirement	
		Retail Sales	3 spaces per 1,000 sq. ft. of UFA	
		Automotive Oriented Businesses	2.5 spaces per 500 sq. ft. of GFA	
		Personal Service	1 space per 500 sq. ft. of UFA	
		Office	3 spaces per 1,000 sq. ft. of UFA	
		Residential	2 spaces per dwelling unit, except senior housing, which shall provide 1 space per dwelling unit	
		Residential Care	Residential requirement, plus 1 space per employee not in residence	
		Utility	1 space per use	
		Entertainment & Recreation	1 space per 3 persons by occupancy	
		Educational	1 space for each teacher, employee, or administrator, plus 1 for each three seats in the auditorium, if applicable	
		Government & Institutional	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, one space per	

Accessory Provisions		MU Mixed-Use District Requirements		Administrative Departures
			1,000 sq. ft. of UFA	
	Special Provisions	Parking lots with more than 50 automobile parking spaces shall set aside an area for bicycle storage spaces at a rate of one storage space for each 50 automobile parking spaces, with a minimum of 6 spaces.		
Sidewalks	Sidewalks	A minimum combined sidewalk and parkway dimension of 10 ft. shall be provided		Space for bike racks, civic art, or other similar uses/activities may be permitted, provided the minimum sidewalk clear area (5 feet) is met.
	Display Areas	Outdoor temporary display areas are permitted on nonresidential sites, but shall be limited to the area within 3 ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum of 5 ft. of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired.		Alternate locations may be approved where pedestrian circulation or entrances to building are not impaired, provided that the RBL is maintained free of displays.
Landscaping & Screening	Street Trees	One 2-1/2 inch caliper street trees shall be provided and located at not less than 30 foot intervals of street frontage. Spacing of street trees within the City of Fremont shall comply with the requirements in the City of Fremont's Code of Ordinances.		Spacing may be varied for individual site conditions.

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
	Parking Areas	In order to enclose the portion of the parking exposed to view of public streets, parking lots visible from a public street, walkways or adjacent Residential Districts or uses shall be screened by a decorative masonry wall no greater than 3 ft. high, constructed at the RBL of the lot.	Landscaping of the same height (at planting) may be used if it screens the parking area with at least seventy-five percent (75%) opacity.
		Parking lots exceeding 25 spaces shall provide interior landscaping, dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow. At least one canopy tree shall be provided per 12 parking spaces.	
	Screening	Exterior trash disposal areas/equipment shall be enclosed by brick, decorative concrete, or a material that matches the material of the main building. The enclosure shall be a minimum of 6 ft. high, with 3 sides with a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure need be only as high as necessary to fully screen the equipment.	The Zoning Administrator may approve a different material, provided that bollards or similar means of protecting the enclosure are employed.
Other	Lighting (Also see General Provisions Article on Lighting)	Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and within parking areas.	
		For pole lighting within parking areas, light fixtures shall not exceed a height of 20 ft.	
		Building, wall and pole exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		properties and streets. Any fixtures or structures used in relation to lighting shall be architecturally compatible with the remainder of the structure.	
		All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent Residential Districts or uses. Light shall not exceed more than 0.5 foot candles at a residential property line. Light shall not exceed more than 1.5 foot candles at a non-residential property line. The maximum intensity of lighting internal to the site shall be 10 foot candles.	Greater intensities not exceeding the 10 foot candles maximum may be allowed where additional security may be needed. A lighting plan shall be submitted as part of a request for greater lighting.
	Residential Accessory Buildings	One attached or detached accessory building, not exceeding the ground floor area (GFA) of the main building or 800 sq. ft., whichever is less, and 16 ft. in height (as measured to the peak of the roof) is permitted.	
		A detached accessory building shall be located at least 5 ft. from the rear or side lot lines and shall be no closer to the front lot line than the RBL.	
		In addition to the above accessory building, one accessory building no more than 144 sq. ft. and 14 ft. in height may be erected on a residential lot, meeting the setback requirements for accessory buildings.	
		For single and two family uses one carport space is permitted per residential dwelling unit. No single carport or space shall exceed 400 sq. ft. in roofed area or be higher than 10 ft. Carports shall maintain a side yard setback of 5 ft. from any	

Accessory Provisions		MU Mixed-Use District Requirements	Administrative Departures
		property line and otherwise meet all other setbacks applicable in the District.	
		No accessory building shall be located nearer the front lot line than the main building on the lot.	
		A detached accessory structure shall be located at least 10 ft. from the main building.	
	Non-Residential Accessory Buildings	Not permitted, except as a deviation approved by the Planning Commission. If permitted, the following shall apply. (See Chapter 3 “General Provisions” Requirements)	
		No more than one detached accessory building, not exceeding forty percent (40%) of the ground floor area (GFA) of the main building or 800 sq. ft., whichever is less, and 16 ft. in height (as measured to the peak of the roof) may be permitted.	
		A detached accessory building shall meet the same setbacks as the main building and shall be no closer to the front lot line than the RBL.	
		A detached accessory building shall be located at least 10 ft. from the main building.	
	Fencing (Also See General Provisions Section)	A front yard fence, wall, or hedge, not more than 36 inches in height, may be placed along the frontage and common lot lines surrounding the front yard.	
		A privacy fence, maximum 6 ft. in height, may be placed along any rear and common lot lines not surrounding the front yard or otherwise occupied by a building.	
		The height of the front yard fence, wall or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground	

Accessory Provisions		MU Mixed-Use District Requirements		Administrative Departures
		elevation once construction is complete.		
Variances and Deviations: Accessory Provisions	Variances	Signs	All sign types; number permitted, height and maximum area	
			Suspended signs: minimum clearance above the sidewalk	
		Parking	Location	
			Minimum number of parking spaces, except administrative departures	
		Sidewalks	Minimum sidewalk and parkway dimension	
			Clear area between building and curb	
		Landscaping/Screening	Dimensions of landscaping/screening (height, number, separation, etc.)	
			Parking area requirements	
		Lighting	All requirements, except lighting style and administrative departures	
		Accessory Buildings	All requirements	
		Fencing	Height	
	Deviations	All others		

CHAPTER 7
OTHER DISTRICTS
AIRPORT OVERLAY DISTRICT (O-AO)

TYPE OF DISTRICT: OVERLAY

ARTICLE 4: AIRPORT OVERLAY DISTRICT (O-AO)

SECTION 7-4.01: PURPOSE

For the purposes of this Ordinance, the Airport Overlay District establishes airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the City of Fremont Airport; providing for the allowance of variances from such regulations; and designating the Zoning Administrator as charged with the administration and enforcement of such regulations based on the recommendation of the Airport Authority.

Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session), and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Fremont Community this district is created to prevent the establishment of airport hazards in order to protect the general public, users of the Fremont Municipal Airport, occupants of land in its vicinity, and the public investment within the utility airport.

SECTION 7-4.02: APPLICABILITY

The Airport Overlay District hereby establishes regulations on land within one-half (1/2) mile of the Fremont Municipal Airport and for all structures in excess of thirty-five (35) feet within Sheridan Charter Township. This Ordinance establishes an air dome with a height limitation of less than thirty-five (35) feet above the ground at some locations in the approaches to the runways immediately adjacent to the airport. The height limitations of this Ordinance become less severe as the distance from the Airport is increased.

SECTION 7-4.03: HAZARDS

- A. An Airport Approach Hazard Area (AAHA) is established, which area or zone consists of all the lands within Sheridan Charter Township lying beneath the approach at a 20 (twenty) degree horizontal angle left and right from the center of the runway(s) and from a vertical slope of twenty to one (20:1) within the overlay.
- B. Structures and trees which project above the height limitations of the AAHA are considered dangerous to flying and endanger lives and property. The prescribed height limits are administered by the Fremont Airport Authority. They are not arbitrarily set but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the Airport or upon the elevation of the end of the nearest runway.
- C. No person may erect or maintain any structure to a height in excess of the limitations prescribed by the terms of this Article or plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or establish any use of lands contrary to the provisions of this Article.
- D. New construction and construction increasing the height of existing structures, within the AAHA, must conform to the provisions on height limitations. This Article also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communication systems, navigational aids or other devices used by the airport and aircraft or which would reduce visibility, create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

SECTION 7-4.04: UNLAWFUL LAND USES

Notwithstanding any other provisions of this Ordinance, no person may use any lands within the AAHA in any fashion or manner which:

- 1. Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;

2. Would make it difficult for fliers to distinguish between airport lights and others or result in glare to the eyes of fliers using the airport;
3. Would create air pollution, steam or other vapors in such amounts as to impair the visibility of fliers in the use of the airport;
4. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station, or recycling facility within ten-thousand (10,000) feet of any runway at the Airport, unless the construction, location, and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration;
5. Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
6. Would attract birds;
7. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration.

CHAPTER 7

OTHER DISTRICTS

ACCESS MANAGEMENT CORRIDOR OVERLAY DISTRICT (O-AMC)

TYPE OF DISTRICT: OVERLAY

ARTICLE 5: ACCESS MANAGEMENT CORRIDOR OVERLAY DISTRICT (O-AMC)

SECTION 7-5.01: PURPOSE

For the purposes of this Ordinance, the Access Management Corridor Overlay District applies to parcels having frontage on M-82 and M-120 within the Fremont Community with the exception of the parcels in the Downtown Commercial and the Urban Commercial Districts. (The Urban Commercial District has access management regulations within the District regulations.) Parcels fronting on these streets shall provide a one hundred and twenty-five (125) foot front yard setback from the center line of the corridor.

Continued development along the corridors will increase traffic volumes and introduce additional conflict points which can erode traffic operations and increase potential for crashes. Therefore, these regulations are intended to address these issues.

SECTION 7-5.02: INTENT

- A. The intent of this Access Management Corridor Overlay Zoning District is to:
1. Preserve the capacity of roadways by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives and access off cross-roads in certain locations.
 2. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
 3. Improve safety and reduce the potential for crashes.
 4. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.

5. Require coordinated access among adjacent lands where possible.
6. Require demonstration that resultant parcels are accessible through compliance with the access standards of this Chapter prior to approval of any land divisions to ensure safe accessibility.
7. Identify additional submittal information and review procedures required for parcels that front along the corridors.
8. Avoid the need for unnecessary and costly street reconstruction which disrupts business operations and traffic flow.
9. Ensure efficient access by emergency vehicles.
10. Improve safety for pedestrians and other non-motorized travelers by reducing the number and width of access points.
11. Establish uniform standards to ensure fair and equal application of access management standards.
12. Help ensure a collaborative process between MDOT, the Newaygo County Road Commission, and the Fremont Community on access decisions.

SECTION 7-5.03: APPLICABILITY

- A. The regulations in this District apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance.
- B. The standards of this District shall apply to all special land uses and non-residential development permitted in the underlying District.
- C. The regulations apply to developments and proposals for multiple-family and single-family residential subdivisions and site condominiums consisting of more than one single-family dwelling unit.
- D. No land division or subdivision or site condominium project shall be approved within the District unless it is in compliance with the access and spacing standards of this District. The parent parcel is obligated to designate one drive entrance for the entire property and to provide registered cross-access agreements to resultant splits as a condition of the lot split approval. The proposed drive location shall be provided to the County Road Commission for comment.
- E. For building or parking lot expansions, or changes in use, the Joint Planning Commission shall consider the existing and projected traffic conditions, sight distance limitations, site topography or natural features, impacts on internal site circulation and any recommendations from the Newaygo County Road Commission or the Michigan Department of Transportation (MDOT). Required improvements may include removal or rearrangement or redesign of site access points. Where conflict occurs between the standards of this Ordinance, MDOT and the Newaygo County Road Commission, the more restrictive regulations shall apply.
- F. In recognition that specific instances may warrant exception from the access standards that typically apply, this Chapter provides for exceptions by the Joint Planning Commission with input from the road agencies when certain conditions exist.

SECTION 7-5.04: ADDITIONAL SUBMITTAL INFORMATION

- A. In addition to the submittal information required in Chapter 10, the following shall be provided with any application for site plan review. The information listed in items 1-4 below shall also be required with any request for a land division pertinent to this Article.
1. Existing access points within 500 feet of the frontage, on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.
 2. The applicant shall submit evidence indicating that the sight distance requirements of the Fremont Community, MDOT or the Newaygo County Road Commission, as applicable, are met. This may require the submittal of road profiles.
 3. Dimensions between proposed and existing drives, intersections and median crossovers shall be shown.
 4. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted to the FCJPC for approval as part of the final site plan approval. The agreement shall be approved and recorded with the Newaygo County Register of Deeds prior to the issuance of any building permit.
 5. The applicant shall provide correspondence that the proposal has been submitted to MDOT or the Newaygo County Road Commission for their information. Any correspondence from the MDOT and the County shall be reviewed during the site plan review process.
 6. A driveway permit shall not be requested from the road agency until a land division or site plan is approved by the FCJPC under Section 7-5.03(D). The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the appropriate road agency.

SECTION 7-5.05: ACCESS MANAGEMENT STANDARDS

Access points (not including driveways that serve a single-family home, duplex or public utility structure) shall meet the following standards:

- A. In making a determination as to the location of driveway access, the Joint Planning Commission shall consider:
1. The characteristics of the proposed use;
 2. The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;

3. The location of the property;
4. The size of the property;
5. The orientation of structures on the site;
6. The number and location of driveways on existing adjacent and opposite properties;
7. The location and carrying capacity of intersections;
8. The proper geometric design of driveways;
9. The spacing between opposite and adjacent driveways;
10. The international circulation between driveways; and
11. The speed of the adjacent roadway.

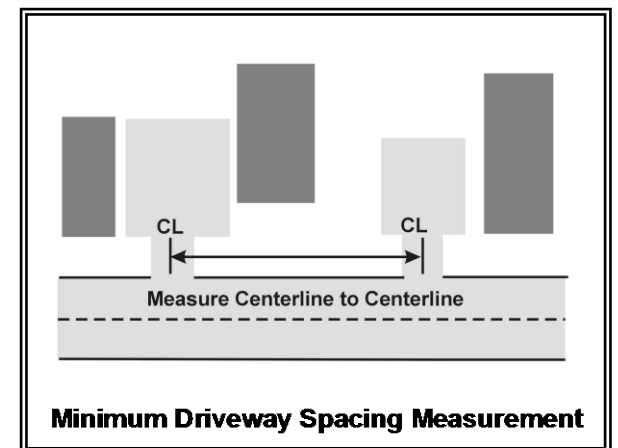
B. Number of Driveways:

1. Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this District.
2. An additional driveway located along a side street or a shared access with an adjacent site may be permitted by the Joint Planning Commission upon finding the following conditions exist:
 - a. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and;
 - b. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future, or;
 - c. A traffic impact study, prepared in accordance with accepted practices as described in this Chapter, indicates the need for a second driveway.

C. Spacing of Driveways:

Access points shall be spaced from intersections, measured from pavement edge to pavement edge:

1. Signalized locations: 600 feet
2. Unsignalized locations: 300 feet



D. Spacing of Adjacent Driveways:

Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline), based on the posted speed limit along the public street segment. The Joint Planning Commission may allow adjacent driveway spacing less than spacing requirements below if traffic mitigation measures are provided like deceleration or left turn ingress lanes (see illustration)

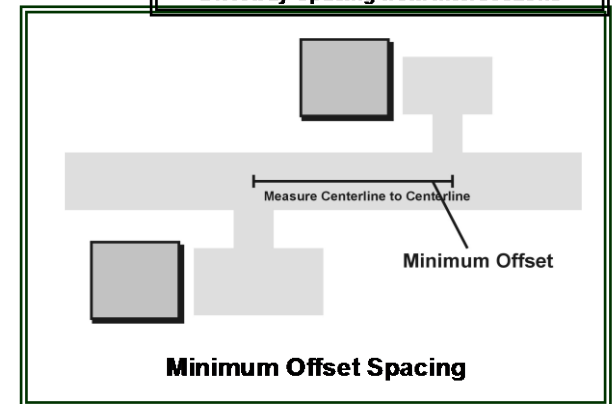
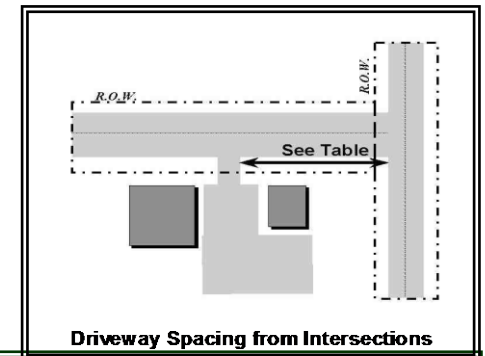
<u>Posted Speed</u>	<u>Required Spacing</u>
*25 mph	130 ft.
30 mph	185 ft.
35 mph	245 ft.
40 mph	300 ft.
45 mph	350 ft.
50 mph	455 ft.
55 mph	455 ft. +

*unless greater spacing is required to meet other standards herein.

E. Alignment of Opposite Driveways:

Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, measured centerline to centerline.

The Joint Planning Commission may reduce the driveway offset to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist; or where existing development or other reasons do not allow the maximum alignment.



F. Separation Distances from Railroad Crossings

In addition to all other applicable standards, driveways and any other access points must be at least 100 feet from a railway crossing (measured to the edge of the railway right-of-way).

G. Shared Access (shared driveways, frontage roads and rear service drives)

1. A joint private access easement may be required between adjacent lots in order to minimize the total number of access points along these streets and to facilitate traffic flow between lots.
2. A private cross-access easement may be required in order to minimize the number of access points and facilitate access between and across individual lots.
3. In cases where a shared access is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future shared drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative shared access becomes available. This may require posting of a performance guarantee.
4. The Fremont Community Joint Planning Commission may require development of frontage roads or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
5. Frontage roads or service drives shall be constructed in accordance with the following standards:
 - a. Maintain the following distance requirements (whichever is greater):
 - Minimum of thirty (30) feet from the nearest edge of the service drive to the edge of the right-of-way.
 - or
 - Minimum of eighty (80) feet from the nearest edge of the service drive to the centerline.
 - b. Larger access street setbacks may be required if the trip generation characteristics of the site warrant greater separation between the public street and internal access street.
6. No driveway shall interfere with City, Township or County facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, utility poles, drainage structures, or other necessary street structures. Driveways may also be

adjusted by the Fremont Community Joint Planning Commission to protect significant natural features (e.g., landmark trees, etc.).

H. Geometric Design of Driveway Access

1. All driveway geometric designs and corner clearances shall meet the requirements of the FCJPC/County/MDOT specifications for street construction.
2. A right-turn deceleration lane with storage length plus taper may be required. Design of right-turn lane deceleration lanes shall be in accordance with the Newaygo County Road Commission.
3. Additional right-of-way may be required where a left turn lane should be provided to accommodate the traffic volumes of a given development.
4. Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way dedication, design, hardware, or construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with this Ordinance.

SECTION 7-5.06: MODIFICATION OF ACCESS STANDARDS

- A. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Joint Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:
 1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drains, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
 2. The proposed modification is consistent with state and local guidelines and staff supports the proposed access design.
 3. The proposed modification is consistent with the general intent of the standards of this overlay District.
 4. If deemed necessary by the Joint Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety.

5. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
6. Indirect or shared access is not reasonable at this time but provision for potential future connections has been provided.
7. Such modification shall be demonstrated to be the minimum necessary.

**TABLE OF CONTENTS
FOR
CHAPTER 8
PLANNED UNIT DEVELOPMENTS (PUDs)**

SECTION 8.01: PURPOSE AND INTENT
SECTION 8.02: ELIGIBILITY CRITERIA
SECTION 8.03: TYPES OF PUDS
SECTION 8.04: RESIDENTIAL PUD STANDARDS (RPUD)
SECTION 8.05: MIXED-USE PUD STANDARDS (MPUD)
SECTION 8.06: OPEN SPACE STANDARDS
SECTION 8.07: PUD APPROVAL PROCESS
SECTION 8.08: FINAL APPROVAL
SECTION 8.09: DEADLINES AND EXTENSIONS
SECTION 8.10: REVISIONS TO APPROVED PUD PLANS
SECTION 8.11: DEVELOPMENT AGREEMENT
SECTION 8.12: PERFORMANCE GUARANTEES
SECTION 8.13: APPEALS

CHAPTER 8

PLANNED UNIT DEVELOPMENTS (PUDs)

SECTION 8.01: PURPOSE AND INTENT

- A. This Chapter helps encourage new residential development that includes provisions for small-scale office, service, and neighborhood stores by including Traditional Neighborhood Design and Planned Unit Development (PUD) techniques in the zoning ordinance. The intent of a Planned Unit Development is to permit coordinated development on larger sites in order to achieve most or all of the following:
1. Permit flexibility in the regulation of land development allowing for higher quality projects through innovation in land use, variety in design, layout, and types of structures constructed.
 2. Provide the opportunity to mix compatible uses or residential types.
 3. Allow clustering of developments to preserve common open space.
 4. Ensure compatibility of design and function between neighboring properties.
 5. Protect and preserve natural resources, natural features and open space.
 6. Promote efficient provision of public services, utilities and transportation facilities.
 7. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
 8. Provide complete non-motorized circulation to, from, within and between developments.
 9. Provide adequate housing and employment opportunities.
 10. Encourage development of convenient recreational facilities as an integral part of residential developments.
 11. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
 12. Encourage development that is consistent with the goals stated within the Fremont Community Joint Comprehensive and Growth Management Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the

proposed uses, but with specific modifications that, in the judgment of the jurisdictions after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is determined not to be present after the jurisdictions have reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

C. Noncontiguous Planned Unit Developments are prohibited.

SECTION 8.02: ELIGIBILITY CRITERIA

To be eligible for Planned Unit Development approval, the applicant must demonstrate that both A and B below will be met:

- A. Demonstrated Benefit: The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
 - 1. Preservation of significant natural or historic features
 - 2. Preservation of agricultural lands
 - 3. A complementary mixture of uses or a variety of housing types
 - 4. Common usable open space for passive or active recreational use
 - 5. Redevelopment of a nonconforming site where creative design can address unique site constraints
- B. Control of Property - Unified Development Agreement: Land owners involved in a proposed Planned Unit Development must provide a signed development agreement among all involved parties, which includes the developer and an official from each participating municipality. The PUD development agreement shall first be reviewed by the attorney for the jurisdiction in which the PUD will reside; this is to make sure the Agreement outlines a unified approach to the PUD concept.

SECTION 8.03: TYPES OF PUDS

- A. A property meeting the eligibility criteria may be rezoned as a PUD based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD site plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.
- B. The Board/Council where the subject property of the PUD resides shall recommend a list of permitted uses as part of the PUD development agreement based upon the provisions of the following table and this Chapter to the Joint Planning Commission. After the Joint Planning Commission reviews the list of uses, it will make its recommendation pertaining to those uses to the Boards/Council of each participating municipality.

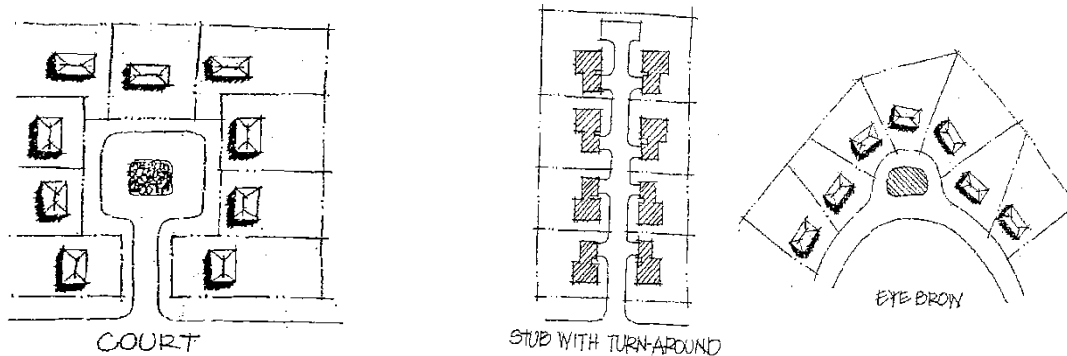
PUD Descriptions				
PUD District	Minimum PUD Size	Locations Allowed	Permitted Uses	Percentage Open Space Required
Residential (RPUD) (Standards under Sec. 8.04)	10 acres	Where pre-PUD zoning is in the R-1 and R-2 Residential Districts.	Residential uses permitted in the pre-PUD zoning district with additional uses as provided in this Chapter except that no building shall have more than four (4) units.	30%
Mixed Use (MPUD) (Standards under Sec. 8.05)	5 acres	Where pre-PUD zoning is in the Urban Commercial or Mixed Use Districts and public sewer is available.	Residential, commercial, office, recreational and additional uses provided in this Chapter.	15%

SECTION 8.04: RESIDENTIAL PUD STANDARDS (RPUD)

- A. Intent: The purpose of the RPUD is to promote neighborhood development which provides a variety of single-family housing opportunities in addition to small scale multiple-family uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the RPUD, the Board/Council of the jurisdiction where the subject property resides shall make a recommendation to the Joint Planning Commission, and the Joint Planning Commission, in turn, shall make its recommendation to each of the Boards/Council for final determination of the appropriate lot dimensions and building heights and setbacks, subject to the following:
 - 1. The overall lot dimensions and setbacks shall not be less than fifty percent (50%) of the zoning district that the use(s) would be placed in without a PUD. Zero-lot line may be permitted on one (1) side lot line provided that the remaining side yard equals at least a total width of two (2) side setbacks required in the district the use would be placed in without a PUD.
 - 2. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
 - 3. The minimum lot size shall be 12,000 square feet.
- C. Housing Types: Not more than thirty percent (30%) of the dwelling units may be two-family or multiple-family. In no case shall any structure contain more than 4 dwelling units. The remaining dwelling units shall be detached single-family dwellings.
- D. Density: The Board/Council of the jurisdiction where the subject property resides will make a recommendation to the Joint Planning Commission on the RPUD's density. The density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development or a mini-park (with playground) are provided on-site by the developer. The Joint Planning Commission will, in turn, make a recommendation to all participating municipalities' Boards/Council for final approval of the matter.
- E. Uses: The PUD may also include any Special Land Uses permitted in the Residential Districts. The list of allowed uses shall be established in the PUD development agreement.

F. Design Standards:

1. Dead-ends or cul-de-sac streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see graphics below).



2. Where adjoining areas are not developed, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
3. The Joint Planning Commission may recommend and the Boards/Council may require the development to provide such amenities as bike lanes, bus stops or bus turn-outs.
4. Open space areas must adhere to the standards of Section 8.06.

SECTION 8.05: MIXED-USE PUD STANDARDS (MPUD)

- A. Uses: A Mixed-Use PUD shall include a mixture of uses that are considered to be consistent with the Comprehensive Plan. A minimum of eighty-five (85%) of the MPUD land area shall be occupied by residential and commercial uses. The list of uses allowed shall be established in the MPUD development agreement.
- B. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the MPUD, the Board/Council of the jurisdiction where the subject property resides shall make a recommendation to the Joint Planning

Commission on the appropriate lot dimensions and building heights and setbacks. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty (50%) of the R-1 or R-2 Zoning Districts (in the case of two-family or multi-family dwellings). The height restrictions with any use shall not be increased by more than twenty-five percent (25%). The Joint Planning Commission, in turn, shall make a recommendation to all participating municipalities.

- C. Density: The Board/Council of the jurisdiction where the subject property resides will make a recommendation to the Joint Planning Commission on the MPUD's density. The density may be increased by up to ten percent (10%) if additional site amenities like paved trails throughout the development or a mini-park (with playground) are provided on site by the developer. The Joint Planning Commission will, in turn, make a recommendation to all participating municipalities' Board/Council for final approval of the matter.
- D. Site Design Standards:
 - 1. The applicant shall demonstrate that the proposed lot dimensions and building and yard requirements shall result in a higher quality development than would be possible using conventional zoning standards.
 - 2. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court or stub streets are preferred (see graphics under Section 8.04).
 - 3. Where adjoining areas are not subdivided, the arrangement of streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
 - 4. The Joint Planning Commission may recommend and the Boards/Council may require that the development provide such amenities as bike lanes, bus stops or bus turn-outs.
 - 5. To encourage a true integration of mixed uses and improved efficiency in land use, an overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips.
 - 6. Pedestrian gathering and seating plazas, greenways and tree-lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from the vehicular circulation for improved traffic operations, and views. Other site amenities to create a pedestrian scale environment shall be provided, such as but not limited to: bike racks, benches, information kiosks, art, planters or streetscape elements to separate principal buildings from the parking lots.
 - 7. Open space shall meet the standards of Section 8.06.

E. Driveway Access and Circulation:

1. Access shall be limited to one (1) major entrance along any collector or arterial road, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic if the main access point might be signalized in the future.
3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide circulation between uses.
4. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

F. Building Design Standards:

1. Non-residential façade buildings shall utilize high quality architecture and landscaping that creates an integrated, pedestrian-oriented environment. At least forty percent (40%) of first floor office and commercial development shall be clear glass.
2. Primary building materials for non-glassed areas of the remainder of the commercial or office buildings shall be comprised of at least fifty (50%) percent masonry material, such as brick, stone or split face block or another acceptable material as determined by the Joint Planning Commission.
3. Plain concrete masonry units or cement board shall constitute no more than twenty (20%) of the facades of any buildings.
4. Sheet metal paneling on exterior walls is prohibited.

SECTION 8.06: OPEN SPACE STANDARDS

A. Dedicated open space shall be created in accordance with the below standards.

1. Dedicated open space shall be set aside through an irrevocable conveyance, approved by the attorney of the jurisdiction where the property resides, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement or land trust. The dedicated open space shall forever remain open space,

subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require the approval of each participating municipalities' Board/Council, and shall not diminish compliance with the requirements of this Chapter.

2. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
 3. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact and access.
 4. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
 5. The following land areas shall not be included as dedicated open space for the purpose of meeting minimum open space requirements:
 - a. Area proposed as residential or site condominium lots.
 - b. Residential yards or required setback areas for any use.
 - c. The area of any road right-of-way or private road easement.
 - d. Surface water in detention or retention basins [unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.]
 - e. Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
 - f. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by any of the Boards/Council.
- B. On-site common space shall be planned in locations visible and accessible to all in the development. The Joint Planning Commission shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
1. Any significant natural features.
 2. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.

3. Open space, except for where trails and bike paths are located, shall have a minimum dimension of one hundred (100) feet by one hundred (100) feet.
 4. Where a Planned Unit Development abuts a pond, lake or river, at least fifty percent (50%) of the shoreline frontage, as well as reasonable access to it, shall be a part of the common open space land.
 5. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland provided that the Boards/Council may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 6. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
- C. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:
1. Dumping or storing of any material or refuse.
 2. Activity that may cause risk of soil loss.
 3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation.
 4. Use of motorized off-road vehicles.
 5. Cutting, filling or removal of vegetation from wetland areas.
 6. Use of pesticides, herbicides or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
 7. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
- D. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained or is determined by the Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.

SECTION 8.07: PUD APPROVAL PROCESS

A. Pre-Application Meeting:

1. An applicant desiring to submit an application for a Planned Unit Development shall attend a pre-application meeting with staff members or consultants the Zoning Administrator deems appropriate.
2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements and to identify issues of significance regarding the proposed application.
3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Joint Planning Commission.

B. Concept Plan: In addition to the pre-application meeting, an applicant may, at their option, submit a concept plan to the Joint Planning Commission in order to informally discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal.

C. Application: The applicant shall prepare and submit to the Joint Planning Commission a request for rezoning to the appropriate PUD designation, including twenty-two (22) copies of a preliminary PUD site plan meeting requirements of Site Plan Review submittals, and including a narrative which details how the plan relates to the intent of the PUD standards, phases of development, and approximate timeframes for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Board/Council of the jurisdiction where the subject property resides shall first review the request.

D. Additional Information: During the PUD review process, any of the Boards/Council or the Joint Planning Commission may require additional information they determine is reasonably necessary to demonstrate compliance with the review standards of this Chapter. Such information may include, but is not limited to, soil reports, hydrological tests, traffic studies or wetland determinations.

E. Joint Planning Commission Public Hearing: The Joint Planning Commission shall conduct a public hearing, giving notice thereof in accordance with the requirements of the Michigan Zoning Enabling Act. The Joint Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from the Zoning Administrators, comments from consultants and applicable review agencies, and for compliance with the standards and requirements of this Ordinance. The Joint Planning Commission shall make a recommendation to the Board/Council where the PUD is to be placed to approve, approve with conditions or deny the request.

F. The recommendation to the specific Board/Council shall be based on the following standards:

1. The PUD shall satisfy the intent of Section 8.01 and the Eligibility Criteria of Section 8.02.

2. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and surrounding area. Architecture should provide coordinated and visually appealing styles, building forms and building relationships.
 3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
 4. The proposed type and density of use shall not exceed the Fremont community's ability to provide adequate public services, including public facilities and utility capacities.
 5. The design of the PUD shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, and traffic operations at proposed access points and nearby intersections.
 6. Natural features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those alterations to the topography which are reasonably necessary to develop the site.
 7. Natural drainage ways shall be preserved, insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
 8. Slopes of over thirty percent (30%) are to be protected and maintained in a natural state.
 9. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the natural features in comparison to the impacts associated with a conventional development.
 10. The proposed development shall not have an adverse impact on future development as proposed in the Comprehensive Plan of the Fremont community.
 11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
 12. The proposed development shall adequately consider pedestrian and cyclist safety circulation and tie sidewalks, paths and trails into public facilities and adjoining properties.
 13. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space and the residents of the surrounding area.
- G. Board/Council Decision: Following receipt of the Joint Planning Commission's recommendations, the PUD site plan shall be considered by the Board/Council where the PUD resides. After the Board/Council has reviewed the PUD site plan, it shall take one of the following actions:

1. Table: If the application is determined to be insufficient, does not fully respond to Joint Planning Commission issues or more information is required, the request may be tabled. The respective Board/Council shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Zoning Administrator or consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
2. Remand: If the respective Board/Council during its review process believes there is new information that might modify the recommendation of the Joint Planning Commission, the application shall be returned to the Joint Planning Commission with the new information for its reconsideration. The Joint Planning Commission shall provide a revised recommendation within thirty (30) days, or such longer time as is established by the respective Board/Council, after the Board/Council has determined it would like further review. No additional public hearings are necessary, unless otherwise required by the Michigan Zoning Enabling Act. The Joint Planning Commission will make this revised recommendation to each of the participating municipalities.
3. Approve: Upon determination that a preliminary PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the specific Board/Council shall approve of the preliminary PUD site plan, and shall return it to the Joint Planning Commission for review and recommendation to each of the participating municipalities.
4. Deny: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the participating municipalities' Board/Council shall deny the application. Re-submittal of a denied application shall be considered a new application.

SECTION 8.08: FINAL APPROVAL

- A. Upon receiving the approved PUD site plan from the municipality wherein the PUD will lie, the Joint Planning Commission shall forward the site plan to all participating municipalities for approval in accordance with the following guidelines.
 1. The separate Boards/Council may not impose conditions with the approval of a PUD; but rather, they may send their concerns back to the Joint Planning Commission for consideration. If the Joint Planning Commission

chooses to recommend to all participating municipalities the concerns as conditions, they may do so.

Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with any conditions.

2. Approval by all participating municipalities of the preliminary or revised PUD plan shall constitute final approval of the PUD rezoning and the Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
3. Final approvals may require a performance bond or similar guarantee in order to ensure the completion of required improvements or the protection of significant natural features.
4. If one Board/Council denies the PUD site plan, the site plan is considered denied.

SECTION 8.09: DEADLINES AND EXTENSIONS

If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the approval of the Development Agreement, the right to develop under any approved preliminary PUD site plan shall terminate and a new application must then be filed and processed. The two (2) year period for final PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by all the participating municipalities' Board/Council, provided that the reasons for the delay are beyond the general control of the applicant.

SECTION 8.10: REVISIONS TO APPROVED PUD PLANS

- A. Approval of the PUD site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved PUD plan.
- B. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Joint Planning Commission, or minor, allowing administrative approval, as noted below.

- C. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 8.11, would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Joint Planning Commission and each of the participating municipalities' Boards/Council of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelope or into any required open space or required setback.
 2. Gross floor area of non-residential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
 3. Floor plans may be changed if consistent with the character of the use.
 4. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
 5. Height of buildings may be lowered.
 6. Designated woodlands or areas not to be disturbed may be increased.
 7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site.
 8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
 9. Changes of building materials to another of higher quality or a slight change in the color of the exterior material.
 10. Grade change of up to one (1) foot, after review by the Engineer or qualified staff.
 11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
 12. Internal rearrangement of parking lots which does not affect the number of parking spaces or later access locations or design.

13. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
 14. Changes required or requested by the Township, County, City or State for safety reasons.
- E. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Joint Planning Commission shall be required. Should the Joint Planning Commission determine that the modifications are inconsistent with the approved PUD plan, a revised PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the PUD plan shall be considered major and require resubmission of a new PUD Plan.

SECTION 8.11: DEVELOPMENT AGREEMENT

- A. After receiving PUD site plan approval and prior to any site preparation or the issuance of any permits, the applicant shall submit a development agreement stating the conditions upon which approval is based, for review and approval by all the participating municipalities' Boards/Council after first being reviewed by the attorney for the participating municipality where the PUD resides. The development agreement, after review by the Joint Planning Commission and approval by all participating municipalities' Boards/Council, shall be entered into between the participating municipalities and the applicant and be recorded with the County Register of Deeds. At a minimum, the Agreement shall provide:
1. A certified boundary survey of the acreage comprising the proposed development.
 2. The manner of ownership of the developed land and the manner of the ownership and dedication of common areas in addition to a mechanism to protect any designated common open areas.
 3. Satisfactory provisions to provide a performance guarantee for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development.
 4. Provisions to ensure adequate protection of natural features.
 5. A copy of the approved final PUD site plan signed by the applicant and the respective supervisor/mayor or appointed designee.

- B. Any amendment to the development agreement which is requested by the developer shall be submitted for review by the attorney for the Board/Council where the PUD resides and shall be subject to the approval of all the participating municipalities' Board/Council.

SECTION 8.12: PERFORMANCE GUARANTEES

The Joint Planning Commission may require a performance guarantee in accordance with Chapter 10 to ensure compliance with the approved Planned Unit Development.

SECTION 8.13: APPEALS

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Joint Zoning Board of Appeals. No part of a PUD may be appealed to the Joint Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.

**TABLE OF CONTENTS
FOR
CHAPTER 9
SPECIAL LAND USES**

SECTION 9.01: PURPOSE AND INTENT

SECTION 9.02: APPLICATION AND REVIEW PROCEDURES

SECTION 9.03: BASIS OF DETERMINATION

SECTION 9.04: APPROVAL TERM AND EXPIRATION

SECTION 9.05: REVOCATION OF SPECIAL LAND USE APPROVAL

SECTION 9.06: SPECIFIC SPECIAL LAND USE STANDARDS

A. AIRPORTS

B. AGRICULTURAL SERVICE ESTABLISHMENTS

C. AGRICULTURAL LABOR HOUSING

D. AMUSEMENT PARKS, FAIR GROUNDS AND FLEA MARKETS

E. AUCTION HOUSES

F. BED AND BREAKFAST INNS AND HOMES

G. CAMPGROUNDS, PUBLIC OR PRIVATE

H. CEMETERIES

I. COMMERCIAL EXTRACTION AND PROCESSING

J. COMMERCIAL KENNELS

K. COMMERCIAL MINI-STORAGE

L. CONTRACTOR OFFICE AND OUTDOOR STORAGE AREAS

M. COTTAGE INDUSTRY

N. DAY CARE CENTER

O. DRIVE-THROUGH FACILITY OTHER THAN A RESTAURANT

P. DRIVE-THROUGH RESTAURANTS

Q. EQUINE BOARDING STABLE AND TRAINING FACILITY

- R. FARM MARKET**
- S. FRATERNAL OR SOCIAL CLUB**
- T. FUNERAL HOMES AND MORTUARY ESTABLISHMENTS**
- U. GOLF COURSE OR COUNTRY CLUB**
- V. GROUP HOMES**
- W. HOME-BASED BUSINESS**
- X. HOTELS AND MOTELS**
- Y. LIBRARIES, MUSEUMS, COMMUNITY CENTERS, HOSPITALS, AND SIMILAR USES**
- Z. MARINA**
 - AA. MUNICIPAL AND PUBLIC SERVICE FACILITIES**
 - BB. NURSING OR CONVALESCENT HOMES**
 - CC. OPEN AIR BUSINESSES**
 - DD. OPEN SPACE CLUSTER DEVELOPMENT**
 - EE. OUTDOOR RECREATION DEVELOPMENT**
 - FF. PLACE OF RELIGIOUS WORSHIP**
 - GG. RAISING OF FUR-BEARING ANIMALS OR GAME BIRDS**
 - HH. SCHOOLS, ELEMENTARY, MIDDLE AND HIGH SCHOOL**
 - II. SEXUALLY-ORIENTED BUSINESSES**
 - JJ. SHOOTING, RIFLE AND HANDGUN RANGES**
 - KK. STATE-LICENSED RESIDENTIAL FACILITIES**
 - LL. TRUCK AND FREIGHT TERMINALS**
 - MM. VEHICLE BODY AND REPAIR SHOPS**
 - NN. VEHICLE SERVICE STATIONS**
 - OO. VEHICLE WASH ESTABLISHMENTS, EITHER SELF-SERVE OR AUTOMATIC**
 - PP. VETERINARY CLINICS AND HOSPITALS**
 - QQ. WIND ENERGY SYSTEMS**
 - RR. WIRELESS COMMUNICATION TOWERS OVER 75 FEET**

CHAPTER 9

SPECIAL LAND USES

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 9.01: PURPOSE AND INTENT

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a district but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations

This Chapter provides procedures and standards for Special Uses of Land or structures that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow practical latitude for the investor or developer but maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

SECTION 9.02: APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
 - 1. Applications for a Special Land Use shall be submitted to the Joint Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness, then transmit it to the Joint Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
 - 2. An application for a Special Land Use approval shall consist of the following:
 - Eighteen (18) copies of a site plan which satisfy the requirements of Chapter 10.

- A completed application form as provided by the Zoning Administrator and signed by the owner of the parcel or their legal representative, including a detailed description of the proposed use.
- Payment of a fee, in accordance with a fee schedule as determined by the participating municipalities' Boards/Council from time to time; the fee is to be paid when the application is determined complete and accepted by the Zoning Administrator.
- A legal description of the entire property that is the subject of the Special Land Use.
- A statement with regard to compliance with the criteria required for approval under Section 9.03 A and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
- Applications for Special Land Uses and preliminary or final Site Plan Review shall be submitted jointly.
- Other materials as may be required by the Joint Planning Commission.

B. Public Hearing

1. Upon receipt of an application for a Special Land Use, the Joint Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application in accordance with the requirements of the Zoning Enabling Act.
2. One (1) notice of the public hearing for a Special Land Use shall be published in a newspaper (not less than fifteen (15) days before the public hearing) that circulates in Fremont and also shall be sent by mail or personal delivery to property owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notice shall include:
 - The nature and location of the request.
 - When and where the request shall be considered.
 - When and where the Ordinance, request and pertinent material may be examined.
 - When and where written comments shall be received concerning the request.
3. A completed application for a Special Land Use permit shall be submitted at least forty-five (45) days prior to the next regular Joint Planning Commission meeting.
4. The Joint Planning Commission shall have final disposition of the Special Use request.
5. Following the public hearing, the Commission shall approve, approve with conditions, or deny the application, stating the reasons for the decision in the minutes.

C. Approval

1. Upon the approval or approval with conditions by the Joint Planning Commission, the applicant may apply for a zoning permit. When the conditions of approval require a revised Site Plan, it must be submitted and approved prior to the acceptance of a zoning permit application.
2. If denied by the Joint Planning Commission, the reasons for such denial shall be stated in the Joint Planning Commission meeting minutes, and the applicant shall be provided a copy or a written explanation.
3. No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which reasonably might result in favorable action upon re-submittal.

SECTION 9.03: BASIS OF DETERMINATION

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

- A. The Joint Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
 - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - The Special Land Use shall not change the essential character of the surrounding area.
 - The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
 - The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 - The Special Land Use shall be in general agreement with the Fremont Community Joint Comprehensive and Growth Management Plan.

- The Special Land Use shall comply with all site plan review standards.
 - The Special Land Use shall be in general agreement with the intent and purposes of this Ordinance.
- B. The Joint Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
- C. The Joint Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the Special Land Use complies with the conditions of approval.
- D. If, after the establishment, the Special Land Use is found in noncompliance, the noncompliance shall be corrected within sixty (60) days. If noncompliance is not corrected, the provisions of Section 9.05 may be initiated.

SECTION 9.04: APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land and shall be recorded by the applicant with the Newaygo County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning permit.
- B. A Special Land Use approval shall be valid for two (2) years from the date of approval, and the Joint Planning Commission may grant up to a one (1) year extension, unless approval is revoked as provided in Section 9.05 or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
- The Special Land Use has not been initiated.
 - Construction necessary for the Special Land Use has not been initiated.
 - Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 9.05: REVOCATION OF SPECIAL LAND USE APPROVAL

The Joint Planning Commission may revoke any Special Land Use approval or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Joint Planning Commission or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Joint Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 9.02.B.

SECTION 9.06: SPECIFIC SPECIAL LAND USE STANDARDS

There are some Special Land Uses allowed in certain districts that do not have a set of standards that are specific to that use but they have to meet the general Special Land Use standards as outlined in Section 9.03 and any other conditions set forth by the Joint Planning Commission as well as any development requirements of the applicable District.

The following Special Land Uses shall be subject to the requirements of the District in which they are located and the general Special Land Use standards in addition to all the following applicable conditions, standards and regulations as cited in this Section:

- A. Airports
- B. Agricultural Service Establishments
- C. Agricultural Labor Housing
- D. Amusement Parks, Fair Grounds and Flea Markets
- E. Auction Houses
- F. Bed and Breakfast Inns and Homes
- G. Campgrounds, Public or Private
- H. Cemeteries
- I. Commercial Extraction and Processing
- J. Commercial Kennels
- K. Commercial Mini-storage
- L. Contractor Office and Outdoor Storage Areas
- M. Cottage Industry
- N. Day Care Center

- O. Drive-through Facility other than a Restaurant
- P. Drive-through Restaurants
- Q. Equine Boarding Stable and Training Facility
- R. Farm Market
- S. Fraternal or Social Club
- T. Funeral Homes and Mortuary Establishments
- U. Golf Course or Country Club
- V. Group Homes
- W. Home-based Business
- X. Hotels and Motels
- Y. Libraries, Museums, Community Centers, Hospitals and Similar Uses
- Z. Marina
- AA. Municipal and Public Service Facilities
- BB. Nursing or Convalescent Homes
- CC. Open Air Businesses
- DD. Open Space Cluster Development
- EE. Outdoor Recreation Development
- FF. Place of Religious Worship
- GG. Raising of Fur-bearing Animals or Game Birds
- HH. Schools, Elementary, Middle and High School
- II. Sexually-oriented Businesses
- JJ. Shooting, Rifle and Handgun Ranges (Outdoor or Indoor)
- KK. State-licensed Residential Facilities
- LL. Truck and Freight Terminals
- MM. Vehicle Body and Repair Shops
- NN. Vehicle Service Stations
- OO. Vehicle Wash Establishments, either Self-serve or Automatic
- PP. Veterinary Clinics and Hospitals
- QQ. Wind Energy Systems
- RR. Wireless Communication Towers over 75 feet

A. Airports

1. The minimum lot size shall be twenty (20) acres.
2. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines.
3. The airport shall not be located within five-hundred (500) feet of any school, church, or other public meeting places.

B. Agricultural Service Establishments

1. Uses shall include, but are not limited to, grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, agricultural products, production and processing operations and auctions for livestock.
2. Minimum lot size shall be ten (10) acres.
3. Minimum frontage shall be five-hundred (500) feet.
4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Chapter 3 “General Provisions”.
5. No storage or loading activities shall be permitted within fifty (50) feet of any lot line.
6. All buildings shall be set back a minimum of seventy five (75) feet from any lot line.
7. All agricultural service activities shall be located at least three-hundred (300) feet from any residential district and one-hundred (100) feet from the property line of an abutting residential use.
8. The lot shall be located so at least one (1) side abuts an arterial or collector road and all access shall be from the road.
9. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District” of this Ordinance.

C. Agricultural Labor Housing

1. Farm size shall be a minimum of twenty (20) acres.
2. Seasonal housing shall only be used for persons and their families directly employed by the owner of the farm dwelling.

3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of seasonal housing shall apply where any dwelling is used to house one or more seasonal workers.
4. Seasonal housing shall be located at one-hundred (100) feet from any public road or from any other property line.
5. Newly constructed seasonal housing units shall not have more than one story nor accommodate more than one family. No migrant housing structure shall be closer than thirty (30) feet to another structure.
6. To ensure adequate access for emergency vehicles and personnel, no seasonal housing unit shall be located closer than thirty (30) feet to a driveway or private road and no closer than ten (10) feet to any other building or structure.
7. All construction shall conform to the building codes adopted by the State and other Ordinances where such regulations impose greater standards than state and federal regulations.

D. Amusement Parks, Fair Grounds and Flea Markets

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts a paved arterial or collector road and all access shall be from the road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District” of this Ordinance.

E. Auction Houses

Auction houses shall be a Special Land Use in the Urban Commercial and Rural Commercial Districts (C-2 and C-3).

1. Parking areas shall not be used for outdoor inventory. Outdoor inventory shall be permitted in the rear lot and shall not be visible from the public right-of-way.
2. Loading and unloading areas shall be designated on the lot so as to promote efficient traffic circulation on the lot and so that traffic is not negatively impacted on public streets.

F. Bed and Breakfast Inns and Homes

1. The establishment shall be serviced by adequate water and sanitary services, as approved by the appropriate Health Department.
2. The establishment shall be located on property with direct access to a public road.
3. A bed and breakfast home or inn shall not be permitted on any property where there exists more than one (1) other bed and breakfast home or inn within six-hundred-and-sixty (660) feet, measured between the closest property lines. This does not apply to bed and breakfast homes and inns within the Downtown Commercial District.
4. Such uses shall only be established in a single-family dwelling, except in the Downtown Commercial District.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms shall be in keeping with the definitions of bed and breakfast homes and bed and breakfast inns as outlined in Chapter 2, "Definitions".
7. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.
8. The establishment shall contain the principal residence of the operator.
9. Meals shall be served only to the operator's family, employees and overnight guests.
10. Exterior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
11. All guest rooms must have interior access to common areas (dining, restaurants, etc.).

G. Campgrounds, Public or Private (These regulations do not apply to the Institutional District or the Estate District.)

1. Campsites shall not be located within one-hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - All commercial uses combined shall occupy no more than two-thousand (2,000) sq. ft.
 - No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Joint Planning Commission.
 - All commercial uses shall be set back two-hundred (200) feet from any property line.
4. Each campsite shall have a minimum area of one-thousand-five-hundred (1,500) sq. ft.

5. Common area shall be provided at the ratio of one-thousand (1,000) sq. ft. for each campsite.
6. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

H. Cemeteries (public/denominational and family)

1. Minimum lot area shall be five (5) acres for public/denominational and one (1) acre for family with a minimum frontage of two-hundred (200) feet.
2. The use shall be located on property with direct access to a public road.
3. Gravesites shall be set back a minimum of fifty (50) feet from the property line of any residential district or use.
4. Buildings, including buildings for storage of equipment, shall be set back one-hundred (100) feet from the property line of any abutting residential district or use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

I. Commercial Extraction and Processing of Groundwater, Topsoil, Stone, Rock, Sand, Gravel, Lime or Other Soil or Mineral Resources

1. In addition to the information required for site plan review, the application for commercial extraction and processing of soil, sand, gravel or other mineral resources, shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eighteen (18) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer and including the following, at a minimum:
 - A north arrow, scale and date;
 - Shading indicating the extent of land area on which mineral operations and activities will take place;
 - The location, width and grade of all easements or rights-of-way on or abutting the lands;
 - The location and nature of all structures on the lands;
 - The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations;
 - Existing elevations of the lands at intervals of not more than five (5) feet;

- Typical cross sections showing the estimated extent of overburden and estimated extent of mineral material location in, or on the lands, and the water table;
- Mineral processing and storage areas (including, crushing, washing, asphalt plants, etc.);
- Proposed fencing, gates, parking areas and signs;
- Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
- A map showing access routes between the subject lands and the nearest paved arterial or collector road;
- Areas to be used for ponding, and;
- Proposed method of managing overburden (seeding, grading, erosion and sedimentation control, etc.).

c. A narrative description and explanation of the proposed extraction operations and activities, including:

- The date of commencement
- Proposed hours and days of operation
- Estimate of type and quantity of mineral materials to be removed.
- Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.
- A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
- Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern.

d. A site rehabilitation plan including the following:

- A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment.
- A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

- A plan showing:
 - Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;
 - Water courses, ponds or lakes, if any;
 - Landscaping and plantings;
 - Areas of cut and fill; and
 - All of the components of the proposed end-use(s);
 - A description of the proposed methods or features that will ensure that the end-use is feasible and can comply with all applicable requirements of this Ordinance.
2. Each site rehabilitation plan shall be reviewed by the Joint Planning Commission and shall comply with all of the following standards and requirements:
 - Top soil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
 - Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
 - The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
 3. No machinery shall be erected or maintained within one-hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Joint Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits or excavation where the site is located within two- hundred (200) feet of any Residential District.
 4. No buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located.
 5. The Joint Planning Commission shall request that the Newaygo County Road Commission recommend routes for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a

dustless surface and the entry road shall be hard surfaced for a distance established by the Joint Planning Commission to minimize dust, mud and debris being carried onto the public road.

6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. Mineral resource extraction operations shall not take place prior to 7:00 a.m. or after 7:00 p.m., Monday through Friday. Saturday operations shall not take place prior to 8:00 a.m. or after 3:00 p.m. Operations shall not take place any time on Sundays or holidays.
8. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes of having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each three (3) feet of horizontal distance, after the cessation of daily operations. However, the Joint Planning Commission may permit some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material. Such fence shall be at least four (4) feet in height and so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
10. The Joint Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed control, erosion and sedimentation control, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
11. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

- The performance bond shall not be refunded, reduced or transferred until the mineral removal operations and activities, land reclamation or restoration and all other required activities have received final inspection by the Zoning Administrator.
 - The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the Special Use is revoked or expires, the Joint Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.
12. All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually to the Clerk in the jurisdiction where the property is located.
13. To ensure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Joint Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional review by the Joint Planning Commission.

J. Commercial Kennels

1. The minimum lot size shall be five (5) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of one-hundred (100) feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or acres in which the animals are kept or exercised and any adjacent residential use.
4. Animal waste shall be managed to prevent odors and other nuisances.
5. A kennel permit shall be obtained from the Newaygo County Animal Control Department.

K. Commercial Mini-storage (These requirements do not apply to properties in the Fremont Industrial Park.)

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a paved road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing requirements listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
4. A six (6) foot fence of a material acceptable to the Joint Planning Commission shall enclose the area occupied by the use. The fence shall be set back at least ten (10) feet from the front right-of-way line.
5. The front yard, up to the fence, shall be landscaped in accordance with Chapter 3 “General Provisions”.
6. Minimum side and rear yards as specified for the district shall be maintained.
7. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
8. Traffic direction and parking shall be designated by signs or painting.
9. The lot area used for parking shall be a paved surface and shall be drained so as to dispose of all surface water.
10. Where the site abuts a residential district, screening that complies with Chapter 3 “General Provisions” shall be provided along that property line.

L. Contractor Office and Outdoor Storage Areas

1. Outdoor storage shall be screened from any adjacent residential use or district with a six (6) foot solid fence.
2. Storage shall be limited to materials used by the contractor.
3. Access to the site shall be limited according to minimum spacing of access points from intersections and spacing from other access spacing standards list in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

M. Cottage Industry

1. The types of cottage industries that can be taken up shall include, but not be limited to, those listed below and those the Joint Planning Commission determine to be substantially similar:
 - Specialty food and beverage preparation without consumption;
 - Artisans and craftsman producing unique and distinctive items for sale on the premises;
 - Custom manufacturing—art framing, etc.;
 - Packing and processing; winery;
 - Horticulture;
 - Handloom weaving, handicrafts, sericulture, bee-keeping, etc.; and
 - Firewood sales, cabinet making, small engine repair, farm implement repair, etc.
2. Not more than three (3) persons shall be working on the premises in addition to the members of the family residing on the premises.
3. The cottage industry shall be clearly incidental and subordinate to the use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the cottage industry.
4. Multiple uses may be permitted within a cottage industry. The accessory area utilized by the cottage industry shall not exceed the limits of Chapter 3 of this Ordinance.
5. Minimum parcel size shall not be less than one (1) acre, provided that a smaller parcel may be approved by the Joint Planning Commission upon finding that the intent and other requirements of this Section can still be met.
6. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s);
7. There shall be no change in the outside appearance of the building or premises;
8. In the event a new building is constructed to accommodate the cottage industry, it shall maintain a vernacular similar to that of existing buildings within the vicinity. The buildings shall have a traditional rural residential or farmstead character.
9. The sale of merchandise not produced on the premises shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
10. Not more than ten (10) customers or clients shall come to premises during any one (1) day, restricted to the hours 7:00 a.m. to 7:00 p.m.;
11. In no case shall the cottage industry include any vehicle repair other than farm implement repair;

12. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

N. Day Care Center (These standards do not apply to Day Care Centers in the Industrial District which are associated with a principal use.)

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three-hundred (300) feet.
3. Playground equipment shall not be located in the front yard. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
4. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
5. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
6. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

O. Drive-through Facility other than a Restaurant

1. A minimum of five (5) stacking spaces for each service point shall be provided to ensure that traffic does not extend into the public right-of-way nor interfere with internal circulation of vehicles.
2. The parking and maneuvering areas of the site shall be fenced and screened from view of any abutting residential district or use by a decorative fence or wall or a landscaped equivalent.
3. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".

P. Drive-through Restaurants

1. A minimum of five (5) stacking spaces for the service ordering station shall be provided to ensure that traffic does not extend into the public right-of-way.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall or a landscaped equivalent.
6. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward an adjacent property.
7. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare or similar disturbances upon nearby residents.

Q. Equine Boarding Stable and Training Facility

1. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not applicable to young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training or exhibition of animals shall be maintained in a dust-free manner for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.
5. The keeping and maintenance of horses, as provided for this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or

spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved chemical agents for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort and welfare of the general public.

6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten-thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one-thousand-five-hundred (1,500) square feet of floor area may be permitted for each additional full acre in lot area.

R. Farm Market

1. Minimum lot size shall be three (3) acres.
2. Farm market activities may include entertainment functions associated with farm including, but not necessarily limited to cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
3. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
4. All parking shall be out of the public right-of-way. A minimum of ten (10) parking spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum of fifty (50) spaces for off-street parking.
5. The access drive shall be wide enough to accommodate two vehicles side-by-side. Two access drives may be required by the jurisdiction where a facility is large enough to need additional access points.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
7. Suitable containers for rubbish shall be placed on the premises for public use.
8. Storage structures shall be permitted.
9. Farm markets shall be located no closer than two-hundred (200) feet from any lot line that abuts a residential zone or dwelling unit.
10. Hours of operation shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.

S. Fraternal or Social Club

1. The site shall have at least one (1) property line abutting an arterial or collector street.
2. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Joint Planning Commission.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
4. Where the site abuts a residential district, a buffer zone shall be provided along that property line. Grass, plant materials and sight-obscuring fences or walls, of a type approved by the Joint Planning Commission, shall be placed within the buffer zone.

T. Funeral Homes and Mortuary Establishments

1. Minimum lot area shall be two (2) acres and minimum lot width shall be one-hundred-and-fifty (150) feet.
2. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No line of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

U. Golf Course or Country Club

1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrians and vehicular traffic safety.
2. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
3. Buildings and parking areas shall not be located closer than one-hundred (100) feet from any property line abutting a residential district or use, provided that where topographic conditions are such that buildings would be screened from

view a lesser setback may be permitted. The Joint Planning Commission may reduce this requirement where additional screening is provided.

4. Whenever a swimming pool is to be provided, it shall be located at least one-hundred (100) feet from any abutting residential district and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
5. The minimum site area for tennis or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from any abutting residential district or use.
6. Where the site abuts a residential district, screening shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Joint Planning Commission, shall be placed within the buffer strip. The Joint Planning Commission shall use Chapter 3 "General Provisions" when determining needed screening.
7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
8. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Chapter 3 "General Provisions".
9. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport and swimming facilities.
10. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and proshop or golf shop may be located in separate structures.
11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
12. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
13. All parking areas and access drives shall be paved.
14. No outdoor loudspeaker or call system shall be audible on adjoining property.
15. No dwelling units shall be provided on the premises except that living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
16. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one-hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.

17. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the District Health Department.
18. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
19. Water quality protective measures are required as follows:
 - Maintenance of erosion control barriers during construction and until all ground cover is established.
 - To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on- site ponding area.
 - A chemical storage area must be designated within an accessory building.
 - The area must provide secondary containment to prevent the spread of spills.
 - All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
 - An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
 - At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 - All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.
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V. Group Homes

Group Day Care Homes

1. The home shall have appropriate fencing for the safety of children in group day-care as determined by the Joint Planning Commission.
2. The property shall be maintained to be consistent with the visible characteristics of the neighborhood.
3. The facility shall not exceed sixteen (16) hours of operation during a 24-hour period.

4. The facility shall meet the sign regulations of a home occupation.
5. The home shall provide parking for the single-family use and one (1) parking space per employee.

Adult Foster Care Home (Small or Large)

1. The property shall be maintained to be consistent or no more intense than the visible characteristics of adjacent land uses.
2. The facility shall be licensed according to the Adult Foster Care Facility Licensing Act (PA 218 of 1979), as amended.

W. Home-based Business

A home-based business is a business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises.

1. Examples of home-based businesses include: construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, landscaping services, or portable sawmill. In no case shall it include industrial operations or automotive repair.
2. With the Special Land Use application and associated site plan, the following information shall be included:
 - Type of business
 - Hours of operation
 - Number of employees
 - Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - Anticipated levels of noise, odor, glare, dust, fumes and related impacts.
 - Anticipated traffic levels (customer, delivery vehicles, etc.)
3. The parcel shall contain a single-family dwelling.
4. No more than two (2) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.
5. Any need for parking generated by the conduct of such home business shall be provided outside of the road right-of-way in an approved parking area.

6. The home-based business may be conducted within accessory buildings, not exceeding the maximum square footage that is allowed based on the following chart:

1. Lot size	2. Total Number of Accessory Buildings	3. Square Footage of all Accessory Buildings	4. Height (feet)
5. Up to 10,980 sq. ft. (1/4 acre)	6. 2	7. 768	8. 20
9. 10,890 sq. ft. – 21,780 sq. ft. (1/2 acre)	10. 2	11. 960	12. 20
13. Over 21,780 – 1 acre	14. 2	15. 1,200	16. 20
17. Over 1 acre – 3 acres	18. 2	19. 1,600	20. 20
21. Over 3 acres – 5 acres	22. 3	23. 2,400	24. 20
25. Over 5 acres (Each additional 5 acres or fraction thereof)	26. 1 additional structure	27. 800 additional sq. ft.	28.

7. All activities shall be conducted within such buildings and no outdoor storage of materials shall be permitted.
8. Parking of commercial-grade vehicles shall be screened from public view and neighboring properties. The number of commercial grade vehicles shall be limited to two (2) vehicles.
9. The accessory building in which the home-based business is conducted shall have a setback of at least 100 feet from all property lines and two-hundred-and-fifty (250) feet from the property lines of a residential use or district.
10. The home-based business shall not result in the alteration of the dwelling nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.

11. The threshold of hazardous materials used in the home-based business shall not require registration.
12. Only those goods or products that are clearly primary to the home-based business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
13. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

X. Hotels and Motels

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet, unless greater lot size or frontage is required by the district.
2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, unless greater setbacks are required by the district standards.
3. Ingress and egress shall be from a paved (primary) arterial or collector road.
4. Minimum floor area of each guest unit shall be two-hundred-and-fifty (250) square feet.

Y. Libraries, Museums, Community Centers, Hospitals, and Similar Uses that are Owned and Operated by a Governmental Agency or a Noncommercial Organization

(These Standards are not applicable to uses in the Downtown Commercial District.)

1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and twenty-five (25) feet from the side and rear lot lines.

Z. Marina

1. Buildings, docks and parking areas shall be located no closer than thirty-five (35) feet from any residential property line.
2. The minimum lot or parcel size for marinas shall be three (3) acres.
3. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
4. Accessory uses shall occupy no more than five hundred (500) square feet of building area.

5. Fences and screening in accordance as outlined below may be required to mitigate potential negative impacts on adjacent properties:
 - Where landscape buffer zones are required.
 - Landscaping may be required to serve as windbreaks.
 - 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.
 - 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 sod, seed, 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.
6. Sanitary facilities (restrooms) shall be provided on the site per the requirements of the District Health Department.
7. Any hazardous substances including petroleum require secondary containment and conformance with all state and federal laws.
8. There shall be no externally visible evidence of commercial activity from accessory uses.
9. A permit to erect, maintain, or operate a marina shall be secured from the Michigan Department of Environmental Quality in conjunction with any other approvals.
10. All marinas shall conform to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable county, state and federal regulations.

AA. Municipal and Public Service Facilities

1. The proposed site shall front upon, and all ingress and egress shall be from, an arterial or collector road.

BB. Nursing and Convalescent Homes

1. Minimum lot size shall be three (3) acres with at least two-hundred (200) feet of frontage, unless greater lot size or frontage is required by the underlying District.

2. The lot location shall be such that at least one (1) property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
3. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of two-hundred (200) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

CC. Open Air Businesses

1. Minimum lot area shall be two (2) acres with a minimum lot frontage of two-hundred (200) feet.
2. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
3. No access to or from such establishment shall be permitted on any (residential) local road.
4. The lot area used for parking, display or storage shall be provided with paved surface and shall be graded and drained so as to dispose of all surface water.
5. The storage of any soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

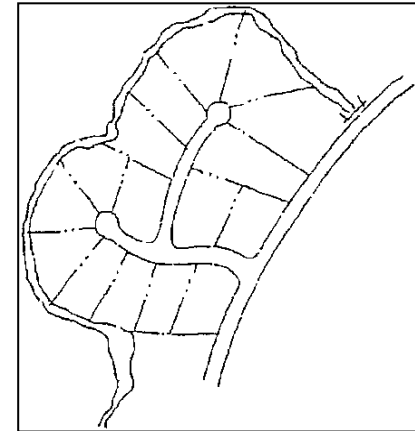
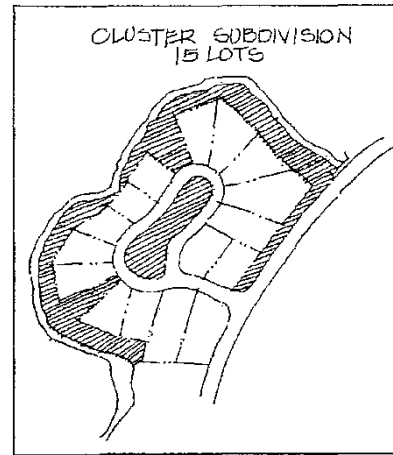
DD. Open Space Cluster Development

1. The purpose of the Open Space Cluster Development is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of individual developments affected by these regulations as well as the Fremont Community as a whole. These regulations are also intended to foster the

preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

2. Minimum lot size shall be forty (40) acres.
 - Minimum open space shall be fifty (50) percent. 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 through 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, and to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - 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 sod, seed, 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.
3. All dwelling units shall be single-family detached housing.
4. The open space cluster may include agricultural crops, golf course, churches, stables and private airports. In no case, however, shall a golf course be considered part of the required open space. The list of allowed uses shall be established in the Special Land Use permit.
5. The maximum base density and number of dwelling units permitted in the open space cluster shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Joint Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:

*Sample comparison;
Cluster vs. traditional*



- The parallel plan shall contain enough detail to permit the Fremont Community Joint Planning Commission to evaluate the feasibility of development for each lot.
- All lots on the parallel plan shall be buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
- Areas of wetlands, storm water control, water bodies and other unbuildable areas shall not be included within buildable areas but may be included in the lot calculations.
- In evaluating the feasibility of the parallel plan, the Joint Planning Commission shall consider whether the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout and other considerations the Joint Planning Commission deems appropriate.

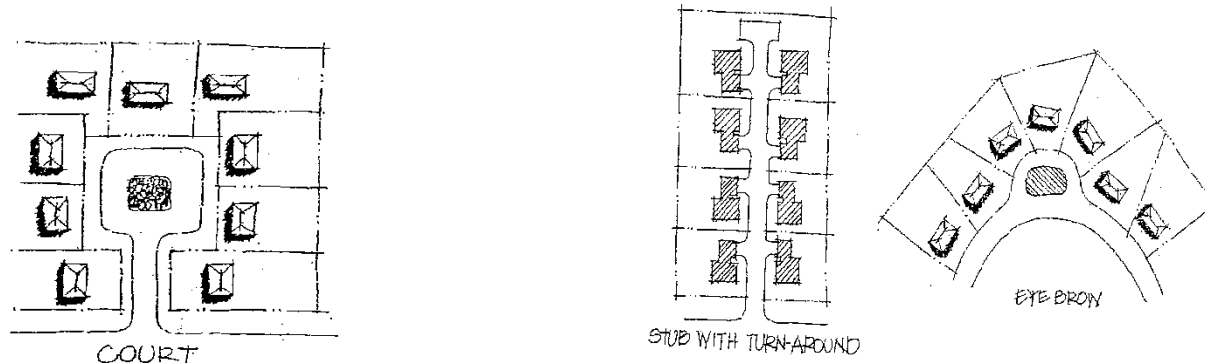
6. The Joint Planning Commission may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an open space cluster. In no case shall the density bonus total more than thirty percent (30%) of the density determined by the parallel plan.

	Additional lots permitted
Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

7. Design Standards:

- Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range up to 15 units per cluster for smaller developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).
- Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens and providing new natural screens and/or open space buffers where appropriate.

- Dead-end or cul-de-sac streets serving the development are discouraged. Eyebrow, court or stub streets are preferred (see picture).



8. Entryways to open space clusters shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
9. Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space community shall be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
10. Street systems shall be designed so that their curvature or alignment produces “terminal vistas” (the landscape element that is visible at the end of a street or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of open space elements, such as water features, meadows or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one side of the road.
11. Open space shall meet the standards as established in this Ordinance.
12. Development Setback
 - Any proposed building lot shall be located at least two-hundred (200) feet from any previously existing public street right-of-way.
 - No native or natural vegetation shall be removed from the two-hundred (200) foot setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Joint Planning Commission may modify this requirement provided the applicant

demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the open space cluster.

- Open space cluster sites abutting more than one (1) public street shall be permitted to reduce the setback to not less than one-hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view of the proposed development. Also, sites abutting more than one (1) public street shall be permitted to reduce the setback on one abutting side to one-hundred (100) feet, even without a natural screen. However, no native or natural vegetation shall be removed from any one-hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads, utilities or drainage improvements.
- The Joint Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the open space cluster from the adjacent street. This landscaping may consist of existing vegetation, land forms or landscaped areas using native or natural materials or a combination thereof.

EE. Outdoor Recreation Development

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts an arterial or collector road (a paved primary road or State designated highway) and all access shall be from that road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5.
4. Entry drives and parking areas shall be a minimum of one-hundred (100) feet from adjacent property lines.
5. All main and accessory buildings shall maintain a separation of at least two-hundred (200) feet from any residential dwelling located on adjacent property.
6. Maximum building coverage shall be ten percent (10%).
7. Any outdoor recreation development located within five-hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
8. The Joint Planning Commission may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.

9. A landscaped area of at least twenty-five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 3 “General Provisions” shall be provided adjacent to a residential use or districts.

FF.Place of Religious Worship

1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen-thousand (15,000) square feet for each one-hundred (100) in seating capacity or fraction thereof in excess of one-hundred (100) and have direct access to a paved county primary road, city street or state highway.
2. The main and accessory buildings and structures shall not be located within fifty (50) feet of the property line of any residential use or district.

GG. Raising of Fur-bearing Animals or Game Birds

1. Minimum lot size shall be ten (10) acres.
2. Minimum setback of one-hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. Fencing will be required commensurate with that required to obtain the “Permit to Hold Wildlife in Captivity” permit from the Michigan Department of Natural Resources.
4. Hunting of animals or birds for sport or profit may be permitted in designated hunting areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.
5. Animal waste shall be disposed of in a safe manner, as recommended by the Health Department. Such disposal shall not constitute a hazard to adjacent property owners.

HH. Schools, Elementary, Middle and High School (as allowed for by law)

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.

2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.
3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area shall be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, shall be extinguished at 10:00 p.m. or within one hour after the event, whichever is later, and remain extinguished until one hour prior to the commencement of the next event.

II. Sexually-oriented Businesses

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential district, thereby having deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.
2. Any sexually-oriented business use is permitted if:
 - a. The proposed use is not an accessory or incidental use and it is located within a zone district where the use may be permitted as a Special Land Use.
 - b. The use is not located within a one-thousand (1,000) foot radius of a residential use or district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
 - c. The use shall not be within a five- hundred (500) foot radius of another such use. Separation distances between sexually-oriented businesses may be waived by the Joint Planning Commission if the following findings are made:
 - That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this subsection will be observed.
 - That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

- That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - That all applicable state laws and local ordinances will be observed.
 - Prior to the granting of any waiver as herein provided, the Joint Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.
- d. For the purposes of this subsection, the separation between a sexually-oriented business and a use listed in this subsection shall be measured from the sexually-oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually-oriented business shall be measured from the sexually oriented businesses' lot line to the other sexually-oriented businesses' lot line.
 - e. If any portion of the building or structure in which the sexually-oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually-oriented business use.
 - f. The presence or existence of a city, township, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
 - g. A sexually-oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually-oriented business, of a regular place of worship, a public or private nursery school, pre-school, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primary toward children or family entertainment, or another sexually-oriented business.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health or building codes.
 4. Parking shall be provided in front of the building as permitted by the district.
 5. No sexually oriented business shall remain open at any time between the hours of 12:00 a.m. and 10:00 a.m. and no such use shall be open on Sundays.
 6. No alcohol shall be served at any sexually-oriented business.
 7. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.

8. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
9. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

JJ. Shooting, Rifle and Handgun Ranges (Outdoor and Indoor)

Outdoor Range

1. Minimum lot area shall be forty (40) acres.
2. A minimum setback of two hundred and fifty (250) feet from all lot lines shall be maintained. No shooting activities shall take place in this setback.
3. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. The use shall not be located any closer than one quarter (1/4) mile from any residential use or district, church or school.
5. Rifle and pistol ranges shall have a sufficient backstop to prevent further range of a bullet or an errant shot.

Indoor Range

1. An indoor range shall be constructed in accordance with safety regulations and industry standards.
2. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for indoor ranges.
3. Noise levels should be at a level as not to disturb the peace.

KK. State Licensed Residential Facilities

1. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

LL.Truck and Freight Terminals (These standards do not apply to properties within the Fremont Industrial Park.)

1. No structures, parking areas, or facilities shall be located within the front setback. The front setback shall be landscaped in accordance with the following standards:
 - 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 through 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, or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - 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 sod, seed, 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.
2. No portion of any structure, facility, access drive or parking area shall be located within one-hundred (100) feet of any residential use or district.
 3. Except for the required front yard setback, a minimum six (6) foot chain link fence shall enclose all developed areas of the site. A screen that complies with the landscaping requirements as outlined under section b of this Section shall obscure all sides abutting a residential district.
 4. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.
 5. All truck terminal access drives shall be located on an arterial or collector road.
 6. The Joint Planning Commission may require deceleration lanes after Newaygo County Road Commission review and recommendation.
 7. It shall be determined that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved. The Joint Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
 8. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
 9. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed building more than five (5) consecutive days.
 10. No trailers shall be parked or stored on site for use as storage containers.

MM. Vehicle Body and Repair Shops

1. Setback requirements of the District apply.
2. All equipment and activities associated with vehicular repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. No more than three (3) inoperable vehicles shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements of Chapter 3 “General Provisions” as outlined below erected along any common lot line:
 - 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 through 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 or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - 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 sod, seed, 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.

NN. Vehicle Service Stations

1. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.
2. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
3. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use without impedance of pump traffic.
4. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet from adjacent property lines is maintained and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements as outlined below shall be erected along any common lot line:
 - 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 through 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, or to avoid annoyance by artificial lighting or incompatible activity.
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6. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare or similar disturbances upon nearby residents.

OO. Vehicle Wash Establishments, either Self-serve or Automatic

1. Sufficient stacking capacity for the drive-through portion of the vehicular wash establishment shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least one (1) stacking space at its entrance and one (1) stacking space at its exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any residential use or district.
3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district.
4. The lot area used for parking, drives and stacking areas shall be paved and shall be drained so as to dispose of all surface water into a public sewer system or a system approved by the Drain Commissioner's Office .
5. Access to the site shall be located according to minimum spacing access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
6. Where adjoining a residential use or district, a buffer zone that complies with the requirements of the following regulations shall be erected along any common lot line:
 - 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 through 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, or to avoid annoyance by artificial lighting or incompatible activity.
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 - 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 sod, seed, 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.
7. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

PP. Veterinary Clinics and Hospitals

Buildings which house animals, runs or exercise areas shall be located at least one-hundred (100) feet from a property line and shall be screened in accordance with the following standards:

- 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 through 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, or to avoid annoyance by artificial lighting or incompatible activity.
- Landscaping may be required to serve as windbreaks.
- 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 sod, seed, 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.

QQ. Wind Energy Systems Standards are listed under Chapter 3 “General Provisions - Wind Energy Systems” .

RR. Wireless Communication Towers over 75 Feet

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.
2. The applicant shall provide an inventory of existing towers, antennas, or sites approved for towers or antennas that are either within the FCJPC Planning Area or within three (3) miles of the border thereof, including specific information about the location, height and design of each tower. The Joint Planning Commission may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the Fremont community, provided, however, that the Joint Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. No new communication tower or antenna shall be located within a three (3) mile radius of an existing communication tower or antenna. This requirement may be waived by the Joint Planning Commission if one of the following conditions are met:
 - The proposed communication facility is located on an existing communication tower.
 - The communication tower is to serve solely a governmental or educational institution.
5. No communication tower or antenna shall be located closer than five-hundred (500) feet from the boundary of an existing residential use or district. This requirement may be waived by the Joint Planning Commission if one of the following conditions are met:
 - The proposed communication facility is located on an existing communication tower.
 - The communication tower is to serve solely a governmental or educational institution.
6. No communication tower and antenna shall be greater than two-hundred (200) feet in height, except if in the opinion of the Joint Planning Commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
7. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
8. The applicant shall provide the legal description of the parent parcel and any leased portion thereof.
9. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e., ground antennas, satellite dishes, accessory structures).
10. The Joint Planning Commission may require a buffer zone in compliance with the following standards:
 - 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 through 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.

- Landscaping may be required to serve as windbreaks.
 - 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 sod, seed, 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.
11. All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 12. No signs shall be permitted on site, except for warning or other cautionary signs, which shall not exceed two (2) square feet in area.
 13. In order to reduce visual obtrusiveness, all new communication towers and antennas shall maintain a galvanized steel finish or be painted a neutral color, subject to any applicable standards of the Federal Aviation Administration.
 14. The collocation of an antenna shall not require an additional Special Land Use permit and may be approved by the Zoning Administrator.
 15. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.
 16. All communication tower permits issued shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics – Tall Structure Act and any other applicable state or federal acts.
 17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Fremont Community Planning Area.
 18. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.
 19. Any communication tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings or grounds that have fallen into disrepair or the removal of all antennas or support structures.
 20. The application shall include a description of the security bond to be used for removal of the communication tower when it has been abandoned or is no longer needed.

**TABLE OF CONTENTS
FOR
CHAPTER 10
ADMINISTRATION**

SECTION 10.01: ENFORCING OFFICIALS

SECTION 10.02: DUTIES, POWERS AND LIMITATIONS

SECTION 10.03: VIOLATIONS AND ENFORCEMENT

SECTION 10.04: STOP WORK ORDERS

SECTION 10.05: FEES

SECTION 10.06: PERFORMANCE GUARANTEE

SECTION 10.07: CERTIFICATE OF OCCUPANCY

SECTION 10.08: APPLICATION AND REVIEW

SECTION 10.09: ZONING ORDINANCE AND MAP AMENDMENTS

SECTION 10.10: FINAL VOTES BY TOWNSHIP BOARDS AND CITY COUNCIL

CHAPTER 10 ADMINISTRATION

SECTION 10.01: ENFORCING OFFICIALS

1. An administrative official who shall be known as the Zoning Administrator shall be designated by the Townships' Boards and the City of Fremont's City Council to administer and enforce this Ordinance. Sheridan Charter Township, Dayton Township and the City of Fremont may each have a Zoning Administrator. This person may be assisted by other persons as may be directed by the Boards/Council. The Zoning Administrator may consult with building, legal, planning, engineering and other experts in coming to a determination or decision regarding administration and enforcement of this Ordinance.

When reference is made to the Zoning Administrator within this Zoning Ordinance, the intent is that each jurisdiction's Zoning Administrator may carry out the function or responsibility.

2. In the exercise of their duties, the enforcing officials shall have authority provided by law for the enforcement of ordinances, including, but not by way of limitation, the authority to issue and serve civil infraction citations and civil infraction violation notices, as provided by Public Act No. 12 of 1994 (MCL 600.8701 et seq., MSA 27A.8701 et seq.) and this Ordinance, and for those purposes shall have the right to enter private premises as provided by law.

SECTION 10.02: DUTIES, POWERS AND LIMITATIONS

1. The Zoning Administrator shall have the power to grant zoning compliance and shall advise the designated Building Code official of the respective jurisdiction of zoning compliance prior to issuance of building permits. The Zoning Administrator shall make inspections of buildings or premises necessary to carry out his/her respective duties in the enforcement of this Ordinance.

2. No administrative official or department shall be permitted to make changes or vary the terms of this Ordinance in carrying out their duties.
3. Plot Plan: All requests for zoning compliance for projects not falling under the Site Plan Review requirements as outlined in this Chapter shall be accompanied by plans and specifications including a copy of a plot plan, drawn to scale, showing, at a minimum, the following:
 - a. The actual shape, location, dimensions and required setbacks of the lot.
 - b. The shape, size, height and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
 - c. The existing and intended use of the lot and of all structures upon it.
 - d. Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of this Ordinance are being observed.
 - e. Well and septic field locations, if applicable.
4. Permits: The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance. The following shall apply in the approval of any zoning compliance under this Ordinance:
 - a. Zoning compliance shall not be granted for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all sections of this Ordinance.
 - b. No building or structure, or part thereof, shall be erected, altered, moved or repaired unless zoning compliance is approved and a building permit, if applicable, is issued by the designated Building Code official of the respective jurisdiction. The terms “altered” and “repaired” shall include any changes in structural parts; stairways; type of construction; type, class or kind of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the applicable Building Code, the housing law of the state, or this Ordinance, except for minor repairs or changes not involving any of the above features.

- c. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issues a zoning compliance permit.
- d. It shall be unlawful to commence expansion of, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings exceeding two hundred (200) square feet in floor area, until the Zoning Administrator has determined the plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
- e. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any expansion or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
- f. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
- g. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable local, County and State regulations. Violations of contracts, such as private agreements and covenants, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
- h. When the Zoning Administrator receives an application for a zoning compliance permit which requires Joint Planning Commission, Township Board/City Council or Joint Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
- i. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- j. Zoning permits shall be valid for a period of one year from date of approval. Extensions of up to one year may be granted by the Zoning Administrator when the proposed project will remain in compliance with the requirements of this Ordinance, as amended.

5. The Zoning Administrator is not allowed to grant exceptions to the actual meaning of any clause, order or regulation contained in the Ordinance to any person making application to expand, construct, move, alter or use either buildings, structures or land. The Zoning Administrator may not make changes to this Ordinance or vary the terms of this Ordinance in carrying out his/her duties.
6. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
7. The Zoning Administrator may accept a preliminary application and a fewer number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.
8. The Zoning Administrator shall keep records of all zoning inspections, applications, and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all plans, and records of any fees submitted with applications.
9. The Zoning Administrator will inspect all new construction or alterations after footings are placed and shall make such additional inspections as he/she deems necessary. The Zoning Administrator shall make periodic inspections of the Fremont Community to ascertain that the requirements of this Ordinance are being complied with. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his/her duties.

Upon completion of any project for the construction, erection, alteration, repair or moving of any building, structure, or part thereof for which zoning compliance is required, the Zoning Administrator shall have the right to inspect the premises for zoning compliance.

10. Existing Buildings and Uses

- a. A zoning compliance review shall be required for a change of use or occupancy of existing buildings, structures, or parts thereof.
- b. A zoning compliance approval shall be obtained before there is any change of use or modification of an existing use of a building or land, or part thereof, if any additional parking is required for the new or modified use.

- If additional parking is required, it shall be provided. In addition, all requirements of this Ordinance for improving property that are reasonably related to providing the additional parking shall be made.
- Paving of the entire parking area, as otherwise provided by this Ordinance, shall not be required if the existing parking area is not paved and the number of the additional required parking spaces does not exceed the number of parking spaces existing on the property by more than twenty-five percent (25%).
- c. The Zoning Administrator may require Site Plan Review or Zoning Compliance Review for changes to existing buildings and uses in sufficient detail as may be required to show compliance with this Ordinance.
- d. Where not otherwise specified in this Ordinance, the Zoning Administrator shall have discretion to determine what requirements of this Ordinance shall apply to changes in existing uses and buildings.
- e. No use or structure shall be used or occupied until all on-site improvements required by the approved site plan and this Ordinance are constructed, installed, or placed on the property in accordance with said site plan and this Ordinance.

SECTION 10.03: VIOLATIONS AND ENFORCEMENT

1. A violation of this Ordinance constitutes a civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, 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 Ordinance, shall be in violation of this Ordinance and shall be subject to the remedies allowed in this Ordinance.
2. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his/her attention and shall pro-actively monitor the Fremont community to ensure adherence to the regulations in the Zoning Ordinance. If a violation is found to exist, he/she shall provide written notice to the person responsible for such violation, indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to act diligently to correct said violation within 14 days of notification, the Zoning Administrator shall deem the violation one that constitutes a civil infraction.

3. Any person violating any of the provisions of this Ordinance, who is served with a civil infraction citation, shall, upon determination or admission of responsibility, be subject to a civil fine as outlined in the current fee schedule ~~as set by the FCJPC and approved by the Township Boards and the City Council.~~
4. For the purposes of this Section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A separate offense shall be deemed committed upon each day during or when a violation of this Ordinance occurs or continues. The rights and remedies provided in this Ordinance are cumulative and in addition to any other remedies provided by law. After an offense has been corrected or there is a new property owner, proceedings may begin again to remedy any alleged offense.
5. Buildings erected, altered, razed or converted, or uses carried on in violation of any section of this Ordinance or in violation of any regulations made under the authority of the Zoning Enabling Act are hereby declared to be a nuisance per se. In addition to other remedies, the relevant jurisdiction may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction to restrain or prevent any noncompliance with or violation of any of the sections in this Ordinance or to correct, remedy or abate any noncompliance or violation.
6. Forbearance in enforcement of this Ordinance shall not be deemed to condone any violation thereof.

SECTION 10.04: STOP WORK ORDERS

1. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
2. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

SECTION 10.05: FEES

Applications for an amendment to this Ordinance, site plan review, review of a Special Land Use, zoning compliance, request for a variance, or other action pursuant to the regulations set forth in this Ordinance shall be subject to and accompanied by a fee as established by resolution by the Township Boards and the City Council. In addition, the FCJPC may require, subject to approval of the Township Boards and the City Council, deposit for the costs of review of applications, in accordance with an escrow policy adopted by resolution. The assessment and payment of application fees does not affect the requirements for a performance guarantee.

SECTION 10.06: PERFORMANCE GUARANTEE

1. As a condition of approval of a Planned Unit Development, (PUD), Special Land Use, Site Plan Review, variance, or other approvals authorized by this Ordinance, the participating municipalities, the Joint Planning Commission, the Joint Zoning Board of Appeals or the Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed project.
2. The features or components, hereafter referred to as “improvements”, may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
3. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a zoning permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.

- b. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
- c. The required performance guarantee shall be payable to the jurisdiction in which the subject property is located and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the applicable jurisdiction.
- d. Upon receipt of the required performance guarantees, the Zoning Administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable requirements of the municipality in which the property is located.
- e. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
- f. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
- g. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- h. The Zoning Administrator shall maintain a record of required performance guarantees.

SECTION 10.07: CERTIFICATE OF OCCUPANCY

General Requirements

1. A certificate of occupancy shall be obtained before any person occupies, uses or causes to be occupied or used, any land, building or part thereof where:
 - a. A building permit is required.
 - b. A site plan is required for the improvement of land.
 - c. A new use of a different zoning classification is commenced, such as changing a nonconforming use to a conforming use.
2. Unless zoning compliance, building permit(s) and/or a certificate of occupancy is otherwise required by this Section, a change of occupancy or use of any land, building or part thereof may be made without obtaining a certificate of occupancy.

SECTION 10.08: APPLICATION AND REVIEW

Overview, Intent and Purpose

1. The purpose of these requirements is to establish an orderly review process for proposed site development projects and to ensure that land developed within the Fremont Community is consistent with regulations in this Chapter.
 - a. It is the intent of this Chapter to provide a clear and comprehensive development review process that is fair and equitable to all interests including applicants, affected neighbors and the Fremont Community.
 - b. It is also the intent of this Chapter to ensure that land, parcels, and lots are appropriately developed so that their use and operation complies with all applicable requirements of this Ordinance.

- c. It is also the intent to ensure that compliance is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety and general welfare of existing, prospective or future owners, users, surrounding and adjoining properties, and the public.
 - d. This Chapter is intended to ensure that developments provide adequate and efficient facilities and/or infrastructure, and land, rights-of-way and easements, so as not to burden the fiscal resources of the Fremont Community. These provisions include the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces and other provisions required for the public good of the Fremont Community.
2. The purpose of the review process defined in this Chapter is to ensure compliance with the Master Plan and the specific provisions of this Ordinance. Rather than attempt to establish any one style or manner of development, the intent of the requirements of this Ordinance and the applicable review procedures is to highlight only the most important site and building development issues. The intent of the provisions of this Ordinance is to recognize that design details not included in this Ordinance are best left to the inventive discretion of individual architects, land planners and owners. Nevertheless, acceptance and implementation of the broader design themes of the Master Plan and this Ordinance are vital to the success of the Fremont Community, and their use will better ensure the active support and assistance of the residents and business owners of the Community through the process of project review and implementation.

3. The following review procedures shall have the following meanings:

Review Procedures	Description
Administrative Approvals	The proposed development complies with all aspects of the Zoning Ordinance, requiring no administrative departures or variances from the Joint Zoning Board of Appeals.
Administrative Departures	An administrative departure is a permitted deviation from the requirements of the Zoning District approved by the Zoning Administrator. Only those administrative departures that are listed within each Zoning District may be considered.
Site Plan Review/Deviations	Site Plan Review applications are those that are subject to site plan review by the Joint Planning Commission in accordance with the applicable provisions of this Chapter. Site Plan Review is required for deviations.
Special Land Uses	Special Land Uses are those uses listed within each Zoning District that require approval by the Joint Planning Commission in accordance with the provisions of this Ordinance.
Joint Zoning Board of Appeals (JZBA)	The Joint ZBA is authorized to decide on variance requests, appeals from administrative actions and on requests for interpretation of this Ordinance's text or zoning map. Other duties may also be assigned to the Joint ZBA by this Ordinance.
Zoning Ordinance and Map Amendments	A change to the text of this Ordinance, or a change in Zoning District designation on the Official Zoning Map.

4. Uses

A. Within each zoning district of this Ordinance uses are divided into two categories, Uses by Right and Special Land Uses. Each district has a list of uses that are placed in one of these categories.

B. Similar Uses or Uses Not Addressed

- Purpose: Since every type of potential use cannot be anticipated in this Ordinance, this Chapter provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those uses that are listed. Similarly, there are various uses that include the phrase “and similar uses”.
- In those situations where a use is not specifically addressed or can be reasonably interpreted as being essentially the same in character to a use listed in the District, or is noted as a “similar use”, the Zoning Administrator may request that the Joint Zoning Board of Appeals determine that the use is similar to the uses permitted in the District, either as a Use by Right or as a Special Land Use.
- The Joint Zoning Board of Appeals shall base the decision on a finding that the proposed use satisfies all of the following:
 - Is not specifically listed in any other District
 - Is generally consistent with the intent of the District and this Ordinance
 - Will not impair the present or potential use of other properties within the same District in the vicinity
 - Generally has no greater potential impact on surrounding properties than those listed in the District, in terms of aesthetics, traffic generated, noise, potential nuisances and other impacts related to health, safety and welfare
 - Will not adversely affect the Master Plan
- The Joint Zoning Board of Appeals’ determination shall be in writing and a copy shall be sent to the applicant.
- The proposed use shall comply with all conditions as well as the review and approval requirements and district regulations that apply to the similar use.

- Uses determined to be similar to a permitted use or Special Land Use shall be recorded by the Zoning Administrator and periodically presented to the Joint Planning Commission for consideration for incorporation into the text of the Ordinance.

5. Review Determination

A. Pre-application Development Review

- a. An applicant is strongly encouraged to request a pre-application development review meeting with the Zoning Administrator for the purpose of determining the approval type and process that will be followed.
The pre-application development review meeting is non-binding and informal review of the proposal intended to provide information to the applicant on the procedures and policies of the Fremont Community and does not confer upon the applicant any development approvals or other rights.
- b. The pre-application development review shall be used to advise the applicant of the development review method to be used and applicable regulations and policies and may be used to suggest development alternatives, as appropriate.
- c. If a pre-application development review meeting is requested, the review determination shall be provided either at the review meeting or within a reasonable time following the meeting.
- d. The Zoning Administrator may, at his or her discretion, require an applicant to follow the pre-application review process, if he/she believes that the application is of sufficient complexity to require careful initial review.

B. Final Review Determination

- a. If a pre-application development review is not requested, the Zoning Administrator shall review all applications for development within the Fremont Community and make a determination as to the review requirements that must be met. The review determination shall be communicated to the applicant within a reasonable time after the Zoning Administrator has completed the determination.

- b. An applicant for review determination shall include, at a minimum, a preliminary or final site plan (whichever is sufficient to make a determination), and a description of any request(s) for administrative departures, either listed in writing and/or clearly noted on the preliminary or final site plan, as applicable. The Zoning Administrator may require additional information or detail as may be needed.
- c. Prior to making a final review determination, the Zoning Administrator may submit the application to other applicable departments or agencies for input and recommendations.

C. Application Requirements

- 1. Following the review determination a development application may be filed with the Zoning Administrator and, at a minimum, shall consist of the following:
 - a. An application form, completed in full by the applicant, including a detailed description of the proposed development project and use
 - b. Payment of a fee approved by resolution of the Township Boards and the City's Council
 - c. A description of any request(s) for administrative departures, either listed in a written narrative and/or clearly noted on the preliminary or final site plan, as applicable
 - d. Preliminary or final site plans meeting the requirements of this section. For rezoning, a site plan is not required. Copies of a scaled map showing the location of the entire property to be rezoned shall be submitted.
 - e. A statement describing the application's compliance with the development requirements of the district and the applicable standards and requirements for the project under consideration (Special Land Use, Site Plan Review, etc.).
- 2. Applications for Special Land Uses and Site Plan Review shall be submitted and reviewed concurrently. The procedures, standards and specifications for each shall be followed as specified in this Chapter and other applicable Chapters of this

Ordinance. In all cases, a Special Land Use permit and Final Site Plan Review approval shall be required prior to the submission and application for a building permit.

D. Administrative Approvals

1. Intent and Applicability: An administrative approval is intended to provide an incentive to applicants who develop their projects in full compliance with all of the requirements of this Ordinance, without deviations or variances, and are not required to receive Site Plan Review or Special Land Use approval.

2. Administrative Approval Procedure

- a. Administrative approvals shall be made by the Zoning Administrator. Prior to a final approval the Zoning Administrator shall consult with other governmental staff/departments as deemed necessary.
- b. An administrative approval shall be completed within thirty (30) days of submission of a completed application, unless a longer period is agreed to by the applicant in writing or unless extended by the Zoning Administrator for good cause.
- c. Permits shall not be applied for or submitted for any building or site activity until the administrative approval is completed.
- d. Administrative approval decisions of the Zoning Administrator may be appealed to the Joint Zoning Board of Appeals.
- e. The Zoning Administrator shall have the option of submitting any plan for a Site Plan Review even if deemed eligible for administrative approval if he/she deems the scale or effect of the project is significant enough to warrant that review.

E. Administrative Departures

1. Intent and Applicability: Administrative departures are provided to permit development of individual properties within form-based districts that generally fall within the intent of the regulations and requirements of the District and where a practical difficulty is not present, but due to site characteristics or other related conditions, the project calls for a certain degree of

flexibility. Only those administrative departures that are specifically noted within the individual zoning districts may be requested and approved.

2. Requests for administrative departures shall be submitted with the administrative review application or the pre-application development review meeting request, as applicable. Proposed administrative departures shall either be separately listed in a written document and/or clearly noted on the submitted plan.
3. Review Procedure: The Zoning Administrator shall consider the following in reviewing requests for administrative departures:
 - a. Whether the requested departure preserves the purpose and intent of the District.
 - b. Whether the requested departure is necessitated by a condition related to the site, rather than simply as a means to reduce costs or a matter of general convenience.
 - c. Whether the requested departure is consistent with the specific requirements and conditions listed in the administrative departures of each District, as applicable.
4. Administrative departures shall be reviewed and approved or denied in writing by the Zoning Administrator, along with the reasons for the decision and a copy provided to the applicant prior to approval of the administrative review, Site Plan Review, Special Land Use or other approval required by this Ordinance.
5. Decisions by the Zoning Administrator on administrative departures may be appealed to the Joint Zoning Board of Appeals.

F. Site Plan Review

Intent and Applicability

- a. In order to promote the purpose of this Ordinance and ensure compliance with the intent as well as the letter of the regulations, it is deemed prudent and necessary to exercise site planning measures which will encourage orderly development and minimize undesirable effects on surrounding properties and upon transportation systems, utilities and

other public facilities. The purpose of these controls is to protect the public health, safety and general welfare of the community.

- b. Site plan review is required as provided in this Chapter.
- c. A change in occupancy that does not result in a change of use, or a change in the intensity of the use, exterior alterations, changes in parking lot layout or expansion of parking lots, or any other change resulting in different requirements applying to the new use that were not applicable to the prior use, shall not require Site Plan Review.

G. Site Plan Requirement

In accordance with the provisions of this Section, the Joint Planning Commission shall be furnished a site plan of the proposed development prior to the creation of a use or the erection/expansion of a building whenever one or more of the conditions cited below apply:

- a. Deviations to form-based district requirements. Any proposed development within a form-based district that does not qualify for an administrative approval, with or without administrative departures, shall require Site Plan Review.
 - Site Plan Review cannot be used to permit a building or site requirement that is less restrictive than the requirements of this Ordinance, as listed in the form-based district regulations. Such requests shall be considered as variances and may only be approved by the Joint Zoning Board of Appeals.
 - A deviation from requirements not listed as variances, unless permitted as an administrative departure, shall be reviewed under the requirements of this Chapter.
 - The Commission shall not have the authority to change any part of the site plan that meets development requirements of the district or has been approved as an administrative departure.
- b. Expansions of existing buildings of more than twenty-five percent (25%) of the gross floor area of the main building(s) or forty-thousand (40,000) square feet, whichever is greater, unless the expansion is approved administratively.

- c. Special Land Uses and Planned Unit Developments (PUDs) in all applicable districts.
- d. Permitted Uses in Traditional Zoning Districts, with the exception of one or two-family dwellings.
- e. Site condominiums in all zoning districts.
- f. Parking lots and parking lot expansions, unless the lot or expansion is approved administratively.

H. Site Plan Application Requirements

- a. All site plans shall be accompanied by the items required in the Site Plan Submittal Requirements as outlined in Appendix 3. The Zoning Administrator may waive individual submittal requirements if the requirement is not necessary or is not applicable.
- b. In addition to the 24" X 36" plan sets required by this Chapter, whenever possible, the plan set shall also be submitted in an electronic format or software configuration determined by the jurisdiction.

I. Preliminary Site Plan Review

- a. If desired by the applicant, a preliminary site plan review may precede the final site plan review, in accordance with the procedures of this Chapter. The purpose of this procedure is to allow discussion between the applicant and the Joint Planning Commission to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- b. If a preliminary site plan review is elected, eighteen (18) copies of a preliminary site plan meeting the requirements outlined in Appendix 3 shall be submitted for review by the Joint Planning Commission.
- c. The Joint Planning Commission shall review the preliminary site plan and make recommendations to the applicant that will cause the plan to be in conformance with the requirements of this Ordinance and the review standards of this Chapter. The Joint Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

J. Final Site Plan Review

- a. Twenty-two (22) copies of a final site plan prepared by a registered professional competent in these matters may be submitted for review without first receiving approval of a preliminary site plan. However, a site plan will be required for those projects meeting the requirements of Site Plan Review.
- b. The Joint Planning Commission shall review the final site plan and approve, approve with conditions, or deny the plan, using the standards for site plan approval of this Chapter.

K. Authority and Limitations

1. Site Plan Review decisions of the Joint Planning Commission may be appealed to the Joint Zoning Board of Appeals.
2. Standards for site plan approvals: Site plan approvals shall be granted only if the site plan meets the requirements of this Ordinance and the following standards, as applicable:
 - a. General Site Design Characteristics
 - All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings.
 - The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
 - The site shall be designed to conform to all provisions of this Ordinance, except deviations in form-based districts that are determined to meet the standards for site plan approval and the considerations of this Chapter dealing with deviations in form-based districts.
 - Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance relative to and proportionate to the extent of redevelopment, as determined by the approving authority.

- All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access.
- Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public/private streets and walkways.
- Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on nearby streets, adversely impact abutting properties, or adversely impact the natural evening sky.

b. Environmental Standards

- The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, minimizing alteration to the natural drainage courses and minimizing the amount of cutting, filling and grading.
- Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.
- Buildings and structures will be placed to preserve environmentally sensitive areas.
- Landscaping buffers and/or greenbelts may be required to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- Sites which include storage of hazardous materials or waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These sites shall be designed to meet all applicable state and federal regulations.

c. Vehicular and Pedestrian Circulation

- The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon.
- Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site.
- The width of streets and drives shall be appropriate for the existing and anticipated volume of traffic.
- The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

- Off-street parking and loading areas shall be provided where required with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- Safe, convenient, non-congested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned so as to operate in the safest and most efficient manner possible.

d. Storm Water and Erosion Controls

- Storm water management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
- Storm water management facilities shall be designed, constructed and maintained to prevent flooding and protect water resources and may be incorporated into the open space portions of a development site.
- Areas of natural drainage such as swales, wetlands or ponds shall be protected and preserved insofar as practical in their natural habitat to preserve drainage patterns and to maintain the natural characteristics of the land.
- Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water.
- Provisions shall be made to prevent erosion and the formation of dust during and after construction. Efforts should be made to reduce/minimize the amount of impervious surfaces, such as using infiltration basins, trenches or dry wells, grassed (vegetated) waterways or swales, or rain gardens, in yards or parking lots.
- 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 standing water.

e. Public Services

The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the participating municipalities, separate jurisdictions or other public agencies including, but not limited to, fire and police protection, storm water management, sanitary sewage removal and treatment, traffic control and administrative services.

f. Deviations to Form-based District Regulations

The general purposes and spirit of this Ordinance and the Comprehensive Plan of the Fremont Community shall be maintained.

Deviations in form-based districts: The Joint Planning Commission shall consider the following when reviewing a site plan in a form-based district that includes deviations:

- Deviations shall be permitted when the applicant can demonstrate that the resulting design is superior in terms of compatibility with surrounding structures and is more aesthetically pleasing than would occur if the development conformed to form-based architectural requirements.
- The Joint Planning Commission may also consider deviations where the applicant can show that conformance with the form-based requirements is impractical due to existing building layouts on the site or on adjacent sites, where the deviation has no exterior effect, or where the deviation is necessary to meet other laws or regulations.
- The deviation shall be the least necessary to achieve the results in either of the two paragraphs above.
- Cost, convenience or franchise/corporate designs shall not, by themselves, be reasons for granting a deviation.
- The Joint Planning Commission may grant a lesser deviation than requested.
- The Joint Planning Commission may attach conditions to the approval of a deviation, if necessary to meet the requirements of this Section and to uphold the intent of this Ordinance.

g. Amendments

The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan. Documentation outlining conditions necessitating the changes shall be provided. Changes to the approved site plan shall be reviewed in accordance with the requirements of this Section.

- Minor Amendments: Minor amendments may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specific conditions imposed as part of the original approval.
- Minor amendments shall include the following:
 - Change in building size, up to ten percent (10%) in total floor area
 - Movement of buildings or other structures by not more than ten (10) feet
 - Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size
 - Changes in building materials to a comparable or higher quality
 - Changes in floor plans that do not alter the character of the use
 - Changes required by outside agencies such as the County, State or Federal departments
- A proposed amendment not determined by the Zoning Administrator to be minor shall be submitted as a new application and reviewed in accordance with the requirements of this Chapter.
- Notwithstanding the above, in form-based districts, any change that results in a deviation shall not be considered a minor amendment.

h. Expiration

A project approved under this section shall receive necessary permits and be under construction within twelve (12) months after approval. The Joint Planning Commission may grant a one (1) year extension, provided that the applicant can show that delays are not of their own making or due to unavoidable circumstances and that the project can be completed within the extended period.

SECTION 10.09: ZONING ORDINANCE AND MAP AMENDMENTS

1. An amendment to the Zoning Ordinance text and map may be initiated by:

- a. A participating municipalities' Board or Council (Staff may act at the behest of the Board/Council)
- b. The Joint Planning Commission
- c. Petition by an owner or person having a legal interest in property in the Joint Planning Area requesting a text amendment to the Zoning Ordinance. However, the Joint Planning Commission has the discretion to reject such a petition without having a public hearing on the request.

2. Application – Zoning Ordinance and Map Amendments

All applications for amendments to this Ordinance (except applications or petitions made by the Joint Planning Commission itself or by a participating municipalities' Board or Council) shall be in writing, signed and filed with each participating municipalities' Clerk with a copy to each participating municipality's Zoning Administrator. The following shall be required as part of any application:

- a. An application form signed by the petitioner certifying the accuracy of the required information.
- b. A fee or fees, as specified in the adopted fee schedule or otherwise.
- c. For zoning ordinance text amendments, a copy of the existing ordinance language and the proposed change(s)
- d. For Zoning Map amendments (rezonings):

- Written proof of ownership of the property or documentation of a substantial legal interest therein, such as an executed purchase agreement or other similar document. However, the Joint Planning Commission shall have the right to reject such a petition if the legal interest in the property involved of the applicant is not sufficient or substantial in the Joint Planning Commission's opinion.
- A plot plan or survey containing all of the following information:
 - Legal description of the property proposed for change, including street addresses, tax identification number and total acreage;
 - Scale, north arrow, date of submission, and dates of all revisions;
 - A location map indicating major roads and section numbers;
 - Zoning classification of the subject parcel and any abutting parcels;
 - Subject property lines; and
 - Locations and dimensions of all existing or proposed public and private road rights-of-way or private access easements.
- A detailed statement of how the proposed amendment complies with the applicable criteria of this section.
- Any additional reasonable information required by the Joint Planning Commission or the Township Boards or City Council to assist in its/their review.
- The Zoning Administrator may require the applicant to provide a specified number of copies of all required application materials.

3. Public Hearing

- a. Upon examination and approval of the application as to form, the Clerk of the participating municipality that received the application shall forthwith transmit the application to the Joint Planning Commission, which shall process the petition according to the provisions set out in this Chapter. Any amendment to the Zoning Ordinance shall first be referred to the Joint Planning Commission.

- b. The Joint Planning Commission shall review the proposed amendment and hold a public hearing in accordance with the requirements of the Zoning Act. An affidavit of mailing shall be maintained.
- c. After the public hearing the Joint Planning Commission shall make its recommendation to the each participating municipality, accompanied by a summary of the comments submitted at the public hearing.

4. Township Boards/City Council Action

- a. The participating Township Boards and the City Council shall not hold separate public hearings on text or map amendment applications, but has delegated the public hearing function to the Joint Planning Commission pursuant to the Michigan Joint Municipal Planning Act. However, where the Zoning Act requires that the Township Board and City Council hold a public hearing, those bodies shall so comply.
- b. Each participating Township Board and City Council shall either approve or deny the Ordinance amendment application after reviewing the Joint Planning Commission's recommendations. The Boards and Council shall state the reason(s) for its action in the minutes. If a proposed rezoning or text amendment is not approved by the legislative body of all participating municipalities, the rezoning or text amendment shall be deemed not enacted or adopted. Any Zoning Ordinance amendment shall be deemed to be effective if passed/enacted, upon the expiration of ten (10) days after the notice of adoption specified in Subsection C below appears in the newspaper.
- c. Following adoption of a Zoning Ordinance amendment by the legislative body of each participating municipality, the Zoning Ordinance Amendment shall be filed with the clerk of each governmental unit, and a notice of Ordinance adoption shall be published in a newspaper of general circulation in the jurisdictional area of the Zoning Ordinance within 15 days after adoption by the last of the three participating municipalities. The participating municipalities shall use one unified newspaper notice.
- d. Except as otherwise provided under section 402 of the Zoning Act, a Zoning Ordinance amendment shall take effect upon the expiration of ten (10) days after publication or at such later date after publication as may be specified by all of the legislative bodies or charters.

5. Review Considerations

- A. For changes to the text of the Zoning Ordinance the Joint Planning Commission shall, and the participating Township Boards and Council may, consider at a minimum the following:
 - a. Whether the amendment is consistent with the intent and purpose of the Ordinance and the Joint Master Plan.
 - b. Whether the change is the result of an error or omission in the original text.
 - c. The potential effects on areas that are most likely to be directly affected by the change.
 - d. Any changes or enhancements in physical or economic conditions or development practices that justify the proposed change.
 - e. Whether the change might result in the creation of significant nonconformities on properties in the Joint Planning Area.
- B. For changes to the boundaries of a Zoning District (rezoning) of the Zoning Ordinance/Map (or a new Zoning District designation), the Joint Planning Commission shall, and the participating Township Boards and City Council may consider at a minimum the following:
 - a. Whether the proposed amendment meets the intent and purpose of the Zoning Ordinance
 - b. If the proposed amendment complies with the adopted Future Land Use map and/or furthers the goals of the Fremont Community as defined in the Master Plan.
 - c. Whether the proposed zoning is consistent with the zoning classification(s) of the surrounding land.
 - d. Whether all of the requirements in the proposed zoning classification can be accommodated on the parcel.

- e. If the site's physical, geological, hydrological and other environmental features are compatible with the full range of uses in the proposed zoning district.
- f. Whether the capacity of infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Fremont Community and the surrounding area.
- g. Any changes that have occurred regarding the property at issue or nearby lands that would justify the proposed rezoning.

6. Notice of Adoption

Upon adoption of the Joint Zoning Ordinance or subsequent amendments, notice of adoption shall be published in accordance with the requirements of the Zoning Act.

7. Resubmission

- a. Following the final action of each Board and Council on a text amendment application or request for a zoning map amendment by anyone other than the Joint Planning Commission or a participating municipality, no further applications shall be considered for any part or all of the same property for twelve (12) months from the date of the final legislative action, except as provided below.
- b. The time limit imposed by subsection A above, may be waived by a majority vote of each participating Board/Council when it is deemed necessary to facilitate the proper development of the Fremont community, and when each Board/Council finds that there has been a substantial change in circumstances since the time of the original vote on the proposed Zoning Ordinance amendment.

SECTION 10.10: FINAL VOTES BY TOWNSHIP BOARDS AND CITY COUNCIL

If the disposition of a Joint Planning Commission matter requires a final vote of all of the participating municipalities' legislative bodies (Township Boards and City Council), the following shall apply:

1. All Joint Planning Commission matters requiring legislative body approval must be approved by all of the legislative bodies of all participating municipalities. If such a matter is not approved by all of the legislative bodies of all participating municipalities, it shall be deemed to be a rejection or denial of the rezoning or Zoning Ordinance amendment request. The legislative body having jurisdiction over the location where the rezoning is proposed or where the text amendment application is filed, is the legislative body that will first vote on the matter. If the first legislative body to consider the matter rejects or denies the rezoning or Zoning Ordinance amendment request, then it is not necessary for the other participating legislative bodies to vote on the issue.
2. Substantive Changes: The legislative bodies may approve or deny a recommendation on a matter referred to them by the Joint Planning Commission. However, if a legislative body amends, modifies or alters the matter as presented or imposes new or additional conditions beyond that which was recommended by the Joint Planning Commission, then those changes must be approved by all the other legislative bodies.

Clerical Errors: The legislative bodies may clarify or correct a clerical error on a matter referred to them by the Joint Planning Commission without further approval by other the participating municipalities.

3. The minutes of the legislative body shall reflect the reason(s) for any denial by the legislative bodies.

**TABLE OF CONTENTS
FOR
CHAPTER 11
JOINT ZONING BOARD OF APPEALS**

SECTION 11.01: JOINT ZONING BOARD OF APPEALS - CREATION AND MEMBERSHIP

SECTION 11.02: JOINT ZONING BOARD OF APPEALS - MEETINGS AND PROCEDURES

SECTION 11.03: JOINT ZONING BOARD OF APPEALS - JURISDICTION, POWERS AND DUTIES

SECTION 11.04: JOINT ZONING BOARD OF APPEALS – HEARINGS, VOTING REQUIREMENTS AND DECISIONS

CHAPTER 11

JOINT ZONING BOARD OF APPEALS

SECTION 11.01: JOINT ZONING BOARD OF APPEALS –CREATION AND MEMBERSHIP

1. There is hereby established a Joint Zoning Board of Appeals (JZBA), which shall perform its duties and exercise its powers as provided in the Zoning Act.
2. The JZBA shall consist of nine (9) members, three from each participating municipality. The municipalities' Board or Council shall appoint their respective representatives on the JZBA. Each member shall hold office for a three (3) year term. When members are first appointed, the appointments may be for fewer than 3 years to provide for staggered terms. One (1) of the municipalities' representatives shall be a member of the Joint Planning Commission who shall serve the term as provided on the Joint Planning Commission. A member of each Township Board and the City Council may also be a member but may not chair the Board.
3. Alternates
 - a. The Township Boards and City Council may each appoint one alternate member from their respective municipality for a total of three (3) alternates that will have the same term as regular members of the JZBA for their respective municipality.
 - b. An alternate member may be called to sit as a regular member of the JZBA in the absence of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
 - c. The alternate member having been called shall serve on the JZBA until a final decision is made on the application for which the member was called.

- d. When serving as a member, an alternate member shall have the same voting rights as a regular member of the JZBA.
- 4. Members of the JZBA may be removed by the Board or Council of the participating municipality in which the member resides for nonperformance of duty or misconduct in office upon written charges. The member so charged may request a public hearing before the respective Township Board/City Council, prior to the Board/Council making a decision.
- 5. A member shall self-disqualify from a vote in which there is a conflict of interest. Failure of a member to self-disqualify from a vote in which there is a conflict of interest may constitute misconduct in office.

SECTION 11.02: JOINT ZONING BOARD OF APPEALS – MEETINGS AND PROCEDURES

- 1. Meetings and Procedures
 - A. Meetings shall be held at a fixed place and shall be open to the public.
 - B. Five (5) members of the JZBA shall constitute a quorum for the conduct of its business.
 - C. Applications submitted to the JZBA shall consist of the following, as applicable:
 - a. An application form
 - b. A scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.

- c. Payment of a fee, as may be prescribed by the FCJPC and approved by the Boards and Council of each governmental unit. The fee shall be paid to the governmental unit in which the subject property is located at the time of the filing of the application.
- d. The JZBA, in furtherance of decisions related to the application, may request other materials as may be deemed necessary. To this end, the JZBA may subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it from any person or from any participating municipality.

SECTION 11.03: JOINT ZONING BOARD OF APPEALS - JURISDICTION, POWERS AND DUTIES

1. Jurisdiction, Powers and Duties

A. Appeals

- a. An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any Chapter adopted pursuant to the Zoning Enabling Act.
- b. An appeal shall be filed with the JZBA within twenty-one (21) days of the vote or the decision being appealed. The filing shall specify the grounds of the appeal. The appeal shall be transmitted to the JZBA together with all the papers constituting the record upon which the action being appealed is taken.
- c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the JZBA, after notice of appeal has been filed, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.

- d. The JZBA shall hold a public hearing on the appeal, give notice thereof as required by the Zoning Enabling Act, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
- e. In deciding the appeal, the JZBA shall be limited to determining whether or not the decision that was made was done so using the proper requirements and standards in the Ordinance. The decision of the JZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
- f. If a determination is made that the administrative official or body making the decision did so improperly, the JZBA may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
- g. The JZBA may hear and decide appeals from the decisions of the Zoning Administrator pertaining to interpretations of the Zoning Map to determine the precise location of boundary lines between zoning districts. In making its determination of the boundary lines, the JZBA shall be governed by the rules of this section and the provisions of Chapter 10 “Zoning Map” and shall render its decision within a reasonable time following a public hearing, as required in the Zoning Enabling Act.
- h. Site Plan review decisions may be appealed to the JZBA, as set forth in Chapter 10 “Administration” of this Ordinance.
- i. Appeals of Planned Unit Developments or Special Land Use Permit decisions are prohibited.

2. Non-use Variances

The JZBA, after a public hearing, shall have the power to decide applications for non-use variances filed as provided in this Section. A non-use variance may be allowed by the JZBA only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 - Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or
 - Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
 - The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility that compliance with the Ordinance may prove to be more costly or time consuming shall not be part of the consideration of the JZBA.
- c. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
- d. The variance will not materially impair the intent and purpose of this Chapter.
- e. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.

3. Interpretations

The JZBA may, after a public hearing held in accordance with the Zoning Enabling Act, decide upon requests for the interpretation of the text provisions of this Ordinance.

- a. Text interpretations shall be narrow and address only the situation to be interpreted, based on a thorough reading of this Chapter and shall not have the effect of amending this Ordinance.

- b. Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.
- c. Records shall be kept of all ZBA interpretations
- d. Where the intent of this Ordinance is unclear and the facts can be read to support equally more than one (1) interpretation, the benefit of doubt shall go the property owner.
- e. The JZBA shall not consider variances regarding variables regulated by the Land Division Act, such as the 1:4 lot width-to-depth ratio, access requirements or number of divisions allowed, nor shall it consider variances concerning the number of splits associated with sliding scale zoning.

SECTION 11.04: JOINT ZONING BOARD OF APPEALS - HEARINGS, VOTING REQUIREMENTS AND DECISIONS

1. Hearings

- a. The ZBA shall conduct a public hearing prior to making any determinations permitted by this Ordinance.
- b. Notice of a hearing shall be given in accordance with the requirements of the Zoning Act.
- c. The JZBA may require notices to other interested parties, as it shall prescribe.

2. Voting Requirements

The concurring vote of at least five (5) members of the JZBA is necessary to decide any matter upon which the JZBA is authorized by this Chapter to render a decision.

3. Decisions

- a. In making any decision provided for in this Chapter, the JZBA may attach conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Chapter and the protection of the public interest or as otherwise permitted by law.
- b. An appeal from a decision of a zoning board of appeals shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision.
- c. The decision of the JZBA shall be final; however, any person having an interest affected by the decision shall have the right of appeal to the Circuit Court on questions of law and fact. An appeal to Circuit Court shall be made within the time limits imposed by the Zoning Enabling Act.
- d. Any approval given by the JZBA under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
- e. No application which has been denied wholly or in part by the JZBA shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the JZBA after a demonstration by the applicant of a substantial change of circumstances from the previous application.

Notes:

1. See Chapter 3 “General Provisions” for standards the Joint Zoning Board of Appeals is to consider when analyzing a request to review a nonconforming use being changed to another nonconforming use.

2. See Chapter 4, Article 1 “Agricultural Preservation District (AG-1)” for JZBA procedures and additional standards to be adhered to regarding appeals or requests for variances from determinations concerning the 11- point rule.
3. See Chapter 10 “Administration” for procedures and additional standards to be adhered to regarding unlisted uses or uses which can reasonably be interpreted as being essentially the same in character as a use listed in a District.

APPENDIX 1 - USE LISTS

The use groups listed below are applicable in the following districts:

- | | |
|---|----------------------|
| • Downtown Commercial District (C-1) | Form-based District |
| • Urban Commercial District (C-2) | Form-based District |
| • Estate Residential District (R-3) | Form-based District |
| • Neighborhood Residential District (R-4) | Form-based District |
| • Multiple Family District (R-MF) | Traditional District |
| • Manufactured Home Park District (R-MHP) | Traditional District |
| • Waterfront Overlay District (R-WO) | Traditional District |
| • Institutional District (O-INS) | Traditional District |
| • Industrial District (O-OND) | Traditional District |
| • Mixed Use District (O-MU) | Form-based District |

1. Automotive Oriented Business

- Boat or recreation vehicle showrooms and sales lots
- Drive through uses
- Farm equipment
- Gas stations/convenience stores
- Large machine equipment
- Lumber yards
- New or used vehicle showrooms and sales lots
- Truck and freight terminals (Only allowed in the Industrial District)
- Vehicle rental establishments
- Vehicle body and repair shops
- Vehicle rental establishments (minor repairs)

2. Educational

- Private pre-school, elementary, middle and secondary school
- College and university
- Technical, vocational and trade school
- Dormitory

3. Entertainment and Recreation

- Aerobics and dance studio
- Amusement parks, fairgrounds and flea markets (allowed in the Rural Commercial District)
- Auditorium, concert hall and theatre
- Banquet hall with catering (Special Use in Urban Commercial District)
- Bed and Breakfast inn
- Bowling alley, skating rink, pool & billiard hall
- Catering
- Convention center
- Golf course, with or without alcohol, except adult cabaret
- Health or athletic club
- Hotel, including accessory commercial use
- Ice cream and confectionary store
- Indoor recreation facility such as bowling alley, skating rink, pool and billiard hall
- Motel (Special Land Use in Urban Commercial District)
- Night club
- Outdoor recreation developments not otherwise specified
- Sports and entertainment arena
- Restaurant, with or without alcohol, except adult cabaret
- Recreation facility, indoor (arcades, bowling alleys, etc.)
- Sexually oriented businesses (Only allowed as a Special Use in the Urban Commercial District)
- Sports and entertainment arena
- Video Arcades

4. Financial, Medical and Professional Office and Related Services

- Animal hospitals (Only allowed as a Special Land Use in the Urban Commercial District)
- Artist/craft studio
- Bank, credit union and financial services office
- Computer and data-processing center
- Contractor offices with a storage yard (Only allowed as a Special Land Use in the Urban Commercial District)
- Employment agency
- General and professional office
- Mailing and stenographic service, courier service
- Medical and dental office or clinic
- Photocopying, printing, publishing, lithographing and duplicating service
- Post office, parcel receiving station (private)
- Radio and television studio and office
- Research institution
- Stock brokerage, insurance or real estate agency
- Travel agency and airline ticket agent

5. Government and Institutional

- Court or courthouse
- Community center and recreation center
- Funeral homes and mortuary establishments (Special Land Use in Urban Commercial District)
- Government services or offices
- Library
- Medical center, including hospital, rehabilitation center and clinic, and administrative offices
- Municipal Services (In Urban Commercial District)
- Museum
- Park, plaza, square, playground, walkway and similar uses

- Police station and firehouse
- Religious institution, including church, temple, synagogue, mosque, parish house, convent and mission
- Social, fraternal and service organization, including athletic and social clubs, literary association, youth association

6. Industrial

- Above ground storage of flammable liquids
- Bakery, wholesale (over 8,000 sq. ft.)
- Breweries (over 8,000 sq. ft.)
- Building material suppliers and offices and showrooms of contractors, decorators or similar trades
- Industrial laundry
- Industrial plants: manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including textiles, apparel, paper, pharmaceuticals, glass, pottery, fabricated metal products, except heavy machinery
- Metal and wood stripping establishments
- Monument and art stone productions operations
- Printing and publishing plants
- Recycling of household and similar materials, such as paper, cardboard, glass, metal cans, etc.
- Scrap metal recycling, not including vehicle recycling
- Truck or freight terminal or transfer station (Allowed in Industrial District only)
- Vehicle repair facilities (major)
- Wholesale and warehousing, including commercial storage warehousing
- Wholesale trade business without the storage of flammable liquids
- Wood processing facilities (major)

7. Personal Services (A commercial business conducting services that are performed primarily on the premises.)

- Barber and beauty shop
- Photography studio, photo-finishing service
- Tailor, dry-cleaning drop-off/pick-up station, coin-operated laundry
- Tanning salon, tattoo service
- Shoe repair shop and shoeshine parlor

8. Residential (A single or multiple number of dwelling units, each such dwelling unit containing separate areas for living, sleeping, cooking and sanitary accommodations for occupancy by a family.)

- Attached single-family
- Bed and breakfast home
- Detached single family
- Home occupations (accessory use)
- Multiple-family
- Rooming house and boardinghouse
- Senior housing
- Two family
- Upper story residential
- Community garden

9. Residential Care

- Adult foster care family home
- Adult foster care group home (large or small)
- Charity, relief, benevolent, philanthropic or other eleemosynary function
- Day care center (commercial) (Special Use in Urban Commercial District)
- Family day care home
- Group day care home
- Nursing/convalescent home (Allowed in the Mixed-Use District and the Multi-family District only)

10. Retail Sales [The use of property in connection with or for the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises for more than fourteen (14) days in any calendar month.]

- Antique and second hand store, except pawn shop
- Apparel and accessory store
- Appliance sales and repair
- Auction house (Special Land Use in the Urban Commercial District and the Rural Commercial District)
- Bakery, retail (under 8,000 sq. ft.)
- Book shop and newsstand
- Consumer electronic store
- Convenience, grocery and packaged-goods store with or without liquor
- Dance Studios (Only allowed in the Downtown Commercial District)
- Department and variety store
- Florist
- Furniture, home furnishings and hardware store
- Hobby, toy and camera store; art and photographic supply store
- Liquor stores
- Office supply store
- Pawn shops (Only allowed in the Urban Commercial District)
- Pharmacy, medical equipment sales or rental
- Micro-brewery (under 8,000 sq. ft.) (Only allowed as a Special Land Use in the Urban Commercial District)
- Sporting goods store and bicycle shop
- Stationery, gift and jewelry store
- Video rental and sales

11. Utility

- Electrical substation, communications switch facilities, central heating and cooling plant
- Off street parking
- Off street surface parking in connection with an existing use
- Transit center, train and bus station
- Commercial wireless telecommunication towers and antennas