

FREEMAN TOWNSHIP ORDINANCE NO. 8

ZONING ORDINANCE

**THE TOWNSHIP OF FREEMAN, COUNTY OF CLARE,
STATE OF MICHIGAN
ORDAINS:**

**ARTICLE I
SHORT FORM TITLE**

This Ordinance shall be known as the Zoning Ordinance of the Township of Freeman.

TITLE

AN ORDINANCE to regulate and restrict the use of land and buildings by dividing the township of Freeman into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and size of yards and other open spaces; establishing the boundaries of districts; creating a board of Zoning Appeals, defining and limiting the powers and duties of said board, providing the means of enforcing said ordinance and providing a penalty for violation of said Ordinance.

PREAMBLE

In accordance with the authority and intent of Act 184, of Public Acts of 1943, with Michigan Zoning Enabling Act 110 of 2006, as amended, the Township of Freeman desires to provide for the orderly development of the Township by establishment of a Master Plan of Zoning Ordinance, which are essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce or residents, and which provides for the best possible use of land, considering existing uses, according to soil types and land capability. The Township further desires to assure the provision of adequate sites for industry, commerce and residence; to provide for free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the provision of adequate space for parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Freeman be so related as to provide for economy in government and mutual support. The result of such purposes of this ordinance, which relates to the Township's Land Use Plan will promote and protect the public health, safety, comfort, convenience and general welfare of the residents, shoppers and workers in the Township of Freeman.

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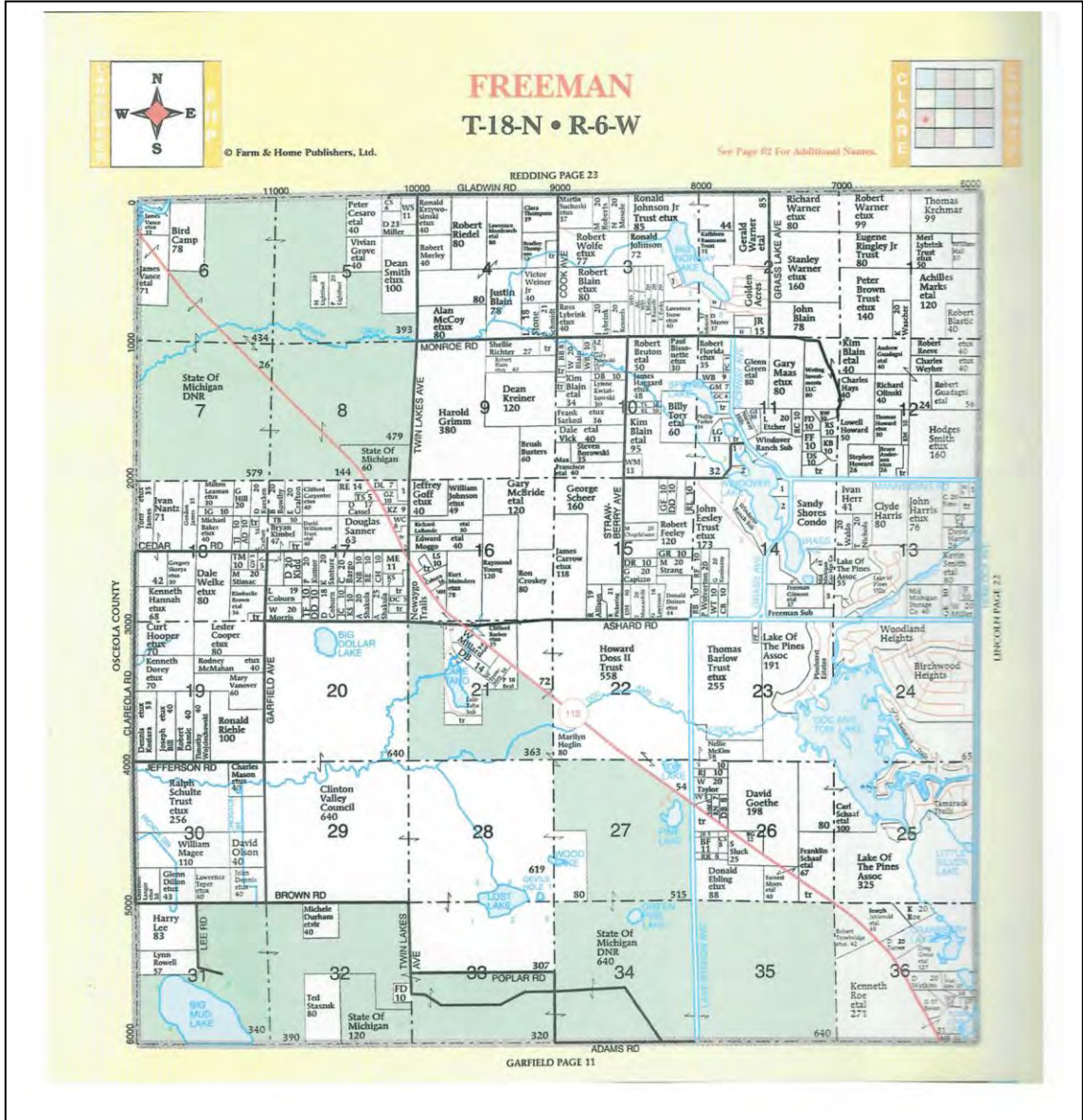
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Map Of Freeman Township:



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**ARTICLE II
TERMS USED IN THE TEXT**

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with context, words used in the present tense include the future, words in singular number include the plural number and words in the plural number include the singular number. The word “shall” is always mandatory and not merely directory. The term “person” shall mean an individual, partnership, corporation or other associations or their agents. Terms not herein defined shall have meanings customarily assigned to them.

ACCESSORY BUILDING. A building or portion of a building subordinate to the main building on the same lot occupied by or devoted exclusively to an accessory use. Examples of accessory buildings are garages, boat houses, tool sheds, snowmobile sheds, greenhouses and barns with a top plate line height of fourteen (14) feet or more above grade.

ACCESSORY USE. A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

AGRICULTURE. The use of land for tilling of soil, the raising of field or tree crops, dairying, pasturage, horticulture, floriculture and or animal husbandry as a source of income.

ALLEY. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE REPAIR. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting, and vehicle rust-proofing.

AUTOMOBILE SERVICE STATION. A building or structure designed or used for retail sale or supply of fuels (stored only in underground tanks), lubricants, air water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high speed washing thereof or sales of new or used vehicles unrelated to service station use.

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

BASEMENT. A basement is that portion of a building wholly or partly below grade but so constructed that vertical distance from the average grade to the basement floor is

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greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area.

BILLBOARD. Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public notices.

BOARD OF ZONING APPEALS. The term “BOARD OF ZONING APPEALS” shall mean the Board of Zoning Appeals of the Township of Freeman, Clare County, and State of Michigan.

BUILDABLE AREA. The build-able area of a lot is the space remaining after the minimum open space requirements of this ordinance has been complied with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, or chattels, is a building. This shall include tents, garages, carports, stables, greenhouses, awnings, porches and decks or vehicles situated on private property and used for purposes for a building. When any portion thereof is completely separated from every other part thereof by division walls from ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT. The building height is vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to deck of mansard roofs; and to the main height level between eaves and ridge of gable, hip and gambrel roofs.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

BUILDING LINE. A line established parallel to the front street line, between which and the front street line, no part of a building should project, except as otherwise provided by this Ordinance.

BUILDING PERMITS. A building permit is the written authority issued by the building inspector permitting the construction, removal, moving, alteration or use of a building in conformity with provisions of this Ordinance.

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

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CLUSTER DEVELOPMENT: Similar to open space, except all development would be on only a portion of the site. The open space portion of the development must be a minimum of fifty one (51) percent of the site, and that portion to be utilized for recreational purposes or sensitive areas, such as flood plains, wild life preservation, or to preserve large contiguous undeveloped areas.

CONDOMINIUM. A form of Real Estate ownership in which the owner(s) hold a fee simple interest and a recordable deed to a specific description of land/space, and shares ownership of the Common Elements of the development with all other owners.

COOPERATIVE. A form of Real Estate ownership in which the owner(s) hold a share of stock in a Corporation, which has title to the physical assets of the Corporation. The owner holds a Proprietary Lease to a unit of the development and shares ownership of the Common Elements of the development with all other owners.

CONVALESCENT OR NURSING HOME. A convalescent home or nursing home for the care of children who are not members of the family, or the aged or infirm, or place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall conform and qualify for license under Section 1122, Federal Public Law 92-603, and the State Department of Public health's policies, criteria and guidelines.

CORNER LOT. A corner lot is a lot, of which at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, its tangent through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

DECKS. Anything larger than four feet by eight feet (4' x 8') is considered a deck or a porch and shall comply with schedule of regulations; Table #1.

DISTRICT. A portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within, which certain regulations and requirements apply under the provisions of this Ordinance.

DOUBLE FRONTAGE LOT. A lot other than a corner lot has frontage on two (2) more or less parallel streets. In the case of row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets the required front yard setback shall be observed on those streets where such structures presently front. If fifty (50) percent or more of the existing dwelling's front on one (1) street, then that frontage shall be designated as the front yard.

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DRIVE-IN ESTABLISHMENT. A business establishment so developed that it's principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle; (E.g., restaurants, cleaners, banks, theaters).

DWELLING UNIT. A dwelling unit is any house or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall an automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions there relative to dwellings. Garage space, attached or detached, shall not be deemed a part of a dwelling for area requirements.

EFFICIENCY UNIT. An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallways, and closets or dining alcove directly off the principal room.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities authorities or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal system, including mains, drains, sewers, pipes, conduits, wires cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, authorities, or commissions for the public health or safety or general welfare, but not including building other than above essential service equipment.

FAMILY. One or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption and occupying the whole or part of a dwelling unit as a single nonprofit housekeeping unit, or a group of not more than three (3) persons who need not be related by bonds of consanguinity, marriage or legal adoption living together as a single housekeeping unit and occupying a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boarding house, fraternity, or sorority house. A family shall be deemed to include domestic servants, gratuitous guest, and foster or boarded persons whose room and board are paid by a recognized child care agency or organization.

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FARM. All of the contiguous or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided that the land to be considered a farm hereunder shall include a contiguous parcel of twenty (20) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping furbearing animals or operating riding or boarding stables, dog kennels, game fish hatcheries, piggeries, stockyards, stone quarries, or gravel or sand pits shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than forty (40) acres.

FLOOR AREA, USABLE. Usable floor area is any floor area within outside walls of a building exclusive of areas in cellars, basements, utility area, unfurnished attics, garages, open porches, and accessory buildings. Usable floor area, for purposes computing parking, is net floor area used for or intended to be used principally for storage of merchandise or for utilities shall be excluded from this computation of usable floor area.

FOSTER CARE CENTER. A building or facility used for the residence of persons mentally or physically handicapped, with needs for board, room and supervised care and which facility is licensed by the State of Michigan, Department of Social Services under Act 47, Public Acts of 1944, as amended, or Act 287, Public Acts of 1972, as amended.

GROSS FLOOR AREA. Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher (see basement definition).

HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises, provided it:

- A. Be operated in its entirety within the principal dwelling;
- B. Not have a separate entrance from outside the building;
- C. Not involve alteration or construction not customarily found in dwellings;
- D. Not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- E. Not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
- F. Not display, or create outside the structure any external evidence of the operation of the home except for one unanimated,, non-illuminated , wall sign

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having an area of not more than one (1) square foot.

INTERIOR LOT. A lot other than a corner lot with only one lot line fronting on a street.

JUNK. For the purpose of this Ordinance the term “junk” shall mean any motor vehicles, machinery, appliances, product or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose which the product was manufactured, or would endanger the public health, safety and welfare.

JUNK YARD. The term “Junk Yard” includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for storage keeping or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings, or recycling of material out of its natural state, such as paper, glass, plastic, etc.

KENNEL. Any lot or premises on which more than three (3) dogs and / or other domesticated animals six (6) or more months old, are kept either permanently or temporarily boarded.

LAKE LOT. A lot having frontage directly upon a lake, natural or man-made, river, pond or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side be designated the street frontage of the lot.

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

LOT. A parcel 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. Provided that the owner of any number of contiguous lots may have many of said contiguous lots considered as a single lot for the purpose of this Ordinance as the owner elects and in such case the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof. This latter parcel is then often referred to as a “zoning lot.”

LOT AREA. The term “lot area” means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private roads, lot area shall be interpreted to mean that area within lot lines separating the lot from the private road and

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not the centerline of said private road.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The mean horizontal distance from the front street line to the rear lot line.

LOT LINES. The property lines bounding the lot.

A. FRONT LOT LINES. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street designated as the front street by the property owner in the request for a zoning compliance permit.

B. REAR LOT LINE. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line.

C. SIDE LOT LINE. Any lot line that is not a front or rear lot line. A side lot line separating a lot from a street is:

1. A side street lot line.
2. A side street lot line separating a lot from another lot or lots.
3. An interior side lot line.

D. STREET OR ALLEY LOT LINE. A lot line separating the lot from the right-of-way of a street or an alley.

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, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (registered in the State of Michigan) the description of which has been so recorded in the office of the Register of Deeds for Clare County.

LOT WIDTH. The horizontal distance between the side lot lines, measured at two (2) points where the building line, or setback line, intersects the side lot lines.

MANUFACTURED HOMES. Any permanent dwelling that is constructed as follows:

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to meet HUD specifications, that has a remote manufacturing site, and the whole or parts of which must be transported to and installed on a permanent foundation (per the building code) at its permanent site location. Other names for manufactured homes include but are not limited to double wide, modular, prefab, and sectional.

MOBILE HOME. Any manufactured home which has a vehicle number, or title, and or license number assigned by the Secretary of State, assigned to the home as of the date of manufacture or purchase from a Home Dealership/Sales Company. Such a home may or may not be on a permanent site.

MOBILE HOME PARK. Means a parcel of land, which has been planned and improved, for placement of mobile homes for residential use.

MOBILE HOME SITES. Means a plot of ground designed for accommodation of one (1) mobile home.

MULTIPLE FAMILY DWELLING. A building portion thereof, used or designed as a residence for two (2) or more families living independently of each other and each having their own cooking facilities therein. This definition includes two (2), three (3) family houses, townhouses, four (4) family houses and apartment houses, condominiums and cooperative projects but does not include mobile home parks.

NON CONFORMING BUILDING. A non conforming structure or building is a building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NON CONFORMING USE. A non conforming use is a use which lawfully occupied a building or a land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

OCCUPANCY PERMIT. An occupancy permit is the written authority issued by the Building Inspector permitting the occupancy of a building constructed or altered pursuant to a valid building permit.

OCCUPIED. The word “occupied” refers to holding possession of and residing in (for thirty (30) days or more) as an owner or tenant.

OPEN SPACE DEVELOPMENT: A form of development in which the developer identifies the most appropriate portions of the site for protection, which would include any wetlands, flood plains, or areas that could be used as wildlife habitat. Then the remaining portion of a site can be developed to density higher than normally allowed, by

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using minimum-minimum setbacks from lot lines.

PARKING SPACE. An area of not less than nine (9) feet wide by twenty (20) feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits.

PUBLIC UTILITY. Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public, electricity, gas, steam, communications, televisions, telegraph, transportation, water services or sewage disposal.

PLANNED UNIT DEVELOPMENT: A form of development which allows very high density housing clustered around open spaces.

RESORT HOUSING. Homes and cottages for seasonal residency meeting all requirements for permanent housing as established by Clare County Health Department, State of Michigan Building Code, and the provisions of the Freeman Township Zoning Ordinance.

ROAD. The public thoroughfare which affords traffic circulation and principal means of access to abutting property including street, avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfares, except an alley. A MAJOR ROAD is a paved road which also is classified as a primary road by the Clare County Road Commission.

SEPARATE OWNERSHIP. Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. This allows a property owner to avoid having to provide side yards for each individual lot.

SET BACK. The minimum horizontal distance between a structure, (excluding steps and porches that are not enclosed) decks and front-street or right-of-way line, or lot line.

SINGLE FAMILY DWELLING. A detached dwelling designed for or occupied exclusively by one (1) family.

SPECIAL LAND USE PERMIT. Any such non-conforming use of land will require a special use permit applied for through the Board of Appeals.

STORY. That portion of a building, other than a cellar or mezzanine, included between
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the surface of any floor and the floor next above it, or if there be no floor area above it, then the space between the floor and the ceiling next above it.

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A. A “mezzanine” shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty four (24) feet or more.

B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured.

STORY HALF. The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

STRUCTURE. Anything constructed or erected which required permanent location on the ground or attachment to something having such location.

SUBDIVISION. A tract of land that has been divided into blocks or plots with streets, roadways, open areas, and other facilities appropriate to its development as residential, commercial, or industrial sites.

SWIMMING POOL. The term “swimming pool” shall mean any structure or container located either above or below grade designed to hold water to a depth greater than thirty-six (36) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

TEMPORARY HOUSING. The right to occupy a parcel of land, with a permit, for a period of time not to exceed (3) months, while a permanent building is being constructed under a building permit.

TOWNHOUSE. A townhouse is a single-family dwelling unit attached to two or more single-family dwelling units, each being separated from one another by common or party walls of fireproof construction, not more than two and one-half (2-1/2) stories in height in which each dwelling unit has its own front entrance and a rear entrance. (Also see definition of multiple dwelling.)

TRAVEL TRAILER. A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, and which is so designated on the State Registration Certificate. This term also includes folding campers and truck – mounted campers but not mobile homes. (See Section 4.19.)

TRAVEL TRAILER PARK. A family recreation-oriented facility for overnight or short-term parking of licensed travel trailers or tents meeting all applicable State Regulations. (See Section 10.02.)

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TWO FAMILY DWELLING . A detached building, designed for or occupied exclusively by two (2) families living independently of each other such as a duplex dwelling unit.

USE. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let or leased.

VARIANCE. A modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

WATER LINE. The boundary of a lake or stream as plotted on a government map such as a plat map, subdivision map, etc.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level.

YARD FRONT. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD REAR. A yard extending across the full width of the lot, The depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the principal building on the lot.

ZONING ADMINISTRATOR. Working title of the administrative official appointed by the Township Board to be responsible for the enforcement of this Ordinance.

ZONING COMPLIANCE PERMIT. A statement signed by the Zoning Administrator setting forth either that a building or structure complies with the Zoning Ordinance or an approved variance that a building, structure or parcel of land may lawfully be utilized for specific uses, or both.

ZONING DISTRICT. A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within certain yards,

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open spaces, lot areas, and other requirements are established by this Ordinance.

ZONING LOT. The aggregation of two or more contiguous lots under a single ownership.

**ARTICLE III
MAPPED DISTRICTS**

Section 3.01. DISTRICTS. The unincorporated area of Freeman Township is hereby divided into zones or districts as shown on the Official Map and shall include the following:

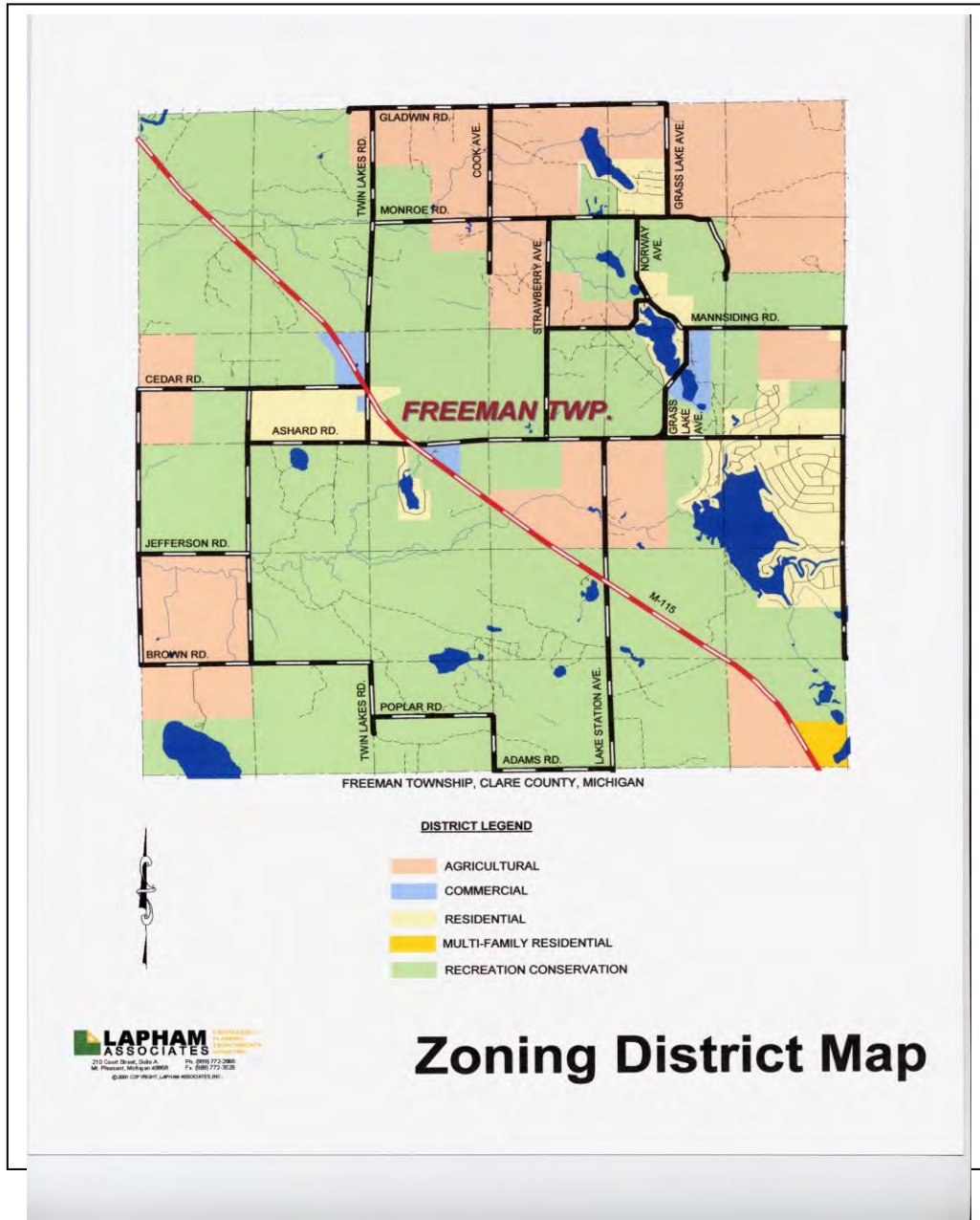
- Agriculture (AG)**
- Single Family Residential (R)**
- Multiple Family Residential (RM)**
- Commercial (C)**
- Recreation Conservation (RC)**
- Mobile Home Park (RMH)**
- Light Industrial (LI)**

Section 3.02. ZONING MAP. The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Official Zoning Map of the Township of Freeman. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notations, references and other information shown thereafter are part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

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Freeman Township Zoning District Map:



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Section 3.03. ZONING BOUNDARIES. Unless otherwise provided in the Ordinance, the boundaries of zoning district shall be interpreted as following along section lines, or lines of customary subdivisions of sections; or boundaries of recorded subdivisions; or the centerline of highways, streets, alleys, rivers, power lines, or open spaces; or property lines on record at the office of the Register of Deeds of Clare County on the date of the enactment of this ordinance; or the extension of any said lines.

Section 3.04. INTERPRETATION OF BOUNDARIES. Questions concerning the exact location of boundary lines shall be determined by the Board of Zoning Appeals according to the rules and regulations which may be adopted by it.

Section 3.05. CLUSTERING, OPEN SPACE, and PLANNED UNIT DEVELOPMENTS

These methods of development shall be allowed when developing new parcels in all zoning districts. These methods of development shall allow greater density i.e. smaller than minimum parcel sizes and greater number of units per parcel than allowed under normal use. This shall be the preferred method when the parcels are in areas in woodlands, near bodies of water, or in agricultural areas

Section 3.06. PARCEL DIVISION/LAND/LOT SPLITS

A. Un-Platted Land (Meets & Bounds descriptions):

1. New parcels may be created pursuant to P.A. 591 of 1996, as amended, (being the Land Division Act, M.C.L. 560.101 et. seq.) and as provided here.
2. No Division of Un-Platted Land shall be approved by the Township Assessor unless the Division is in accordance with this Section of the Zoning Ordinance.
3. All new parcels created after the effective date of this amendment shall adhere to the minimum parcel size as outlined in Table 1 of the Zoning Ordinance, i.e.

Agriculture – Twenty (20) Acres

Recreational - Conservation – Ten (10) Acres

Single Family Residential – Ten thousand (10,000) Square Feet

Multiple Family Residential – Sixty Five thousand (65,000) (e) Square Feet

Mobile Home Park – Five thousand (5,000) Square Feet

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**Light Industrial – One (1) Acre Minimum but must meet all setbacks
Commercial – Thirty thousand (30,000) Square Feet**

4. All requests for Parcel Divisions with less than the minimum acreage/square footage, shall require a written variance from the board/commission with the authority to grant such a variance, and shall state the reasoning for granting the variance.

B. Platted Lots

1. All splints or Divisions of Platted Lots shall be done and granted only in accordance with Freeman Township Ordinance #15.

C. Clustering, Conservation Open Space, and Planned Unit Developments

1. Parcel Divisions for Clustering, Conservation Open Space, and Planned Unit Developments shall conform to all guidelines in the Freeman Township Zoning Ordinance, for these property/use types.
2. Each request will be evaluated on an individual basis by the Planning and Zoning Commission and will be subject to the needs of Freeman Township and the Master Land Use Plan.

**ARTICLE IV
GENERAL PROVISIONS**

Except as hereinafter specifically provided, the following general regulations (provisions) apply:

Section 4.01. CONFLICTING REGULATIONS. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the higher standards of this ordinance shall govern; furthermore, should any other law or ordinance impose more stringent or higher requirements than this ordinance, such requirements shall prevail.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

Section 4.03. ESSENTIAL PUBLIC FACILITIES. Essential public service facilities are those reasonably necessary for the furnishing of adequate service by

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public utilities or departments or commissions, or for public health or safety or general welfare for the residents and property owners of Freeman Township, but not including buildings other than such buildings as are primarily enclosures,

substations, or shelters of the above essential public service facilities shall be permitted as authorized and regulated by law and other ordinances of the Township Of Freeman in any use district. The Board Of Zoning Appeals shall have the power to permit the erection and use of the building, or an addition to an existing building, or the construction of underground regional transmission lines of a public service corporation or for the public utility purposes, in any permitted district to a greater height of larger area than the district requirements herein established and permit the location in any use district of a public utility building, structure or use if the Board Of Zoning Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service of the Township Of Freeman, and that there is no adverse effect upon the public health, safety and welfare of the residents of the Township Of Freeman. Specifically not included in the definition of Essential Public Service Facilities are regional utility storage, manufacturing or processing facilities.

SECTION 4.03.a. PRIVATE ROAD REQUIREMENTS. A “Private Road” is defined as right-of-way, easement, pathway or access-way not encompassed by County Road Law, and NOT under the jurisdiction of the Clare County Road Commission. Exception: an access used exclusively for gas and/or oil wells. Whereas, a Public Road is defined as a street, road or highway that comes under the jurisdiction of the Clare County Road Commission.

The general requirements for a Private Road are as follows:

- A. Creation of a new lot or parcel on said right-of-way, easement, pathway or access-way shall conform with at least the minimum requirements for a Private Road as stated in this ordinance.
- B. All parcels created and benefiting from a Private Road shall comply at all times with the terms of the Freeman Township Zoning Ordinance.
 1. Maintenance of the Private Road to allow access by any and all emergency vehicles is entirely the responsibility of the owners of the Private Road.
 2. All Private Roads serving more than three (3) lots which do not terminate at another Public or Private Road right-of-way shall terminate with a “cul-de-sac” with a specified minimum diameter of sixty six (66) feet, or a “Tee Turnaround” of a minimum of

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eighty (80) feet.

3. A Private Road shall have an approved area at least twenty (20) feet in width and shall meet or exceed Clare County Road Commission standards.
4. The creation and naming of Private Roads within Freeman Township must be approved by the Freeman Township Planning Commission. Duplicate road names within Freeman Township is prohibited.
5. Applicants and owners of the Private Road shall agree to hold harmless Freeman Township representatives from any and all claims for injury and property damage arising out of any and all use of the Private Road.
6. A disclosure statement shall be placed in a deed restriction that is recorded for any parcels serviced by a Private Road before each parcel is sold. The statement shall inform the purchaser that the road servicing the parcel is a "Private Road" and not required to be maintained by any government agency.

Section 4.04. STREET, ALLEYS, AND RAILROAD RIGHTS-OF-WAY.

All streets, alleys, railroad rights-of-way, not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of abutting property up to such centerline.

Section 4.05. PERMITTED AREA AND PLACEMENT. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

Section 4.06. LOT LIMITATIONS. In the Single Family Residential District, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots" which may be arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and there is compliance with all requirements of the State Subdivision Control Act, Act 288, P.A.1967, as amended.

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Section 4.07. LOTS, YARDS AND OPEN SPACES. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this ordinance, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

Section 4.08. STORAGE OF UNLICENSED MOTOR VEHICLES. There shall be no outside storage of unlicensed vehicles, which are required to be registered by law, in any residential district except those vehicles which are so located as not to be readily visible from any public place or from surrounding property.

Section 4.09. COMMERCIAL BULK STORAGE OF FLAMMABLE SUBSTANCE. Commercial bulk storage of gasoline, flammable liquids or other hazardous substances shall comply with the State Of Michigan Flammable and Combustible Liquids Code (pursuant to Act 154, P.A. 1974, as amended and Section 1910. 106, Federal Register) and requirements of the State Fire Marshal.

Section 4.10. REQUIRED STREET FRONTAGE. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street right-of-way or primary road which has been accepted for maintenance by the Clare County Road Commission.

Section 4.11. DWELLINGS IN NON-RESIDENTIAL DISTRICTS. No dwelling shall be erected in the Commercial Zoning District (C). However, the sleeping quarters of a watchman or a caretaker may be permitted in said district in conformance with the specific requirements of the particular district. Exceptions may be granted by the Board of Zoning Appeals where there is necessity to provide living quarters or a business establishment. These residences are not afforded the protection due normal residences in compatible Residential zones except that they must comply with the Township Building Code requirements.

Section 4.12. DWELLINGS OTHER THAN MAIN STRUCTURE. No residential structure shall be erected upon any required rear yard of a lot or upon a lot with another dwelling.

Section 4.13. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In residential districts, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

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- A. Where the accessory building is structurally attached to a main building it shall be subject to and must conform to all regulations of this Ordinance applicable to main building.
- B. An accessory building not exceeding one story or fourteen (14) foot in height may occupy not more than twenty five (25) percent of the required rear yard, except barns may be permitted of any size if located at least twenty-five (25) feet from the property line and located fifty (50) feet from any dwelling.
- C. An accessory building or structure of less than one hundred forty four (144) square feet in area shall not require a building permit provided that said building or structure meets all yard requirements for accessory buildings.
- D. When an accessory building is located on a corner lot, the side lot line of which is a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
- E. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall be located closer than ten (10) feet to any side or rear lot line.
- F. Decks should be located no closer than ten (10) feet from side or rear lot lines.
- G. All accessory buildings must adhere to all setback requirements.

Section 4.14. OCCUPANCY: ACCESSORY BUILDINGS. Buildings erected after the effective date of this Ordinance as accessory buildings, shall not be occupied for dwelling purposes. Use of basements and cellars for dwelling purposes shall meet all requirements of the building code and fire safety precautions and shall have received a Zoning Compliance and an Occupancy Permit.

Section 4.15. BUILDINGS TO BE MOVED. No permit shall be granted for the moving of buildings or structures from outside or within the limits of the Township to be placed on property within said limits unless the Zoning Administrator shall have issued a Zoning Compliance and an Occupancy Permit to assure that it will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code

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and other codes regulating the health, safety and general welfare of the Township.

Section 4.16. RESTORING UNSAFE BUILDINGS. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator, or required to comply with this lawful order. Refer to State Board of Health.

Section 4.17. APPROVAL OF PLATS. No proposed plat of a new redesigned subdivision shall hereafter be approved by the Township Board unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plot fully conforms with the State Subdivision Control Act, Act 288 P.A. 1967, as amended and Subdivision Regulation of the Township as may be adopted.

Section 4.18. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following regulations:

- A. The erection, construction or alteration of any fence, wall or type of protective barrier shall be approved by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development and to the requirements of this Section, except in the AG and RC Districts.
- B. Fences shall conform to the following requirements:
 - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land located within any required side or rear yard in a R District in excess of six (6) feet or less than three (3) feet in height above the grade of the surrounding land. No fence shall be erected until the lot line is hereafter established and designated.
 - 2. No fence shall hereafter be located in any required front yard in a R District higher than four (4) feet.
 - 3. All fences hereafter shall be of an ornamental nature except in AG and RC Districts. Barbed wire, spikes, nails or any other sharp point instrument of any kind on the top or on the sides of any fence, or electrical current or charge in said fence is prohibited, except in an AG and RC District. Barbed wire cradles shall be placed on top of fences enclosing public utility buildings or whenever deemed necessary by the Zoning Administrator in the interest of public safety.

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- C. Where R, RM or RMH District abut a C District, no residential subdivision development may be permitted therein until an earthen berm, four (4) feet in height and not less than twelve (12) feet wide at the base with hardy coniferous landscaping planted thereon has been established adjacent to all contiguous C Districts.
- D. No fence, wall structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting shade trees would be permitted where all are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the road right-of-way or easement lines and a line connecting them at points twenty-five (25) feet from the intersection of a street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 4.19. TRAVEL TRAILERS, CAMPERS, ETC. When camping on a parcel zoned AG or RC it will be necessary to complete a Water and Sewer Provisions Form from the county. It is not necessary to obtain a Temporary Occupancy permit when camping on AG or RC parcels. Within any platted subdivision in the township travel trailers (as defined in Article II), motor homes, tents, pick-up campers and buses, and other similar undersized temporary dwelling structures may be allowed as a temporary occupancy, but only under the following conditions and restrictions:

- A. No such structure may be placed for temporary occupancy in the Township without first obtaining a permit from the Zoning Administrator.
- B. The foregoing Ordinances will be enforced at the discretion of the Zoning Administrator.
- C. Temporary occupancy of travel trailers and campers etc. for recreational and vacation use may be allowed under the following conditions:
 - 1. For temporary occupancy while building permanent dwelling and would be restricted to a one (1) such temporary unit for a three (3) month period which would be renewable as indicated on temporary occupancy permit issued by the Zoning Administrator. A thirty five (35) dollar fee will be required for temporary occupancy permits.
 - 2. For hunting purposes during hunting season which would run from

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September 15 to December 31. Temporary thirty (30) consecutive days occupancy is permitted.

3. The summer vacation period starts on May 15 and ends on September 30. Within this time frame one (1) temporary structure may be used for not longer than thirty (30) consecutive days at which time the unit must be removed from the property.

D. No permit shall be granted unless and until the Zoning Administrator is satisfied that an adequate sanitary facility and water supply is provided.

E. Violation of any permit issued under this section may subject any violator to denial of future permits in addition to the penalties provided in Article XVIII.

Section 4.20. PRIVATE SWIMMING POOLS.

- A.** For permanent above and below ground swimming pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the Clare County Health Department shall also be submitted.
- B.** No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use
- C.** Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line or less than the established easement width at

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the rear property line, or less than four (4) feet between pool wall and any building on the lot.

- D. For the protection of the general public, all swimming pools shall be completely enclosed by chain link fence or a fence of comparable safety not less than four (4) feet or more than six (6) feet in height, and set at a distance of not less than four (4) feet from the outside perimeter of the pool wall. Except, that if a building is located on a lot not having any means of public access, a fence shall not be required on any such side, except for swimming pools above grade (e.g., portable)

which have a side wall with a smooth surface not less than four (4) feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper proof lock when the pool is not in use. Provided, however, that if the entire premises is enclosed by fence or wall, then said fence requirement may be waived by the Zoning Administrator after inspection and approval.

- E. All electrical installations or wiring in connection with below-ground swimming pools shall conform to the provisions of any electrical code which may be passed by the Township. If service drop conductors or other utility under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for relocation thereof before a permit shall be issued for the construction of the swimming pool.
- F. A private swimming pool shall be located only in the rear yard.

Section 4.21. STRUCTURES, NOT INCLUDED IN THE HEIGHT OF THE BUILDING. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits established for buildings as specified in other provisions of this ordinance except the roof structure for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, silos or similar structures may be erected above more than twenty (20) feet the height limits of the district in which it is located, nor such structure have a total area greater than twenty-five (25) percent of the roof area of the building, nor shall structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.

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Section 4.22. SEWER AND WATER CONNECTIONS. Before any building permit shall be issued under the terms of this Ordinance, the applicant shall prepare and submit plans for sewage disposal and water supply in accordance with the State Law and any County or Township Ordinances and no building or structure shall hereafter be erected or altered and used for dwelling, commercial or manufacturing purposes that does not provide proper flush type toilet facilities, including septic tanks and seepage beds installation in compliance with the laws of the State of Michigan and the rules and regulations of the Michigan Department of Public Health and of the Clare County Health Department ; provided that no building hereafter constructed, altered or repaired shall be used for privy or outside toilet.

- A. All septic tanks and drain fields that are installed on properties that abut to wetlands, ponds, lakes, creeks, streams or rivers, shall be located on the side of the dwelling away from such wetlands, ponds, lakes, creeks, streams or rivers.
- B. All existing septic tanks and drain fields that have to be replaced shall adhere to this ordinance.

Section 4.23. KEEPING OF FARM ANIMALS. Except in an AG District, a minimum of one (1) acre of land must be provided for the keeping of one animal, and one additional animal may be kept for each one-half (1/2) acre by which the property exceeds one (1) acre. Animals include cattle, horses, and other equines and similar livestock. No farm animals may be kept in a platted subdivision.

Section 4.24. STORAGE OF MANURE. Manure shall not be stored within one hundred (100) feet of any dwelling unit.

Section 4.25. a. FARMLAND PRESERVATION. " For Farmlands and Open Space Preservation use the principles stated in the Farmlands and Open Space Ordinance (#21 dated July 6, 2006) adopted by Clare County of the State of Michigan and similar initiatives adopted by the State of Michigan".

Section 4.25. WETLAND AND GREENBELT REGULATIONS. Use the State of Michigan and Federal rules and regulations.

Section 4.26. FIRE SAFETY. Fire safety is required by all commercial enterprises in the Township, with all special fire retardant and specialized materials needed to handle large intense fires to be furnished for the Township Fire Department with costs of special training of the Department personnel by the enterprise requiring protection. The commercial enterprise may contract such

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special needs to the Township Fire Department or specialized fire fighting unit, providing the unit is readily and immediately available and within a reasonable distance of no more than twenty (20) minutes time for arrival after being alerted. The Township Fire Department shall have reviewed the commercial enterprise's fire plan prior to the construction of such enterprise. Their suggestions will be adhered to whenever possible. The Department shall determine reasonableness of all requirements.

Section 4.27. CHEMICAL STORAGE. Chemical storage, including all chemical materials natural or man-made, or transported into or out of the Township, as well as naturally occurring or man-made within the township, shall be contained and regulated by the responsible party at the time of transport or

storage in the Township. Chemicals, gases, oils, etc., regardless of state, shall be so confined by secondary measures to prevent any escaping emissions that may now or in the future cause a health or safety hazard to the public. All chemicals must be inspected by and passed by the Township Fire Board prior to storage within the Township. Explosive materials are to be stored in a government approved storage building to the latest safe specifications. (See also Section 13.03 re. Industrial performance standards, and Section 4.09, commercial bulk storage of flammable substances.)

Section 4.28. HISTORIC BUILDINGS AND SITES. The purpose of this Section is to (1) safe guard the heritage of the Township of Freeman by preserving historic buildings and sites which reflect elements of it's culture, social, economic political and architectural history; (2) stabilize and improve property values; (3) foster civic beauty; (4) strengthen the local economy; (5) promote the use of historic districts for education, pleasure and welfare of the citizens of the Township. It shall be the duty of the Township Board to review all plans for the construction, alteration, repair, moving or demolition of historic structures and to pass upon such plans before a permit for such activity can be granted. In reviewing the plans, The Township Board shall give consideration to (a) the historical or architectural value and significance of the structure and it's relationship to the historic value of the surrounding area; (b) the general compatibility of exterior design, arrangements, texture and materials proposed to be used; and (c) to any other factor, including aesthetic, which it deems pertinent. The Township Board shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

It is also the intent of this Section that the Township Board shall be lenient in its judgment of plans for new construction or for alteration, repair or demolition of structures of historic value, except where such construction, alteration, repair or

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demolition would seriously impair the historic value and character of surrounding structures of the surrounding area. It is not the intent of this Section to limit new construction, alteration or repair to any one period of architectural style.

The Township Board shall have the power to call in experts to aid in it's deliberations. The Building Inspector shall not issue a building permit until such plans are approved by the Township Board. Such historic building and site plans shall be shown on the Township Zoning Map and have the same effect as a particular zoning district regulation running with the land.

Section 4.29 PUBLIC PARKS AND RECREATIONAL AREAS. Use Clare County, State of Michigan and Federal guidelines for all parks and recreational areas established within each of the zoning districts of the township.

Section 4.30. TOWER STRUCTURES FALL ZONE RESTRICTIONS. All towers and tower-like structures including any and all attached equipment or hardware, whether called "mono-pole", "free-standing", or "guide-wire supported", to include, but not limited to, radio towers, television towers, microwave or cell phone towers, flagpoles, wind energy towers, and water or well towers, electrical poles or towers, other than domestic radio and television receiving antennae that are attached to a dwelling, be located from all property lines, other towers and residential structures a distance at least equivalent to one and one half (1 ½) times the total height of the tower, or tower-like structure, including any and all equipment or hardware.

Section 4.31. KENNELS.

- A. It shall be unlawful to operate a dog kennel in Freeman Township in a non-compliant Zoning District without having obtained approval from the Freeman Township Planning Commission and without having obtained an appropriate license from the Clare County Department of Animal Control.
- B. Any person (or household) owning, harboring or keeping for pleasure or profit four (4) or more dogs shall be deemed to operate a dog kennel.
- C. No kennel shall be permitted within one hundred (100) feet of any Residential District (R, MR and/or RMH) of Freeman Township.
- D. All kennels shall provide sanitary disposal facilities that are in accordance with the most current Public Health Department Codes.
- E. No person shall operate a kennel without keeping the same, at all times, in a clean and sanitary condition, as deemed appropriate by the Clare County

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Department of Animal Control.

- F. No dog kennel shall be permitted in those cases where the dogs kept at such kennel are loud, frequently or habitually bark, yip, yelp, whine or howl to cause annoyance to the neighborhood or the general public.

ARTICLE V

**NON- CONFORMING LOTS, NON-CONFORMING USES OF LAND,
NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF
STRUCTURES AND PREMISES, AND NON-CONFORMING
CHARACTERISTICS OF USE**

Section 5.01. NON-CONFORMANCE. Within the districts established by this ordinance there exist:

- A. Lots
- B. Structures
- C. Uses of land and structures
- D. Characteristics of use
- E. Special land use permit

Which were lawful prior to adoption of this ordinance. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming use is declared by this ordinance to be incompatible with permitted use in the districts involved. A non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises, of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

Section 5.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of this Ordinance, but which does not meet its terms, use of such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Alterations.** No such non-conforming structure may be enlarged or

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altered in a way that increases its non-conformity.

- B. Reconstruction.** Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it may be reconstructed to a character similar to the original structure without increasing any non-conformity. The Township Board shall not prohibit a person from rebuilding a non-conformity structure on which a non-conforming structure was destroyed due to fire, storm or similar act HB 5882.
- C. Relocation.** Should such structures be moved for any reason whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.

Section 5.03. NON-CONFORMING USE OF LAND. Where at the time of passage of this ordinance lawful use of land exist which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful provided:

- A.** No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendments of this ordinance except that a single family dwelling may be expanded, increased or enlarged to an area not to exceed fifty (50) percent of its land area at the time of the effective date of this Ordinance.
- B.** No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C.** If any such non-conforming use of land ceases for any reason for a period of more than one (1) year or if it is discontinued for a period of eighteen (18) months in any three (3) year period, such land shall be made to conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 5.04. NON-CONFORMING USE OF STRUCTURES. If lawful use involving individual structures with a State Equalized Valuation of \$ 500.00 or more or of structure and premises in combination exist at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains

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otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
- D. Any non-conforming single family residential structure may be expanded or increased in floor area fifty (50) percent of the size of the structure at the time of the effective date of this Ordinance.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure, or structures and premises in combination, shall be thereafter not used except in conformity with the regulations of the district in which it is located.

Section 5.05. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

Section 5.06. NON-CONFORMING LOTS OF RECORD (SUB-STANDARD LOTS.) Any lot or parcel of land which was of record at the Clare County Register Of Deeds at the time of effective date of this Ordinance that does not meet requirements for lot size and open space established for the zoning district in which the said lot is located, may be utilized for single family residency in zones permitting this use, provided that the lot size and open spaces provisions are within fifty (50) percent of the Ordinance requirements. However, compliance with the following restrictions is also required:

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- A. The minimum front yard requirements may not be reduced
- B. No individual side yard may be less than ten (10) feet.

The purpose of this section is to permit the utilization of recorded lots which lack required lot size and open space as long as reasonable standards can be provided. However, where substandard lots of record are located in other than residential zoning districts, their utilization for a use permitted in the zoning district wherein the lot or lots are located may be permitted by the Board of Zoning Appeals as constituting a physical hardship involving unusual circumstances that render the property unusable for other purposes.

Section 5.07 FOR NON – CONFORMING USES OF LAND. Application must be made through the board of appeals for a special land use permit.

**ARTICLE VI
OFF-STREET PARKING REQUIREMENTS**

Section 6.01. OFF-STREET PARKING. In all zoning districts for each main building here-after erected or altered and located on a public highway or road in the Township, and including buildings or structures used primarily as a place of public assembly, there shall be provided and maintained suitable space off road or right-of-way that is in general adequate for parking or loading of vehicles in proportions shown in Section 6.02 such space shall be maintained and shall not be encroached upon so long as said building or structure remains, unless on equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Such space shall be provided with safe exit to and safe entrance from the public thoroughfare. Said exit and entrance may be combined or separately. Approval for the location of such exits and entrances on County roads shall be obtained from the Clare County Road Commission which shall also approve the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- A. **Area for parking space.** For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or road may also be deemed a parking space. All such parking spaces shall be located on paved or gravel surfaced area, graded to dispose surface water.

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- B. Fractional Requirements.** When units of measurements determining number of required parking spaces result in requirement of fractional space, any fraction up to, and including one-half ($\frac{1}{2}$) may be disregarded and fractions over one – half shall require one (1) parking space.
- C. Seating Capacity of seats.** As used in this article for parking requirements, seats shall mean that each twenty four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Zoning Administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for the required parking space.
- D. Protective Screening.** Whenever non-residential off-street parking facilities abut a R, RM or RMH District, an obscuring wall of not less than four (4) feet in height and not more than six (6) feet in height shall be provided.
- E. Existing Off-Street Parking at Effective Date of Ordinance.** Off-street parking existing at the effective date of this Ordinance which serves as existing building or use, shall not be reduced in size less than required under the terms of this Ordinance.
- F. Collective Provisions.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02.
- G. Restriction on Parking on Private Property.** It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property as parking space without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

Section 6.02. TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall

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be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section. In addition to the following parking space requirements, all commercial buildings shall meet the barrier free design and handicapped persons needs as further outlined in Section 6.03.

USE	PARKING SPACES	UNIT OF MEASURE
1. Auditoriums, Assembly Halls and Theaters	1	Two (2) seats based upon maximum seating capacity in the main places of assembly, plus one (1) space for every two (2) employees.
2. Banks (other than drive in types) , Business or Professional Offices of Lawyers, Architects, Engineers, or similar or allied professions.	1	Two Hundred (200) square feet of usable floor area.
3. Barber Shops.	3	Each Barber.
4. Beauty Salons.	4	Each operator.
5. Bowling Alleys	6	Each bowling lane plus parking spaces required for each attached restaurant and/or bar.
6. Churches.	1	Two (2) seats, based on maximum seating capacity in the main place of assembly therein.
7. Dance, Exhibition, Billiard, Lodge, and Assembly Halls And Skating Rinks without fixed seats.	1	Forty (40) square feet of usable floor area.
8. Drive-In-Banks.	4	Each teller window.
9. Drive-In Establishments And Restaurants with a minimum of forty (40) parking spaces.	1	Twenty-five (25) square feet of usable floor space.

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10. Elementary Schools, Junior High School, and Senior High School.	1	Two (2) teachers or administrators in addition to requirements of the Auditorium or assembly hall therein.
11. Establishments other than Drive-Ins, in which is conducted the sale and consumption of beverages, food and/or refreshments.	1	One (100) square feet of usable floor area plus one (1) space for each employee.
12. Furniture, Appliances and Household Equipment Repair Shops; Showrooms of Plumbers, Decorators, Electrician or similar trade; Clothing, Shoe Repair, Laundry, Motor Vehicle Salesroom; Hardware Stores, Wholesale Stores and Machinery Sales.	1	Eight Hundred (800) square feet of usable floor area, exclusive of the usable floor area occupied in processing or manufacturing for which requirements are presented in item 16 below, plus one (1) space for each two (2) employees.
13. Golf Courses.	1	Each two (2) employees and/or management personnel plus one (1) space for every five hundred (500) square feet of usable floor area in the club house plus a minimum of five (5) parking spaces per hole on the golf course.
14. Hospitals.	1	Two (2) beds.
15. Hotels, Tourist Homes, Motels.	1	Each guest bedroom.
16. Industrial Establishment.	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or five hundred and fifty (550) square feet of floor space, whichever is greater.
17. Warehouse and Storage.	1	One (1) employee computed on the basis of the greatest number of persons employed at any one period,

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		or one (1) space for every seventeen hundred (1700) square feet of floor space, whichever is greater.
18. Laundromat and/or Dry Cleaning Center.	1	Every two (2) washing machines.
19. Libraries and Museums.	1	Two hundred (200) square feet of floor space.
20. Mortuary Establishments And Funeral Homes.	1	Fifty (50) square feet floor space in the slumber rooms, parlors or individual service rooms.
21. Motor Vehicle Car Wash:		
a. Self-Service Operation.	4	Each motor vehicle wash establishment.
b. Other than Self-Service.	8	Each car wash establishment operation plus one (1) for each employee.
22. Private Clubs and Fraternities.	1	Two (2) beds, plus two (2) additional spaces for owner, management and/or service employees.
23. Professional Offices of Doctors and Dentists.	1	One hundred (100) square feet of usable floor area.
24. Residential-Single or Two (2) Family Dwelling.	2	Each dwelling unit.
25. Residential-Multiple Dwelling.	2.5	Every one (1) dwelling unit.
26. Retail Store, except as otherwise specified herein.	1	One hundred fifty (150) square feet of usable floor area.
27. Roadside Produce Stands.	6	Establishment.
28. Sanitariums, Homes for the Aged, Convalescent Homes, Children's Homes.	1	Two (2) beds.

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29. Service Garage, Auto Salesroom, Auto Repair Shops.	1	Eight hundred (800) square feet of usable floor area plus one (1) for each two (2) employees, Collision or Bumping Shops, computed the basis of the maximum number of employees on duty at any time. Plus one (1) space for each of the owners and/or management on duty at any time, plus two (2) spaces for each stall in a Collision, Bumping or Painting Shop, plus one (1) space for each stall or service area or water rack in a servicing or repair shop.
30. Stadiums and Sports Arenas.	1	Four (4) seats or eight (8) feet of Benches.
31. Mobile Homes.	2	Each mobile home.
32. Airport.	1	Each pilot and each passenger.
33. Condominiums and additional Visitors Cooperative Project.	2	Each dwelling unit plus one (1) space for every two (2) units.

Section 6.03. OFF-STREET PARKING FOR PHYSICALLY HANDICAPPED PERSONS.

Off street parking facilities required for buildings under separate ordinances or zoning laws shall be provided in accordance with the following table and identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, and inclined approach or curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to accessible entrance. Handicapped parking space shall be in accordance with state requirements.

Total parking required Under Section 6.02	Number of Handicap Accessible Spaces in addition to that
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Required under Section 6.02	
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Section 6.04. OFF STREET LOADING AND UNLOADING. On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display or other uses, similarly involving the receipt or distribution of vehicles or materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services to avoid interference with public use of road or alleys. Such loading and unloading space shall be of a paved, hard surface condition and be an area in minimum twelve (12) feet by fifty (50) feet in length with a fifteen (15) foot height clearance and shall be provided according to the following table:

Gross Floor Area, Square feet	Loading and Unloading spaces required in terms of square feet or gross floor area.
0 - 2,000	None.
2,001 - 20,000	One space.
20,001 - 100,000	One space plus one space for each twenty thousand (20,000) square feet in excess of twenty thousand (20,000) square feet.
100,001 – 500,00	Five spaces plus one space for each forty thousand (40,000) square feet in excess of one hundred thousand (100,000) square feet.
Over 500,000	Fifteen spaces plus one space for each eighty thousand (80,000) square feet in excess of five hundred thousand (500,000) square feet.

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No loading space shall be located closer than fifty (50) feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Zoning Administrator not less than six (6) feet or greater than twelve (12) feet in height.

Section 6.05. SPECIAL INGRESS AND EGRESS ROAD

REQUIREMENTS. Ingress and egress shall be by a service road where multiple businesses exist to avoid frequent access drives onto a thoroughfare or primary or secondary road. Entrances and exits to thoroughfare secondary or primary roads shall be limited to one (1) per mile. Such entrances and exits shall not be permitted upon any road nearer than one-half (1/2) mile (2,640 feet or 160 rods) to an existing road. This service shall be forty (40) feet wide and outside of the normal right-of-way. Maintenance of such service road shall be by the private business served by said road. Private drives to back lots shall enter or exit via the service road with the exception of a residential subdivision which shall maintain a roadway throughout the subdivision to a thoroughfare, primary or secondary road. Ingress and egress roads to thoroughfares shall not exceed one (1) per mile. No property owner shall be isolated or cut off from access to a public road because of the creation of a service road.

TABLE 1

SCHEDULE OF AREA, HEIGHT, BULK AND SETBACK REQUIREMENTS FOR BUILDINGS

Area, height, bulk and setback for buildings shall be in accordance with Table 1.

Zoning District	Min. Lot Size		Max. Building Height		Max. Lot Coverage by All Buildings % of Lot Area	Min. Yard Setback in feet (b)			Min. Floor Area Per Dwelling Unit (c)
	Area Sq. Ft.	Width Ft.	Stories	Feet		Front (a)	Side	Rear	
Agriculture, AG	20 acres	----	3	40 (h)	25%	50 (d)	10 (d)	50 (d)	720 (k)
Single Family Residential, R (j) (a)	10,000	100	2-1/2	35	25%	(l)	10	(l)	720 (k)
Multiple Family Residential, RM (j) (m) (a)	65,000 (e)	200	2-1/2	35	30%	50 (g)	20 (g)	40	--- (f)

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Commercial, C	30,000	165	2-1/2	35	---	75	15	25	---
									(i)
Recreational- Conservation, RC	10 acres	----	2-1/2	35	25%	50	10	50	720
									(k)
Mobile Home Park, RMH	5,000	40	1-1/2	20	30%	40	40	40	720
									(k)

Footnotes for Table 1 are as follows:

- (a). In all R, and RM Districts, the required front yard setback shall not be used for off-street parking, loading or unloading and shall remain as open space and unobstructed from the ground upward, except for landscaping, plant materials or vehicle access drives. All yards abutting upon public street shall be considered as front yards for setback purposes. In C, Commercial Districts, the same requirements shall apply except that only forty (40) feet of required front yard setback may not be utilized for parking and loading purposes
- (b). To determine required yard spaces for all land uses in zoning district's, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- (c). Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches, attached garages or accessory buildings.
- (d). All farm buildings, such as barns, for other than those incidental to the dwelling, shall be located not less than fifty (50) feet from any dwelling and not be less than ten (10) feet from any property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.
- (e). Minimum land area required for two family or multiple dwelling units (DU's) in the RM District shall be as follows:

Land Area in Square Feet For:

<u>Dwelling Unit (DU) Size</u>	<u>Apartments</u>	<u>Townhouses</u>
Efficiency or one Bedroom unit	5,500 (7.9 DU's/acre)	6,700 (6.5 DU's/acre)
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Two bedroom Units	6,700 (6.5 DU's/acre)	7,900 (5.5 DU's/acre)
Three bedroom Units	7,900 (5. DU's/acre)	9,700 (4.5 DU's/acre)
Four or more Bedroom Units	9,700 (4.5 DU's/acre)	9,700 (4.5 DU's/acre)

- (f). Required minimum floor area for each multiple dwelling unit shall be as follows:

Floor Area in Square Feet For:

<u>Dwelling unit size</u>	<u>Apartment</u>	<u>Townhouse</u>
Efficiency	550	- - -
One bedroom unit	650	650
Two bedroom unit	750	800
Three bedroom unit	850	1,000
Four bedroom unit	1,000	1,000

- (g). Side yard requirements may be waived in instances where fire walls are provided between units and when there is adequate access to the rear of the units for fire protection.
- (h). The height of agriculture structures such as silos shall not exceed one hundred (100) feet.
- (i). Minimum floor space per motel unit in a C District shall be two hundred and fifty (250) square feet.
- (j). When community water and sewage service is available it is required in all multiple dwelling projects, subdivisions and mobile home parks prior to any lots being sold.
- (k). Minimum floor area for mobile homes shall be seven hundred twenty (720) square feet. An existing mobile home in Freeman Township under six hundred (600) square feet but not less than four hundred (400) square feet of floor area may be allowed if (1) the name and serial number of the mobile home is registered with the Township Clerk within six (6) months after the adoption of the Zoning Ordinance, and (2) that if the mobile home is relocated to a site elsewhere in Freeman Township, that the new location meets all lot dimensional and area requirements for the particular zoning district in which the mobile home is permitted.
- (l). For non-water front property, setbacks are thirty (30) feet for the front

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yard (roadway setback) and ten (10) feet for the rear yard. For water front property, setbacks are fifty (50) feet from the "water line" (see definition in Article II) and thirty (30) feet from roadway.

- (m). For condominium and cooperative projects, minimum lot size, maximum coverage, minimum set backs, and minimum floor areas are to be approved under Article IX section 9.02c.
- (n). Minimum area per mobile home site. Front twenty (20) ft, Side ten (10) ft, Rear twenty (20) ft.

**ARTICLE VII
AGRICULTURE (AG) DISTRICT**

Section 7.01. STATEMENT OF PURPOSE. The agriculture District is established as a zone in which agriculture and certain related uses are encouraged as principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the mixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agriculture lands to help pay for urban services and contributes to the premature termination of health hazards brought about by illogical placement of inappropriately high residential densities in the otherwise open countryside. All new parcels, developments adjoining an Agricultural District, and all permitted activities in an Agricultural District shall conform to the rights guaranteed by the Right to Farm Act, Act 93, 1981 as Amended, Act 94, 1995. Nothing in the Zoning Ordinance shall preclude any of these guaranteed rights.

Section 7.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an AG, Agriculture District.

- A. Single-family farm dwellings related to agriculture operations, including living quarters for hired employees on premises.
- B. Single-Family Dwellings,
- C. Single mobile homes on private ownership lots provided they are not occupied by persons engaged in agriculture pursuits such as migratory labor. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided with two (2) ribbons of concrete, sixteen (16) inches wide, or as the State code requires, extending the full length of the mobile home and further, each mobile home shall

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meet manufacture's specifications for foundation support. Water and sewage disposal facilities meeting State and local health standards shall be met. All mobile homes shall be appropriately skirted with materials designed for proper application for Mobile Home skirting within six (6) months after being located on the lot.

- D.** Farm buildings, barns, greenhouses and grain elevators.
- E.** Farms, including livestock (see Section 4.23) and poultry raising, fruit farming, dairy, horticulture, farm forestry, sod farming and other similar bona fide agriculture enterprise or use of land and structure on a commercial or business scale. All others are incidental to farm life.
- F.** Truck gardening, tree and shrub nurseries.
- G.** Township (government) buildings and uses.
- H.** Churches, provided a minimum site of four (4) acres, not less than two hundred (200) feet wide, shall be provided, and further that the church structure shall be located at least one hundred (100) feet from any dwelling.
- I.** Semi – public and private recreation facilities not operated for profit.
- J.** Public and private natural resource, conservation areas.
- K.** Practice of forestry and sale of forest products, including sawmills and pallet assembly.
- L.** Home occupations as defined in Article II.
- M.** Roadside produce stands not on a commercial business scale for the sale of products, including farm produce, poultry and animals, provided that off-street parking space is provided pursuant to Article VI, that the stand is located at least twenty five (25) feet from the front property line, and no hazardous traffic condition results.
- N.** Commercial apiaries.
- O.** The raising of furbearing animals are subject to State regulations.
- P.** Cemeteries provided that the principal access shall be directly to a County Primary road.

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- Q. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
- R. Private parks, country clubs, gun clubs and fishponds.
- S. Stables and riding academies with a minimum site size of forty (40) acres.
- T. Sand and gravel operations.
- U. Off-street parking in accordance with Article VI.
- V. Accessory signs pertaining to farm produce, farm names and other goods and services being available on the premises where the sign is located, provided that there be a maximum of one sign per premises not exceeding one hundred (100) square feet in area and subject to height of one half (1/2) of the regulations for buildings in the AG District.
- W. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's). Medium Wind Energy Turbines (MWET's).
- X. Kennels.

Section 7.03 MINIMUM PARCEL SIZE. Twenty (20) acres.

**ARTICLE VIII
SINGLE FAMILY RESIDENTIAL (R) DISTRICT**

Section 8.01. STATEMENT OF PURPOSE. The Single Family Residential District is established as a district in which the principal use of land is for single family dwellings. For Single Family Residential Districts, in promoting the general purpose of this Ordinance, the specific intent is:

- A. To promote the health, safety and general welfare and to encourage the construction of and the continued use of the land for single dwellings.
- B. To prohibit business, commercial and industrial use of the land and to prohibit any other use which substantially interferes with development

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or continuation of single family dwellings in the district.

- C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- D. To discourage any use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- E. To discourage any use which, because of it's character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewage substantially in excess of such requirements and costs if the District were developed for single family dwellings. If the Central Michigan Health Department requires central water and service facilities be provided for a subdivision the cost shall be borne by the contractor.
- F. To encourage single family development in those areas which have suitable soils or municipal utility systems.

Section 8.02. PERMITTED PRINCIPAL USES. The following uses are permitted in R Districts:

- A. Single family detached dwellings.
- B. Single mobile homes on private ownership lots. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided that each mobile home site shall be provided with two (2) ribbons of concrete, sixteen (16) inches wide or as State code requires, extending the full length of the mobile home, and further, each mobile shall meet manufacture's specifications for foundation support. Water and sewage disposal facilities meeting State and local health standards shall be met. All mobile homes shall be appropriately skirted with materials designed for proper application for Mobile Home skirting within six (6) months after being located on the lot.
- C. Resort housing.
- D. Home occupations as defined in Article II.
- E. Keeping of animals in accordance with state and county regulations.
- F. Churches, provided a minimum site of four (4) acres, not less than two

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hundred (200) feet wide, shall be provided, and further that the church structure shall be located at least one hundred (100) feet from any dwelling.

- G.** Publicly - owned and operated parks, play fields, playgrounds and other recreational facilities which may or may not be operated for profit.
- H.** Public and private natural resource conservation areas.
- I.** Public, parochial or other private elementary, intermediate and/or high schools.
- J.** Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- K.** Libraries.
- L.** Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
- M.** Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
- N.** Off-street parking in accordance with Article II.
- O.** Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- P.** Accessory signs as follows:
 - 1.** For each dwelling unit, one name plate sign displaying street or road name and number and of occupant not exceeding one (1) square feet in area.
 - 2.** For permitted uses other than dwellings, one (1) bulletin or announcement board not exceeding sixteen (16) square feet in area, located no nearer to the front property line than one-half (1/2) the

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required front yard setback for buildings, nor nearer any side property line than the required side yard setback for buildings.

- Q. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's).

Section 8.03. DENSITY, AREA, HEIGHT, BULK, AND SETBACK REQUIREMENTS. (In accordance with Table 1, Schedule of regulations).

**ARTICLE IX
MULTIPLE FAMILY RESIDENTIAL (RM) DISTRICT**

Section 9.01. STATEMENT OF PURPOSE. The multiple family Residential District is designed to permit a more intensive residential use of land. Two family dwellings, multiple family dwellings, condominiums and cooperative projects are permitted in RM Districts. Areas where such dwellings and projects are located must be located such as to provide both good accessibility to major roads and good site design.

Section 9.02. PERMITTED PRINCIPAL USES. The following uses are permitted in Multiple Family Residential (RM) Districts:

- A. All principal uses in the R District.
- B. Two Family Dwellings.
- C. Multiple family dwellings as defined in Article II, subject to site plan review and approval by the Township Planning Commission and the State of Michigan.
- D. Churches, provided a minimum site of four (4) acres, not less than two hundred (200) feet wide, shall be provided, and further that the church structure shall be located at least one hundred (100) feet from any dwelling.
- E. Off-street parking subject to Article II with a minimum of one (1) guest parking space for every two (2) units grouped conveniently around the dwelling units. .
- F. Accessory buildings and uses customarily incidental to the above

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Permitted Principal Uses.

G. Accessory signs as follows:

1. For each dwelling unit, one sign displaying its number and may include the name of the road or street and or the occupant.
2. For other permitted uses other than dwellings, one (1) bulletin or announcement board not exceeding sixteen (16) square feet in area, located no nearer to the front property line than one-half the required front yard setback for buildings, nor nearer any side property line than the required side yard setback for buildings.

H. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's).

Section 9.03. DENSITY, AREA, HEIGHT, BULK AND SETBACK REQUIREMENTS. (In accordance with Table 1, Schedule of regulations.)

**ARTICLE X
COMMERCIAL (C) DISTRICT**

Section 10.01. STATEMENT OF PURPOSE. The Commercial District is intended to (1) encourage, rather than prohibit, commercial future growth under conditions that will be beneficial to the related boundaries of zones, natural resources and health and general welfare of the public, (2) guide and enhance proper, present and future commercial growth potential in relation to the health and general welfare of the public and residents of Freeman Township, (3) promote accurate detailed information on proposed commercial developments and to serve as a guide line for commercial developers within Freeman Township in the future, (4) provide reasonable protection for both the ethical developer and the home buying public, (5) promote stronger enforcement provisions for violations within the commercial zone, (6) provide for adequate local government authority and

responsibility of future commercial growth, and (7) establish uniform procedures for the submission and approval of commercial sites to promote proper future growth within Freeman Township.

Section 10.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a Commercial (C) District:

- A. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles books, confection, drugs, flowers, groceries, hardware, hobby

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equipment, jewelry, music, notions, paints, periodicals sundry, small household articles, tobacco, and similar establishments. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.

- B.** Personal service establishments performing services on the premises, such as barber and beauty shops, watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
- C.** Laundry or dry cleaning customer outlets, coin-operated Laundromat, self-serve dry cleaning center and the like. Dry cleaning or laundry plants serving more than one customer service are prohibited.
- D.** Eating and drinking establishments when food or beverage is consumed within a completely enclosed building, except as provided for drive-in facilities below.
- E.** Business service establishments performing services on the premises, such as office machine, typewriter repair and printing.
- F.** Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, furniture sales, upholsterer, caterer, exterminator, building contractor, including electrical, glazing, heating, painting, welding, paper hanging, plumbing, roofing, ventilating, and plastering.
- G.** Offices, business, financial, institutions professional or governmental.
- H.** Photographic film developing and processing.
- I.** Physical culture establishments, including gymnasiums, reducing salons, masseurs, masseuses, and steam baths.
- J.** Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- K.** Automobile service stations provided that such use shall be located on the site of not less than fifteen thousand (15,000) square feet and of not less than one hundred and fifty (150) foot frontage on a paved road.

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- L.** Used cars and farm machinery sales and storage areas provided that the total area presents a neat, well kept appearance. No outside storage or display of used car parts or junk yards shall be permitted, however, used auto parts may be kept inside a building which must portray a neat, well kept appearance.
- M.** Eating and drinking establishments of a drive-in or carry-out character, provided that all drive-way access from adjacent roads shall be located at least fifty (50) feet from any intersection of road rights-of-way.
- N.** Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and storage yards.
- O.** Theaters and parking lots provided that such are located at least one thousand (1,000) feet from any residential district or any existing dwelling, that direct access is possible from the site to a paved road, that all points of access are not closer than two hundred and fifty (250) feet from any intersection of road rights-of-way, all pornography and moral standards of the Township are met, and the approval from the Township Board is secured.
- P.** Open air business, located no less than fifty (50) feet from the closest residence.
- Q.** Racetracks operated for a profit.
- R.** Motels.
- S.** Funeral homes and mortuaries, provided that adequate off-street vehicle assembly area is available on the site which is separate from the required off-street parking area. A caretaker's residence may be located within the main building.
- T.** Travel trailer parks on a site of not less than three (3) acres, subject to all requirements of the Clare County Health Department, the Township of Freeman and applicable State codes.
- U.** Animal hospitals and veterinarian offices, provided that there are outside runs and such runs must be located at least two hundred (200) feet from the nearest residentially used or zoned district.

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- V. Airports, airfields, runways, hangars, beacons and other facilities involved within aircraft operations, subject to all rules and regulations of the federal Aeronautics Administration and the Aeronautics Commission of the State Department of Highways and Transportation. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Clare County Planning Commission after consultation with appropriate aeronautical agencies.

- W. Motor freight and truck storage yards, provided that ingress and egress aisles, as well as parking and storage areas for trucks are separate from customer parking and employee parking. These parking and storage areas shall be adequate to allow for safe manipulation of freight vehicles and freight. Parking and storage area for trucks shall be constructed with a hard surface material design for twenty (20) percent heavier load than customary vehicular passenger car parking lot load capacity.

- X. Wholesale and warehousing: The sale of wholesale or warehousing equipment; dry foods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, tobacco and tobacco products, beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck or business terminals.

- Y. Off-street parking in accordance with Article V I.

- Z. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

- AA. Accessory business sign, pertaining to the business or service being conducted on the premises where the sign is located; off-premises signs shall also be permitted provided they do not exceed three (3) square feet for each ten (10) feet of frontage or thirty (30) square feet for each acre of the premises on which located up to a maximum of one hundred (100) square feet in area, and also subject to height and

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setback regulations applicable to buildings in a C District.

No portable sign shall be placed closer than ten (10) feet to any driveway, road, street, alley, sidewalk or other public property, nor placed upon any property other than where the business or product advertised is located or sold. Every application for a building permit for a portable sign must include a description or sketch showing how such sign shall be affixed to the ground or some stationary structure which will prevent its rolling, tumbling, blowing or being pushed onto any driveway, street, alley or other public property. The permit shall specify that such sign shall not be displayed for a period greater than ten (10) days from issuance, for the purpose of this Ordinance a planned shopping center shall be considered one business premises. Maximum area shall be limited to twenty (20) square feet for a portable sign.

All signs must be well maintained and complement adjoining properties. No sign shall cause a public nuisance, be immoral or indecent advertising or health hazard as may be determined by the Township Board. (See also Article XVII for alleviating nuisances.) Any sign which must be removed shall not result in debris or unsightliness and must not remain on the premises in any condition longer than seven (7) days.

- BB.** Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's). Medium Wind Energy Turbines (MWET's). Large Wind Energy Turbines (LWET's).

- CC.** Kennels.

Section 10.03. REQUIRED CONDITIONS. Any use established in the C District after the effective date of this Ordinance shall be operated so as to comply with the following performance standards.

- A. Smoke:** A person or industry shall not discharge into the atmosphere

from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is as dark or darkened in shade as that designed as No.1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or such opacity as to obscure an observer's view to a degree

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equal to or greater than does smoke described herein. At no time may smoke emissions be darker than Ringlemann's No.2

- B. Open fires:** Burning combustible refuse in an open outdoor fire is not permitted. Refer to the State of Michigan Department of Natural Resources rules and regulations.
- C. Fire and safety hazards:** The storage of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations as established by the fire prevention Act, Act 207, P.A. as amended, the Flammable and Combustible Liquids Code (pursuant to Act 154, P.A. 1974, as amended, and Section 1910.106 Federal Register) and requirements of the State Fire Marshal. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes and other types of retaining walls which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than twice the depth to the bottom of the buried tank.
- D. Drifting and Airborne Matter:** The drifting or airborne transmission of matter beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful.
- E. Noxious Gases:** No noxious gases or odors shall be allowed to escape into the atmosphere in concentrations detrimental to human, plant or animal life.
- F. Glare, Heat, Light:** All operations which produce glare, such as welding and acetylene torch cutting, must be performed in such a manner that glare cannot be seen from any property line. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature near any property line at any time. Lights for parking lots and buildings shall be so oriented and shielded that they do not shine directly unto an abutting property. Exterior spot lighting or other illumination shall be aligned as to eliminate any nuisance to adjoining residential districts or other properties or traffic on public highways.
- G. Noise:** Industrial operations shall not exceed the decibel level emitted at the property line by the adjacent uses and shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. In no case shall the decibel level exceed sixty (60) decibels

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as measured on the weighted scale of a db meter.

- H. Vibration:** Vibrations from industrial operations and vehicular traffic shall not cause as impact vibration or ground displacement exceeding three thousandths (0.003) of an inch amplitude of vibration at the property line at nine hundred sixty (960) cycles per minute as measured at the property boundary line.
- I. Radio Transmission and Explosives and Radioactive Material:** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment. All explosives and radioactive materials stored and/or used shall be in a manner that does not endanger abutting properties. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby made a part of this Ordinance.
- J. Compliance with State and County Regulations:** Any use permitted in a C District shall comply with all applicable State and County health, pollution and environmental control laws and regulations.
- K. Nuisance:** A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or damage to business or property.
- L. Sewage Wastes:** No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures ; cause placing of unusual demands on the sewage treatment equipment or process: cause restriction of hydraulic capacity of sewer structures; cause limitation of the effectiveness of sewage treatment safety ; or cause obnoxious conditions inimical to the public interest. All chemical wastes are to be removed from the Township by the Industrial user which brought in the chemicals.

Specific conditions controlling sewage wastes are as follows:

- 1. The acidity or alkalinity shall be neutralized within an average PH

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range of between five and one-half (5.5) to seven and one – half (7.5) as a daily average on a volumetric basis, with permissible temporary variation in PH of four and one half to ten and one half (4.50 to 10.0).

2. The wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of one tenth (0.1) p.p.m., no fluorides in excess of ten (10) p.p.m. nor more than five (5) p.p.m. hydrogen sulfide: and shall contain no more than ten (10) p.p.m. of chromates.
3. The wastes shall not contain insoluble substances in excess of one hundred thousand (100,000) p.p.m.; exceed a daily average of five hundred (500) p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (1/2) inch.
4. The waste shall not have Chloride demand greater than fifteen (15) p.p.m.
5. The waste shall not contain Phenols in excess of five hundredths (0.05) p.p.m.
6. The waste shall not contain any grease or oil or any oily substances in excess of one hundred (100) p.p.m. or a daily average of twenty five (25) p.p.m.
7. The discharge of any heavy metals such as Lead and Mercury from any single source shall be prohibited.

M. Use Of Water: Water may be used in the Township from natural lakes, ponds or other sources provided that it is returned to the original source at least ninety-eight (98) percent pure, at least five (5) percent cooler than it's original state and contains adequate oxygen equal to normal conditions.

Section 10.04. BUFFER AREA. The buffer area is a strip of land not less than twenty (20) feet wide landscaped (with or without a wall or fence) in such a manner so as to separate two (2) parcels of commercially used land. The buffer area shall be so designed to act as a transition zone between non-compatible parcels and/or areas as determined by the Township Planning Commission. The

buffer may be natural or man-made provided it accomplishes the desired effect between incompatible parcels.

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Section 10.05. AREA, HEIGHT, BULK AND SETBACK REQUIREMENTS. (In accordance with Table 1 Schedule of Regulations.)

**ARTICLE XI
RECREATION CONSERVATION (RC) DISTRICT**

Section 11.01. STATEMENT OF PURPOSE. The Recreation Conservation District is intended for those areas oriented towards prevention of destruction and loss of natural land and water features and natural historic sites, provisions of habitats for wildlife and conservation and preservation of outdoor recreation uses. Such RC zoned land may be widely scattered in the Township and permit agricultural and forestry activities, natural trails, hunting and fishing preserves and low density residential uses.

Section 11.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a RC, Recreation Conservation District.

- A. Single family dwellings.
- B. Single mobile homes on private ownership lots. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided that each mobile home site shall be provided with two (2) ribbons of concrete, sixteen (16) inches by twenty four (24) inches deep, or as State code requires, extending the full length of the mobile home and further, each mobile home shall meet manufacture's specifications for foundation support. Water and sewage disposal facilities meeting State and local health standards shall be met. All mobile homes shall be appropriately skirted with materials designed for proper application for Mobile Home skirting within six (6) months after being located on the lot.
- C. Farms including livestock (see Section 4.25) and poultry raising, fruit farming, dairying, horticulture, farm forestry, sod farming and other similar bona – fide agriculture enterprise or use of land and structure, but not including slaughter houses, fertilizer plants, plants for processing of animal skins or hides or plants for reduction of animal matter or wastes.
- D. Churches, provided a minimum site of four (4) acres, not less than two hundred (200) feet wide, shall be provided, and further that the church structure shall be located at least one hundred (100) feet from any

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dwelling.

- E.** Public and Private natural resource, conservation areas.
- F.** Practice of forestry and sale of forestry products, including sawmills and pallet assembly.
- G.** Home occupations as defined in Article II.
- H.** Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
- I.** Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
- J.** Public and private parks, playgrounds, picnic areas and beaches, gun clubs, fish ponds.
- K.** Public and parochial, private and other schools offering courses in general education not operated for a profit.
- L.** Country clubs.
- M.** Boat launching facilities, docking and berthing space and supporting facilities to dry dock and store boats and motors when not in use.
- N.** Stables and riding academies with a minimum site size of forty (40) acres.
- O.** Golf courses, zoological gardens, botanical gardens and arboretums, which may or may not be operated for a profit, subject to the following conditions:
 - 1.** The site shall be so planned as to provide all ingress and egress directly onto a county primary road.
 - 2.** Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings shall not be less than two hundred (200) feet from any R, Single Family Residential District.

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- P. Canoe liveries.
- Q. Accessory signs pertaining to farm produce, farm names and other goods and services being available on the premises where the sign is located, provided that there be a maximum of one (1) sign per premises not exceeding one hundred (100) sq. feet in area and subject to height and setback regulations for buildings in the RC District.
- R. Radio and television towers, other than domestic radio and television receiving antennae, provided that any such towers shall be located from all property lines a distance at least equivalent to one and one half (1 ½) times the total height of the tower structure including any and all attached equipment or hardware (refer to Section 4.30 of Article IV. General Provisions).
- S. Greenbelt areas and watershed areas adjacent to bodies of water and rivers and streams needed to preserve the natural beauty of the Township, provided open space for gradual run off and absorption of water for ground water supply.
- T. Off- street parking in accordance with Article VI.
- U. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
- V. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's). Medium Wind Energy Turbines (MWET's).
- W. Kennels.

Section 11.03. AREA, HEIGHT, BULK AND SETBACK REQUIREMENTS. (In accordance with Table 1, Schedule of Regulations.)

Section 11.04. MINIMUM PARCEL SIZE. Ten (10) acres.

**ARTICLE XII
MOBILE HOME PARK (RMH) DISTRICT**

Section 12.01. STATEMENT OF PURPOSE. The mobile home park district is

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intended to provide a suitable living environment for families that by preference choose to live in a mobile home. In keeping with the occupancy characteristics of modern mobile home parks, adequate space and facilities for healthful living conditions for occupants should be provided. All such districts should have access to a major road for easy accessibility. Suitable water and sewage facilities would also be provided in accordance with State, County and Township health regulations and statutes.

Section 12.02. PERMITTED PRINCIPAL USES. In the RMH District, following uses are permitted:

- A. Mobile home parks together with accessory buildings and uses customarily incident thereto, including residence for mobile park owner or operator and his family, but excluding any retail sales for mobile homes, unless the same are located upon a developed mobile home site; subject to the following conditions and limitations: no mobile home park or trailer home park for single family dwellings may be located in any area of Freeman Township except in the area zoned RMH.
 - 1. All mobile home parks shall comply with the requirements imposed by Act 243, Public Acts of 1959, as amended, except as such provisions are modified herein.
 - 2. No mobile home park shall be developed or operated with less than twenty (20) mobile home sites nor upon less than ten (10) acre tract of land under the ownership of the proprietor. Special exception is made for essential public utility services, buildings for gas or electric regulator stations or building accessory thereto.
 - 3. A drainage system must be installed in the mobile home park that will properly drain the area in all seasons and be approved by the State Department of Public Health.
 - 4. No mobile home space shall be less than five thousand (5000) square feet in area not less than forty (40) feet in width. The boundaries of every mobile home space shall be clearly defined and not more than one (1) mobile home shall be located on any individual mobile home space. Each mobile home space shall be provided with two (2) ribbons of concrete, sixteen (16) inches by twenty four (24) inches deep or as State code requires, extending

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the full length of mobile home, and further each mobile home shall meet manufactures specifications for foundation support. All mobile homes shall be appropriately skirted with materials designed for proper application for Mobile Home skirting within six (6) months after being located on the lot.

5. No mobile home nor any appurtenances connected thereto shall be located in a mobile home space closer than twenty (20) feet to any adjoining mobile home or building, nor closer than three (3) feet to one boundary line of the individual trailer space, nor closer than ten (10) feet to the remaining three (3) boundary lines of such trailer space.
6. Ingress and egress for each mobile home park shall be by one primary roadway and not multiple driveways entering upon roadway primary or secondary. All mobile home spaces shall abut a driveway of not less than thirty six (36) feet in width as measured from back to back of curb, which shall provide a drainage structure, a two (2), nine hundred twenty (920) inch bituminous plant mix surface constructed in a gravel base, and unobstructed and safe access to a public road or highway. Where sidewalks are provided paralleling said driveway, the same shall be in addition to the foregoing driveway width.
7. No less than two (2) parking spaces for automobiles, ten (10) feet by twenty two (22) feet in size, shall be provided within the mobile home park for every mobile home site located therein. Such parking spaces shall be paved or aggregate surfaced to provide drainage of surface waters.
8. All driveways within the park shall be illuminated with not less than twenty five hundred (2500) lumen lights spaced not more than three hundred (300) feet apart or equivalent lighting approved by the Township Building Inspector.
9. Each mobile space shall be provided with electric service of not less than one hundred (100) amp capacity, located underground. All electrical wiring and installation shall comply with the State Building Code. Any electrical connections to mobile homes shall be so located as to avoid the extension of electric lines across sidewalks or driveways or in any manner which would be a hazard to persons or property.

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- 10.** Service buildings for laundry, bathing lavatory toilets and other sanitation facilities shall be provided within the mobile home park as required by applicable State Building Code.
- 11.** No garbage or other wastes shall be burned within a mobile home park, but shall be disposed of either through appropriate disposal service furnished by the proprietor of the park or through mechanical garbage disposal equipment connected to sewer facilities located within the park. Any containers for garbage or waste material shall be recessed below grade level and shall be maintained in a sanitary condition to avoid any nuisance or annoyance there from, to residents within the park.
- 12.** All mobile home parks shall provide utilities, such as water supply, sanitary sewage disposal, gas, etc. according to all applicable standards and regulations of the State of Michigan.
- 13.** No mobile home shall be allowed to be located within a mobile home park unless the same is a self-contained trailer coach and is connected to water and sanitary sewer facilities required at each mobile home space.
- 14.** Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number located within the park as to satisfy applicable regulations of the fire department. Fire extinguishers shall bear the underwriter's label and be of such type approved for such service by the Commissioner of the State Police. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition in compliance with regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fire shall be left unattended at any time.
- 15.** Before any mobile home park is commenced, the plans shall be submitted to the Township Board for approval. No approval by the State or County shall supersede this approval.
- 16.** The Township reserves the right to inspect any mobile home park at reasonable periodic intervals to ascertain compliance with the terms and conditions of this Ordinance. The management of every such park shall be held responsible for such compliance and shall hereby be requested to cooperate with the Township Inspector in making any such Inspections.

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- B. Special exception uses.** The following uses are permitted in a RMH District provided approval is secured from the Board of Zoning Appeals.
1. Light agriculture (horticulture), but not rearing or breeding of live stock.
 2. Structures pertaining to or arising from the use of the land for mobile home living.
 3. Extensive outdoor recreational uses in excess of one (1) acre serving residents of mobile home park.
- C. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's).**

**ARTICLE XIII
LIGHT INDUSTRIAL (LI) DISTRICT**

Section 13.01. INTENT AND PURPOSE. Due to the limited ability of Freeman Township to provide a high level of Public Service, such as water and sewer, there are a limited number of industries, which would be able to locate in the area. The Light Industrial District provides locations within the township for light manufacturing, storage, or and other related activities and facilities which will not create hazards; offensive or loud noises; or excessive vibrations, smoke or glare. These uses are characterized by adequate lot size, set backs, site design and sensitivity to the environment. The following qualifications may be considered for light industrial development:

- A. Adequate road capabilities to manage truck traffic safely.
- B. Availability of Public Utilities, or County Approved private systems.
- C. Sufficient area for parking and loading.
- D. Adequate separation from residential areas.

Section 13.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a Light Industrial (LI) District:

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- A.** Industrial plants manufacturing processing, packaging, or assembling the following.
 - 1. Agricultural Products
 - 2. Food products not including slaughtering of animals or rendering or refining of fats or oils.
 - 3. Electrical machinery, equipment and supplies electronic components and accessories.
 - 4. Engineering and other precision instruments and goods.

- B.** Industrial Plants, manufacturing, processing, packaging, treating, or assembling the following materials or products.
 - 1. Finished products;
 - 2. Lumber, wood, and glass products including mill work, prefabricated structural products and containers.
 - 3. Biological and pharmaceutical preparations.
 - 4. Jewelry, silverware and plated ware, musical instruments and related parts, toys, amusements, athletic goods, pens, pencils, other office and artists supplies, notions, signs and advertising displays.
 - 5. Pottery and other ceramic products.
 - 6. Fabricated metal products, except the production of heavy machinery and transportation equipment.

- C.** Wholesale Business.

- D.** Commercial greenhouses and nurseries.

- E.** Warehousing, including refrigerated and general storage.

- F.** Professional and business offices including medical offices and clinics.

- G.** Commercial day care centers.

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- H. Research and development facilities, including production activities related to the uses permitted in this section.
- I. Trade or industrial schools.
- J. Tool and die shops.
- K. New building materials sales and storage.
- L. Utilities and communications installations such as electrical receiving or transforming stations, television and radio towers, including commercial wireless telecommunication towers.
- M. Utility and public service buildings and storage yards.
- N. Small Tower-Mounted Wind Energy Turbines (STMWET's) and Small Structure-Mounted Wind Energy Turbines (SSMWET's). Medium Wind Energy Turbines (MWET's).
- O. Kennels.

Section 13.03. USES PERMITTED BY SPECIAL LAND USE.

- A. Salvage yards.
- B. Restaurants including those with drive-through service.
- C. Removal and processing of stone, rock, sand, gravel, lime or other soil or hard mineral resources.
- D. Adult Entertainment uses.
- E. Commercial storage warehouses.

Section 13.04. SITE DEVELOPMENT STANDARDS.

- A. The following dimensional requirements shall be met for any use in this district unless otherwise provided.

Minimum Lot Area One (1) acre

Minimum Front Fifty (50) feet – no parking area shall be

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Yard Set Back the	located within the first fifteen (15) feet of front yard. The 15-foot Setback area shall be landscaped.
Minimum Side and Rear Yard Setback	Forty (40) feet – no parking or other paved area, except for driveways, shall be located within the required side or rear yards. Side or rear lot lines adjoining a residential district shall be no less than one hundred (100) feet, screened by a compact hedge of deciduous or evergreen trees, or a solid wall or opaque board fence six (6) feet in height.
Maximum Building Height	Building height peak to grade shall be no Greater than thirty five (35) feet.
Maximum Lot Coverage	Fifty (50) percent

B. Parking lots for use in this district shall be adequately lit to ensure security and safety and shall meet the following requirements.

1. Light fixtures shall be no higher than twenty (20) feet, and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

The Planning Commission may allow higher lighting fixtures if required as long as existing or planned residential areas will not be affected.

**ARTICLE XIV
ADMINISTRATION AND ENFORCEMENT**

Section 14.01. ENFORCEMENT-ZONING ADMINISTRATOR. The duty of administering and enforcing the provisions of this Zoning Ordinance, including issuance and revocation of Zoning Compliance Permits shall, unless otherwise provided for, be vested in the Township Zoning Administrator, who shall be appointed by the Township Board for a two (2) year term and subject to such conditions and at such rate of compensation said board shall determine. The

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Administrator can be removed from office by the Township Board for willful neglect of duty or malfeasance in office.

Section 14.02. ELIGIBILITY OF ZONING ADMINISTRATOR. To be eligible for appointment the zoning administrator shall have no interest, directly or indirectly, in land development or in the sale or manufacture of any material process facility or device entering into or used in connection with building.

Section 14.03. DUTIES OF ZONING ADMINISTRATOR. The zoning administrator shall cooperate with the Township Building Inspector and shall (1) conduct necessary field inspections, surveys and investigations to insure compliance with the provisions of this Ordinance; (2) shall investigate any alleged violation of this ordinance coming to his attention once he has received a signed complaint; (3) shall keep records of all inspections, applications and Zoning Compliance Permits issued, with notation of all special conditions involved; (4) shall file and safely keep copies of all site plans and all fees submitted with application; (5) shall receive all application for appeals, variances or other matters which the Board of Zoning Appeals is required to decide under this Ordinance; and (6) shall be responsible for providing forms for the various applications required by this Ordinance. Under no condition shall the Zoning Administrator make any changes or vary any terms in this Ordinance in carrying out his duties. The Zoning Administrator shall notify the Chairman of the Board of Zoning Appeals within seven (7) days of the receipt of application for any variance. Once a variance has been granted the Zoning Administrator shall grant a Zoning Compliance Permit.

Section 14.04. ZONING COMPLIANCE PERMITS AND BUILDING PERMITS.

- A. No dwelling, building or structure subject to the provisions of this Ordinance shall be erected, altered, enlarged or moved upon a premise from another premise until; (1) a Zoning Compliance permit has been issued by the Zoning Administrator; if no permit has been secured prior to work beginning the permit fee, for said work, shall be doubled, and (2) a building permit, therefore, has been issued by the Building Inspector in conformity with the provisions of this Ordinance and the State code. All commercial buildings must also have State site plan review and approval. Such permit is non-transferable and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun. All such Building Permits shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, enlargement or movement.

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- B.** Where the Zoning Administrator and the building Inspector determine that the dwelling, building or structure and the land uses therefore, as set forth the building application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a Building Permit to the applicant within ten (10) days after receipt of the application and when such permit is refused he shall state such refusal in writing with the cause. The Building Inspector shall deposit one copy with the Township Clerk with proper notations thereon, or attached thereto,

relative to its approval or disapproval, including the date thereof, and such copy shall be kept by the Township Clerk as a record. A second copy of the application shall be returned to the applicant with similar notations and a third copy shall be retained by the Building Inspector.

- C.** Each such Zoning Compliance Permit fee shall be placed in the Zoning Fund, maintained in the Township Treasurers name. No permit shall be valid until the required fee has been paid. The amount or fee for all new Zoning Compliance Permits shall be established by the Township Board.

- D.** Application for a Zoning Compliance Permit and a Building Permit shall be submitted to the Zoning Administrator and the Building Inspector, respectively, prior to the time when the erection, alteration, enlargement or moving of a dwelling, building or structure or part thereof is intended to begin. Such application shall be accompanied by a plan in duplicate showing the following information:

1. Actual shape, size location, dimensions and legal description of the parcel involved, including any separate ownership parcels therein.
2. The shape size, dimensions and location of any existing or proposed structures to be situated on the parcel.
3. The existing and intended use of the parcel and all structures upon it.
4. Any unique or special features of the parcel.
5. Setbacks of structures from lakes, streams, creeks, roads and property lines.
6. Location proposed of septic tank drainage field.

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7. Signature of applicant (must be owner or owner's agent of premises concerned).

The accuracy of statements in the application shall be the responsibility of the applicant. False or fraudulent statements shall be grounds for revocation of any Zoning Compliance Permit or Building Permit.

- E. The application shall show that it complies with rules and regulations of the Clare County Health Department and local Ordinances, and show the location, dimensions and description of water and sewage disposal facilities to be constructed, such as septic tanks, disposal fields, or any other facilities used in the disposition of human excreta, sink wastes and laundry wastes, the location of existing wells and lots adjoining the lots to be built upon, however, that the Zoning Administrator and Building Inspector are hereby empowered to waive the inclusion of any details specified in the paragraphs (c) and (d) of this Section in case of any application where the facts are not pertinent to the purposes of this Ordinance. A septic tank permit shall be obtained from Clare County Health Department prior to the issuance of any Building Permit.
- F. Nothing in this section shall be construed to prohibit applicants or their agent from preparing their own plans and specifications provided, however, that the same shall be clear and legible.
- G. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application may be included in one building permit.
- H. Any permit or approval issued by the Building Inspector under which no work has been done above the foundation walls within one (1) year from date of issuance shall expire by limitations; but such permit upon request shall be renewable for an additional one year from the date of expiration of original permit, subject, however, to the provisions of the Zoning Ordinance in force at the time of such renewal.
- I. The Building Inspector shall have the power to revoke or cancel any permit or approval in case of failure or neglect to comply with the permit or make any false statement or misrepresentation made in the application for a Building Permit. The owner or his duly authorized

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agent shall be notified of such revocation or cancellation in writing.

Section 14.05. ZONING COMPLIANCE PERMITS (Change Of Use); OCCUPANCY PERMITS.

- A. Application for Zoning Compliance Permits and Occupancy Permits for use of land, buildings and structures:** Following the effective date of this Ordinance, no changes of use of any land or existing buildings or structures shall be made, and no buildings or structures hereafter erected shall be occupied and used in whole or in part, until the owner or occupant has obtained a Zoning Compliance Permit from the Zoning Administrator and an Occupancy Permit from the Building Inspector, stating the use and/or building complies with the provisions of the Ordinance. A fee, as established by the Township Board, shall accompany each application to be transmitted to the Zoning Fund at the next meeting of the Township Board.
- B. Use of Altered Buildings and Structures Subject to the Provisions of Ordinance:** No buildings or structures now or hereafter erected and subsequently altered shall be used or changed in use, following such alteration until the owner has obtained a Zoning Compliance Permit from the Zoning Administrator and a Building Permit and Occupancy Permit from the Building Inspector, stating that the use or building complies with the provisions of this Ordinance.
- C. Procedures Relative to Occupancy Permit:** Occupancy Permits shall be applied for and shall be issued within ten (10) days after erection or alteration of the building is complete. A record of all Occupancy permits shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any persons having proprietary or tenancy interest in the land or building affected.
- D. Revocation of Occupancy Permit:** The building Inspector shall have the power to revoke or cancel any Occupancy Permit in case of failure or neglect to comply with any provisions of this Ordinance or in case of false statements or misrepresentation made in application. The owner, or his agent shall be notified of such revocation in writing and any further misuse of the land or building shall be deemed a violation.
- E. Temporary Occupancy Permit:** The Building Inspector shall upon request issue a Temporary Occupancy Permit for a part of a dwelling, building, structure or premises prior to completion in full, but such

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temporary certificate shall not remain in force for a period in excess of one year, nor more than ten (10) days after full completion.

Section 14.06. SPECIAL USE PERMITS AND VARIANCES

AMENDMENTS. The township board may amend, supplement or change the regulations and boundaries of districts or provisions of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, with the Michigan Zoning Enabling Act 110 of 2006, as amended.

Said Act among other requirements, establishes the following basic procedures for making amendments to this Ordinance.

- A. A petition for amendment may be submitted by a property owner in the Township, which shall be submitted to the Township Board which, in turn, shall refer it for recommended action to the Township Planning Commission. Proposed amendments may also be initiated by the Township Board or the Planning Commission.
- B. After consideration of the proposed amendment, the Township Planning Commission shall conduct at least one (1) public hearing, notice of which stating time, place and topic shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not less than fifteen (15) days before the date of the meeting at which the application will be considered (or the hearing held, if a hearing is involved).(MCL125.3103). The notices shall include the places and times at which the tentative text and any maps of the zoning amendment may be examined. In addition, if an individual property is proposed for rezoning, special use permits, or variances, the property shall be conspicuously posted and the Township Planning Board shall also give notice eight (8) days before the hearing by mail or delivery in person to all owners of property and tenants on property at the address given in the last assessment roll within **THREE HUNDRED (300) FEET** (adopted 11-10-05) from the area requesting change.
- C. Upon completion of public hearing, the proposed amendment or supplement shall be submitted to the Clare County Planning Commission for review and comment.
- D. After the Township Planning Commission receives back proposed amendment following County Planning Commission review (30 days maximum period provided), the Township Planning Commission shall transmit its final recommendation to the Township Board which may adopt the amendment with or without changes.

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- E. Other procedures may be required pursuant to Section 11 and 12 of Act 184, P.A. 1943, as amended.
- F. Any property owner desiring to have any amendment in text or district map of this Ordinance shall, with the petition for a change, deposit a filing fee, as established by Township Board, for deposit in the Zoning Fund, to cover the cost of notice of public hearing, the public hearings, and other related expenses incurred in the processing of said petition.
- G. Reference Page 12, Section 125.3502 (4) of the Michigan Zoning Enabling Act of 110 of 2006.

**ARTICLE XV
BOARD OF ZONING APPEALS**

Section 15.01. CREATION OF BOARD OF ZONING APPEALS. There is hereby established a Board of Zoning Appeals, which shall perform it's duties and exercise it's powers as provided by Act 184 of public Acts of 1943, with the Michigan Zoning Enabling Act 110 of 2006, as amended, in such way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

Section 15.02. BOARD MEMBERSHIP. The Board of Zoning Appeals shall consist of the following three (3) members:

- A. The first shall be a member of the Township Planning Commission.
- B. The remaining two (2) members of the Board of Zoning Appeals must be selected from electors of the Township residing outside of incorporated cities and villages. The membership must be representative of the population and interests present in the Township.
- C. A contractor of the Township cannot serve as a member or employee of the Board of Zoning Appeals.

Members of the Board of Zoning Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

Section 15.03. MEETINGS. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board of Zoning

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Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure, maintain a record of its proceedings and keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. A quorum shall consist of majority of duly appointed members of the Board of Zoning Appeals.

Section 15.04. APPEALS. An appeal may be taken to the Board of Zoning Appeals by any person, firm, corporation, or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator. Such appeals shall be taken within such time prescribed by the Board of Zoning Appeals by general rule, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning

Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by Circuit Court. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 15.05. NOTICE OF HEARING. The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing has been held. Notice of the hearing of the appeal shall be given to the parties concerned at a reasonable time and place in a paper of general circulation in the Township of Freeman at least fifteen (15) days prior to the date of the public hearing. **IN ADDITION TWENTY (20) DAYS PRIOR TO THE PUBLIC HEARING, THE BOARD SHALL NOTIFY BY MAIL, ALL PROPERTY OWNERS AND TENANTS AT THE ADDRESS GIVEN IN THE LAST ASSESSMENT ROLL, WITHIN THREE HUNDRED (300) FEET FROM THE SUBJECT PARCEL OF THE OWNER REQUESTING THE CHANGE.** (Adopted 11-10-2005). Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Board of Zoning Appeals as well as a brief description of the nature of the appeal.

Section 15.06. POWERS OF BOARD OF ZONING APPEALS CONCERNING

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VARIANCES.

- A.** The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement and of any provisions of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B.** The Board of Zoning Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.
- C.** The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utilities purposes, in any permitted district to a greater height or area larger than the district requirements herein established and permit the location in any use district of a public utility building, structure, or use; if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such districts.
- D.** The Board of Zoning Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements when, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- E.** The Board of Zoning Appeals shall have the power to permit temporary buildings, other than those incidental to construction work and use for periods not to exceed one (1) year, which may be renewable upon reapplication.
- F.** Where owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or

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cause unnecessary hardships within the meaning of this Ordinance, the Board shall have the power upon appeal in specific cases to authorize such variation or modifications of the use provisions of this Ordinance with such conditions and safeguards as it may be in harmony with the spirit of this Ordinance and so that public health, safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public health, safety and welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That granting of such variance will not adversely affect the purpose or objective of this Ordinance.
5. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Zoning Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort or welfare the inhabitants of the Township. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law.

G. In exercising the above powers, the Board of Zoning Appeals, by

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concurring vote of not less than three (3) duly appointed members, may reserve, or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 15.07. BOARD OF ZONING APPEALS APPROVAL. The Board of Zoning Appeals may require the appellant requesting a variance or modification to submit all necessary surveys and plans of other information the board may reasonably require. The Board of Zoning appeals may impose such conditions or limitations in granting a variance or modification as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Section 15.08. APPROVAL PERIOD. No order of the Board of Zoning Appeals permitting the erection or alteration of a building shall be valid for a

period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period ; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.

Section 15.09. FILING FEE. Application for a Board of Zoning Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Treasurer for deposit to the zoning fund, at the time of the notice of appeal or request for special approval is filed.

**ARTICLE XVI
INTERPRETATION AND APPLICATION**

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted, or issued, and not in conflict with

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any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however; that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall govern.

**ARTICLE XVII
VIOLATION AND PENALTIES**

Section 17.01. Presumption of Civil Infraction.

A first violation of the Freeman Township Zoning Ordinance shall be deemed to be a municipal civil infraction.

Section 17.02. Violation and Penalties.

- A.** The following civil fines shall apply in the event of a determination of responsibility for a municipal infraction, unless a different fine is specified in connection with a particular ordinance provision:

The First Offense. The civil fine for a first offense violation shall be in the amount of three hundred and fifty dollars (\$350.00), plus cost and other sanctions, for each offense.

- B.** In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this ordinance.

- C.** Continuing Offense. Each act of violation and each day, upon which any such violation shall occur, shall constitute a separate offense.

- D.** Remedies Not Exclusive. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.

- E.** Judge or Magistrate.

The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

- F.** Default on Payment of Fines and Costs.

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A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine costs, damages or expenses as allowed by the Court, may be collected by the Township of Freeman by a means authorized for the enforcement of a judgment under Chapters 40 and 60 of the Revised Judicature Act, MCL 600.101, et. Seq. MSA, 101, et. seq, as amended.

G. Failure to Comply With Judgment of Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection I.

H. Civil Contempt

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of Freeman or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on a civil contempt for non-payment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each thirty dollars (\$30.00)

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due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of thirty dollars (\$30.00) per day.

6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs damages or expenses shall not be discharged from custody until one of the following occurs.
 - (a) Defendant is credited with an amount due pursuant to Subsection H (5).
 - (b) The amount due is collected through execution of process or otherwise.
 - (c) The amount due is satisfied pursuant to a combination of Subsection H (6) (a) and (b).
 7. The civil contempt shall be purged upon discharge of the defendant Pursuant to Subsection H (6).
 8. The imposition of any fine and/or jail sentence shall not exempt the defendant from compliance with the provisions of this ordinance.
- I. Second or Subsequent Offenses. Any person, firm, or corporation who violates any of the provisions of this ordinance for a second or subsequent time within one hundred eighty (180) days shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Seven hundred dollars (\$700.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that the violation continues to exist shall constitute a separate offense.

Use of land, dwellings, buildings, or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of provision of this Ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se. Costs of abating such nuisance shall become a lien upon the land (refer to Clare County Nuisance Abatement Ordinance). Notice of violation of any part of this Ordinance can be initiated by the Zoning Administrator, Building Inspector, a private citizen or the Township Board.

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**ARTICLE XVIII
VALIDITY**

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

**ARTICLE XIX
CONFLICTING PROVISIONS REPEALED**

This Ordinance is not to interfere with or abrogate or annul any statute, ordinance, rule, regulation or permit previously adopted or issued by the Township, County or State and not in conflict with any of the provisions of this Ordinance, or shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance

In addition, this Ordinance is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided,

however; that where this Ordinance imposes a greater restriction or requires larger open spaces or larger lot areas than are imposed or required by such other Ordinances or agreements, the provision of this Ordinance shall control.

**ARTICLE XX
ENACTMENT AND EFFECTIVE DATE**

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Freeman, Clare County Michigan at a meeting thereof, duly called and held on the 9th day of June, 1977 and is ordered to be given publication in the manner prescribed by law and shall have immediate effect upon publication.

Published June 23, 1977

HISTORY OF ADOPTION:

Resolution of intent by Township Board March 10, 1977

Publication of resolution of intent in

Freeman Township Ordinance No. 8 84 of 84 Effective: April 24,
2016
Zoning Ordinance

FREEMAN TOWNSHIP ORDINANCE NO. 8

ZONING ORDINANCE

the NEWS AND REVIEW	March 17, 1977
Publication of public hearing notices	March 31, 1977
Township Planning Commission Public Hearing	April 21, 1977
Referred to Clare County Planning Commission	April 25, 1977
Recommendation by Township Planning Commission	April 26, 1977
Adoption by Township Board	May 20, 1977
Publication of Ordinance in CLARE COUNTY CLEAVER	June 9, 1977
Effective date of Ordinance	Immediate, 1977
<u>Revised; published:</u>	
The Clare County Review	June 15, 1991
The Clare County Review	December 23, 1991
The Clare County Review	April 20, 1992
<u>Revised and Amended</u>	
Recommendation by Township Planning & Zoning Commission	December 12, 2002
Adoption by Township Board	February 3, 2004
Amended and Recommended by Township Planning & Zoning Comm.	December 2, 2003
Adoption by Township Board	January 8, 2004
<u>Revised & Published</u> Changes in Italics	July 9, 2004
Amended and Recommended by Freeman Township Planning & Zoning To comply with MZEA 110/2006	July 3, 2007

FREEMAN TOWNSHIP ORDINANCE NO. 8

ZONING ORDINANCE

Adoption by Township Board August 9, 2007

SECTION 4.03.a. PRIVATE ROAD REQUIREMENTS

Re: Private Road Ordinance Added
Approved May 14, 2009

Section 14.04. ZONING COMPLIANCE PERMITS AND BUILDING PERMITS

Re: Ordinance Amended
Approved May 14, 2009

Sections 7.02.C, 8.02.B, 11.02.B & 12.02.A.4. PERMITTED PRINCIPAL USES

Re: Ordinance Amended
Approved May 13, 2010

Section 4.30. TOWER STRUCTURES FALL ZONE RESTRICTIONS

Re: Ordinance Section Added
Approved January 21, 2013

Section 11.02. PERMITTED PRINCIPLE USES

Re: Subsection R. Amended
Approved January 21, 2013

Sections 7.02 W., 8.02 Q., 9.02 H., 10.02 BB., 11.02 V., 12.02 C., 13.02 N. PERMITTED PRINCIPAL USES

Re: Districts Allowing Wind Energy Turbines
Approved June 12, 2014

Section 17.01 VIOLATIONS AND PENALTIES

Re: Amended – Violation a Civil Infraction
Approved August 14, 2014

Definition of a “Kennel” added to Definitions;
“commercial dog kennel” changed to “dog kennel”
under the definition of “Farm”;
Section 4.31 KENNELS added;
“Kennel” added to Permitted Principle Uses in
districts AG, C, RC and LI.

Approved March 10, 2016