

CHAPTER 9 SPECIAL LAND USES

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

SECTION 9.01: PURPOSE AND INTENT

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a district but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations

This Chapter provides procedures and standards for Special Uses of Land or structures that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow practical latitude for the investor or developer but maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

SECTION 9.02: APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
 - 1. Applications for a Special Land Use shall be submitted to the Joint Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness, then transmit it to the Joint Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
 - 2. An application for a Special Land Use approval shall consist of the following:
 - Eighteen (18) copies of a site plan which satisfy the requirements of Chapter 10.

- A completed application form as provided by the Zoning Administrator and signed by the owner of the parcel or their legal representative, including a detailed description of the proposed use.
- Payment of a fee, in accordance with a fee schedule as determined by the participating municipalities' Boards/Council from time to time; the fee is to be paid when the application is determined complete and accepted by the Zoning Administrator.
- A legal description of the entire property that is the subject of the Special Land Use.
- A statement with regard to compliance with the criteria required for approval under Section 9.03 A and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
- Applications for Special Land Uses and preliminary or final Site Plan Review shall be submitted jointly.
- Other materials as may be required by the Joint Planning Commission.

B. Public Hearing

1. Upon receipt of an application for a Special Land Use, the Joint Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application in accordance with the requirements of the Zoning Enabling Act.
2. One (1) notice of the public hearing for a Special Land Use shall be published in a newspaper (not less than fifteen (15) days before the public hearing) that circulates in Fremont and also shall be sent by mail or personal delivery to property owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notice shall include:
 - The nature and location of the request.
 - When and where the request shall be considered.
 - When and where the Ordinance, request and pertinent material may be examined.
 - When and where written comments shall be received concerning the request.
3. A completed application for a Special Land Use permit shall be submitted at least forty-five (45) days prior to the next regular Joint Planning Commission meeting.
4. The Joint Planning Commission shall have final disposition of the Special Use request.
5. Following the public hearing, the Commission shall approve, approve with conditions, or deny the application, stating the reasons for the decision in the minutes.

C. Approval

1. Upon the approval or approval with conditions by the Joint Planning Commission, the applicant may apply for a zoning permit. When the conditions of approval require a revised Site Plan, it must be submitted and approved prior to the acceptance of a zoning permit application.
2. If denied by the Joint Planning Commission, the reasons for such denial shall be stated in the Joint Planning Commission meeting minutes, and the applicant shall be provided a copy or a written explanation.
3. No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which reasonably might result in favorable action upon re-submittal.

SECTION 9.03: BASIS OF DETERMINATION

Prior to approval of a Special Land Use application, the Joint Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Joint Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
 - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - The Special Land Use shall not change the essential character of the surrounding area.
 - The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
 - The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 - The Special Land Use shall be in general agreement with the Fremont Community Joint Comprehensive and Growth Management Plan.

- The Special Land Use shall comply with all site plan review standards.
 - The Special Land Use shall be in general agreement with the intent and purposes of this Ordinance.
- B. The Joint Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
- C. The Joint Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the Special Land Use complies with the conditions of approval.
- D. If, after the establishment, the Special Land Use is found in noncompliance, the noncompliance shall be corrected within sixty (60) days. If noncompliance is not corrected, the provisions of Section 9.05 may be initiated.

SECTION 9.04: APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land and shall be recorded by the applicant with the Newaygo County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning permit.
- B. A Special Land Use approval shall be valid for two (2) years from the date of approval, and the Joint Planning Commission may grant up to a one (1) year extension, unless approval is revoked as provided in Section 9.05 or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
- The Special Land Use has not been initiated.
 - Construction necessary for the Special Land Use has not been initiated.
 - Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 9.05: REVOCATION OF SPECIAL LAND USE APPROVAL

The Joint Planning Commission may revoke any Special Land Use approval or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Joint Planning Commission or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Joint Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 9.02.B.

SECTION 9.06: SPECIFIC SPECIAL LAND USE STANDARDS

There are some Special Land Uses allowed in certain districts that do not have a set of standards that are specific to that use but they have to meet the general Special Land Use standards as outlined in Section 9.03 and any other conditions set forth by the Joint Planning Commission as well as any development requirements of the applicable District.

The following Special Land Uses shall be subject to the requirements of the District in which they are located and the general Special Land Use standards in addition to all the following applicable conditions, standards and regulations as cited in this Section:

- A. Airports
- B. Agricultural Service Establishments
- C. Agricultural Labor Housing
- D. Amusement Parks, Fair Grounds and Flea Markets
- E. Auction Houses
- F. Bed and Breakfast Inns and Homes
- G. Campgrounds, Public or Private
- H. Cemeteries
- I. Commercial Extraction and Processing
- J. Commercial Kennels
- K. Commercial Mini-storage
- L. Contractor Office and Outdoor Storage Areas
- M. Cottage Industry
- N. Day Care Center

- O. Drive-through Facility other than a Restaurant
- P. Drive-through Restaurants
- Q. Equine Boarding Stable and Training Facility
- R. Farm Market
- S. Fraternal or Social Club
- T. Funeral Homes and Mortuary Establishments
- U. Golf Course or Country Club
- V. Group Homes
- W. Home-based Business
- X. Hotels and Motels
- Y. Libraries, Museums, Community Centers, Hospitals and Similar Uses
- Z. Marina
- AA. Municipal and Public Service Facilities
- BB. Nursing or Convalescent Homes
- CC. Open Air Businesses
- DD. Open Space Cluster Development
- EE. Outdoor Recreation Development
- FF. Place of Religious Worship
- GG. Raising of Fur-bearing Animals or Game Birds
- HH. Schools, Elementary, Middle and High School
- II. Sexually-oriented Businesses
- JJ. Shooting, Rifle and Handgun Ranges (Outdoor or Indoor)
- KK. State-licensed Residential Facilities
- LL. Truck and Freight Terminals
- MM. Vehicle Body and Repair Shops
- NN. Vehicle Service Stations
- OO. Vehicle Wash Establishments, either Self-serve or Automatic
- PP. Veterinary Clinics and Hospitals
- QQ. Wind Energy Systems
- RR. Wireless Communication Towers over 75 feet

A. Airports

1. The minimum lot size shall be twenty (20) acres.
2. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines.
3. The airport shall not be located within five-hundred (500) feet of any school, church, or other public meeting places.

B. Agricultural Service Establishments

1. Uses shall include, but are not limited to, grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, agricultural products, production and processing operations and auctions for livestock.
2. Minimum lot size shall be ten (10) acres.
3. Minimum frontage shall be five-hundred (500) feet.
4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Chapter 3 “General Provisions”.
5. No storage or loading activities shall be permitted within fifty (50) feet of any lot line.
6. All buildings shall be set back a minimum of seventy five (75) feet from any lot line.
7. All agricultural service activities shall be located at least three-hundred (300) feet from any residential district and one-hundred (100) feet from the property line of an abutting residential use.
8. The lot shall be located so at least one (1) side abuts an arterial or collector road and all access shall be from the road.
9. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District” of this Ordinance.

C. Agricultural Labor Housing

1. Farm size shall be a minimum of twenty (20) acres.
2. Seasonal housing shall only be used for persons and their families directly employed by the owner of the farm dwelling.

3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of seasonal housing shall apply where any dwelling is used to house one or more seasonal workers.
4. Seasonal housing shall be located at one-hundred (100) feet from any public road or from any other property line.
5. Newly constructed seasonal housing units shall not have more than one story nor accommodate more than one family. No migrant housing structure shall be closer than thirty (30) feet to another structure.
6. To ensure adequate access for emergency vehicles and personnel, no seasonal housing unit shall be located closer than thirty (30) feet to a driveway or private road and no closer than ten (10) feet to any other building or structure.
7. All construction shall conform to the building codes adopted by the State and other Ordinances where such regulations impose greater standards than state and federal regulations.

D. Amusement Parks, Fair Grounds and Flea Markets

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts a paved arterial or collector road and all access shall be from the road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District” of this Ordinance.

E. Auction Houses

Auction houses shall be a Special Land Use in the Urban Commercial and Rural Commercial Districts (C-2 and C-3).

1. Parking areas shall not be used for outdoor inventory. Outdoor inventory shall be permitted in the rear lot and shall not be visible from the public right-of-way.
2. Loading and unloading areas shall be designated on the lot so as to promote efficient traffic circulation on the lot and so that traffic is not negatively impacted on public streets.

F. Bed and Breakfast Inns and Homes

1. The establishment shall be serviced by adequate water and sanitary services, as approved by the appropriate Health Department.
2. The establishment shall be located on property with direct access to a public road.
3. A bed and breakfast home or inn shall not be permitted on any property where there exists more than one (1) other bed and breakfast home or inn within six-hundred-and-sixty (660) feet, measured between the closest property lines. This does not apply to bed and breakfast homes and inns within the Downtown Commercial District.
4. Such uses shall only be established in a single-family dwelling, except in the Downtown Commercial District.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms shall be in keeping with the definitions of bed and breakfast homes and bed and breakfast inns as outlined in Chapter 2, "Definitions".
7. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.
8. The establishment shall contain the principal residence of the operator.
9. Meals shall be served only to the operator's family, employees and overnight guests.
10. Exterior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
11. All guest rooms must have interior access to common areas (dining, restaurants, etc.).

G. Campgrounds, Public or Private (These regulations do not apply to the Institutional District or the Estate District.)

1. Campsites shall not be located within one-hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - All commercial uses combined shall occupy no more than two-thousand (2,000) sq. ft.
 - No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Joint Planning Commission.
 - All commercial uses shall be set back two-hundred (200) feet from any property line.
4. Each campsite shall have a minimum area of one-thousand-five-hundred (1,500) sq. ft.

5. Common area shall be provided at the ratio of one-thousand (1,000) sq. ft. for each campsite.
6. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

H. Cemeteries (public/denominational and family)

1. Minimum lot area shall be five (5) acres for public/denominational and one (1) acre for family with a minimum frontage of two-hundred (200) feet.
2. The use shall be located on property with direct access to a public road.
3. Gravesites shall be set back a minimum of fifty (50) feet from the property line of any residential district or use.
4. Buildings, including buildings for storage of equipment, shall be set back one-hundred (100) feet from the property line of any abutting residential district or use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

I. Commercial Extraction and Processing of Groundwater, Topsoil, Stone, Rock, Sand, Gravel, Lime or Other Soil or Mineral Resources

1. In addition to the information required for site plan review, the application for commercial extraction and processing of soil, sand, gravel or other mineral resources, shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eighteen (18) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer and including the following, at a minimum:
 - A north arrow, scale and date;
 - Shading indicating the extent of land area on which mineral operations and activities will take place;
 - The location, width and grade of all easements or rights-of-way on or abutting the lands;
 - The location and nature of all structures on the lands;
 - The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations;
 - Existing elevations of the lands at intervals of not more than five (5) feet;

- Typical cross sections showing the estimated extent of overburden and estimated extent of mineral material location in, or on the lands, and the water table;
 - Mineral processing and storage areas (including, crushing, washing, asphalt plants, etc.);
 - Proposed fencing, gates, parking areas and signs;
 - Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - A map showing access routes between the subject lands and the nearest paved arterial or collector road;
 - Areas to be used for ponding, and;
 - Proposed method of managing overburden (seeding, grading, erosion and sedimentation control, etc.).
- c. A narrative description and explanation of the proposed extraction operations and activities, including:
- The date of commencement
 - Proposed hours and days of operation
 - Estimate of type and quantity of mineral materials to be removed.
 - Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.
 - A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
 - Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern.
- d. A site rehabilitation plan including the following:
- A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment.
 - A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

- A plan showing:
 - Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;
 - Water courses, ponds or lakes, if any;
 - Landscaping and plantings;
 - Areas of cut and fill; and
 - All of the components of the proposed end-use(s);
 - A description of the proposed methods or features that will ensure that the end-use is feasible and can comply with all applicable requirements of this Ordinance.
1. Each site rehabilitation plan shall be reviewed by the Joint Planning Commission and shall comply with all of the following standards and requirements:
 - Top soil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
 - Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
 - The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
 2. No machinery shall be erected or maintained within one-hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Joint Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits or excavation where the site is located within two- hundred (200) feet of any Residential District.
 3. No buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located.
 4. The Joint Planning Commission shall request that the Newaygo County Road Commission recommend routes for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a

dustless surface and the entry road shall be hard surfaced for a distance established by the Joint Planning Commission to minimize dust, mud and debris being carried onto the public road.

5. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
6. Mineral resource extraction operations shall not take place prior to 7:00 a.m. or after 7:00 p.m., Monday through Friday. Saturday operations shall not take place prior to 8:00 a.m. or after 3:00 p.m. Operations shall not take place any time on Sundays or holidays.
7. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
8. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes of having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each three (3) feet of horizontal distance, after the cessation of daily operations. However, the Joint Planning Commission may permit some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material. Such fence shall be at least four (4) feet in height and so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
9. The Joint Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed control, erosion and sedimentation control, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

- The performance bond shall not be refunded, reduced or transferred until the mineral removal operations and activities, land reclamation or restoration and all other required activities have received final inspection by the Zoning Administrator.
 - The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the Special Use is revoked or expires, the Joint Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.
11. All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually to the Clerk in the jurisdiction where the property is located.
12. To ensure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Joint Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional review by the Joint Planning Commission.

J. Commercial Kennels

1. The minimum lot size shall be five (5) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of one-hundred (100) feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or acres in which the animals are kept or exercised and any adjacent residential use.
4. Animal waste shall be managed to prevent odors and other nuisances.
5. A kennel permit shall be obtained from the Newaygo County Animal Control Department.

K. Commercial Mini-storage (These requirements do not apply to properties in the Fremont Industrial Park.)

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a paved road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing requirements listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
4. A six (6) foot fence of a material acceptable to the Joint Planning Commission shall enclose the area occupied by the use. The fence shall be set back at least ten (10) feet from the front right-of-way line.
5. The front yard, up to the fence, shall be landscaped in accordance with Chapter 3 “General Provisions”.
6. Minimum side and rear yards as specified for the district shall be maintained.
7. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
8. Traffic direction and parking shall be designated by signs or painting.
9. The lot area used for parking shall be a paved surface and shall be drained so as to dispose of all surface water.
10. Where the site abuts a residential district, screening that complies with Chapter 3 “General Provisions” shall be provided along that property line.

L. Contractor Office and Outdoor Storage Areas

1. Outdoor storage shall be screened from any adjacent residential use or district with a six (6) foot solid fence.
2. Storage shall be limited to materials used by the contractor.
3. Access to the site shall be limited according to minimum spacing of access points from intersections and spacing from other access spacing standards list in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

M. Cottage Industry

1. The types of cottage industries that can be taken up shall include, but not be limited to, those listed below and those the Joint Planning Commission determine to be substantially similar:
 - Specialty food and beverage preparation without consumption;
 - Artisans and craftsman producing unique and distinctive items for sale on the premises;
 - Custom manufacturing—art framing, etc.;
 - Packing and processing; winery;
 - Horticulture;
 - Handloom weaving, handicrafts, sericulture, bee-keeping, etc.; and
 - Firewood sales, cabinet making, small engine repair, farm implement repair, etc.
2. Not more than three (3) persons shall be working on the premises in addition to the members of the family residing on the premises.
3. The cottage industry shall be clearly incidental and subordinate to the use of a parcel containing a dwelling occupied as a principal residence of the owner or operator of the cottage industry.
4. Multiple uses may be permitted within a cottage industry. The accessory area utilized by the cottage industry shall not exceed the limits of Chapter 3 of this Ordinance.
5. Minimum parcel size shall not be less than one (1) acre, provided that a smaller parcel may be approved by the Joint Planning Commission upon finding that the intent and other requirements of this Section can still be met.
6. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s);
7. There shall be no change in the outside appearance of the building or premises;
8. In the event a new building is constructed to accommodate the cottage industry, it shall maintain a vernacular similar to that of existing buildings within the vicinity. The buildings shall have a traditional rural residential or farmstead character.
9. The sale of merchandise not produced on the premises shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
10. Not more than ten (10) customers or clients shall come to premises during any one (1) day, restricted to the hours 7:00 a.m. to 7:00 p.m.;
11. In no case shall the cottage industry include any vehicle repair other than farm implement repair;

12. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

N. Day Care Center (These standards do not apply to Day Care Centers in the Industrial District which are associated with a principal use.)

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three-hundred (300) feet.
3. Playground equipment shall not be located in the front yard. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
4. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
5. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
6. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

O. Drive-through Facility other than a Restaurant

1. A minimum of five (5) stacking spaces for each service point shall be provided to ensure that traffic does not extend into the public right-of-way nor interfere with internal circulation of vehicles.
2. The parking and maneuvering areas of the site shall be fenced and screened from view of any abutting residential district or use by a decorative fence or wall or a landscaped equivalent.
3. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".

P. Drive-through Restaurants

1. A minimum of five (5) stacking spaces for the service ordering station shall be provided to ensure that traffic does not extend into the public right-of-way.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
4. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall or a landscaped equivalent.
6. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward an adjacent property.
7. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare or similar disturbances upon nearby residents.

Q. Equine Boarding Stable and Training Facility

1. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not applicable to young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training or exhibition of animals shall be maintained in a dust-free manner for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.
5. The keeping and maintenance of horses, as provided for this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or

spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved chemical agents for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort and welfare of the general public.

6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten-thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one-thousand-five-hundred (1,500) square feet of floor area may be permitted for each additional full acre in lot area.

R. Farm Market

1. Minimum lot size shall be three (3) acres.
2. Farm market activities may include entertainment functions associated with farm including, but not necessarily limited to cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
3. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
4. All parking shall be out of the public right-of-way. A minimum of ten (10) parking spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum of fifty (50) spaces for off-street parking.
5. The access drive shall be wide enough to accommodate two vehicles side-by-side. Two access drives may be required by the jurisdiction where a facility is large enough to need additional access points.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
7. Suitable containers for rubbish shall be placed on the premises for public use.
8. Storage structures shall be permitted.
9. Farm markets shall be located no closer than two-hundred (200) feet from any lot line that abuts a residential zone or dwelling unit.
10. Hours of operation shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.

S. Fraternal or Social Club

1. The site shall have at least one (1) property line abutting an arterial or collector street.
2. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Joint Planning Commission.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
4. Where the site abuts a residential district, a buffer zone shall be provided along that property line. Grass, plant materials and sight-obscuring fences or walls, of a type approved by the Joint Planning Commission, shall be placed within the buffer zone.

T. Funeral Homes and Mortuary Establishments

1. Minimum lot area shall be two (2) acres and minimum lot width shall be one-hundred-and-fifty (150) feet.
2. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No line of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

U. Golf Course or Country Club

1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrians and vehicular traffic safety.
2. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
3. Buildings and parking areas shall not be located closer than one-hundred (100) feet from any property line abutting a residential district or use, provided that where topographic conditions are such that buildings would be screened from

view a lesser setback may be permitted. The Joint Planning Commission may reduce this requirement where additional screening is provided.

4. Whenever a swimming pool is to be provided, it shall be located at least one-hundred (100) feet from any abutting residential district and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
5. The minimum site area for tennis or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from any abutting residential district or use.
6. Where the site abuts a residential district, screening shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Joint Planning Commission, shall be placed within the buffer strip. The Joint Planning Commission shall use Chapter 3 “General Provisions” when determining needed screening.
7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
8. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Chapter 3 “General Provisions”.
9. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport and swimming facilities.
10. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and proshop or golf shop may be located in separate structures.
11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
12. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
13. All parking areas and access drives shall be paved.
14. No outdoor loudspeaker or call system shall be audible on adjoining property.
15. No dwelling units shall be provided on the premises except that living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
16. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one-hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.

17. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the District Health Department.
18. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
19. Water quality protective measures are required as follows:
 - Maintenance of erosion control barriers during construction and until all ground cover is established.
 - To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
 - A chemical storage area must be designated within an accessory building.
 - The area must provide secondary containment to prevent the spread of spills.
 - All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
 - An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
 - At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 - All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.

V. Group Homes

Group Day Care Homes

1. The home shall have appropriate fencing for the safety of children in group day-care as determined by the Joint Planning Commission.
2. The property shall be maintained to be consistent with the visible characteristics of the neighborhood.
3. The facility shall not exceed sixteen (16) hours of operation during a 24-hour period.

4. The facility shall meet the sign regulations of a home occupation.
5. The home shall provide parking for the single-family use and one (1) parking space per employee.

Adult Foster Care Home (Small or Large)

1. The property shall be maintained to be consistent or no more intense than the visible characteristics of adjacent land uses.
2. The facility shall be licensed according to the Adult Foster Care Facility Licensing Act (PA 218 of 1979), as amended.

W. Home-based Business

A home-based business is a business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises.

1. Examples of home-based businesses include: construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, landscaping services, or portable sawmill. In no case shall it include industrial operations or automotive repair.
2. With the Special Land Use application and associated site plan, the following information shall be included:
 - Type of business
 - Hours of operation
 - Number of employees
 - Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - Anticipated levels of noise, odor, glare, dust, fumes and related impacts.
 - Anticipated traffic levels (customer, delivery vehicles, etc.)
3. The parcel shall contain a single-family dwelling.
4. No more than two (2) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.
5. Any need for parking generated by the conduct of such home business shall be provided outside of the road right-of-way in an approved parking area.

6. The home-based business may be conducted within accessory buildings, not exceeding the maximum square footage that is allowed based on the following chart:

1. Lot size	2. Total Number of Accessory Buildings	3. Square Footage of all Accessory Buildings	4. Height (feet)
5. Up to 10,980 sq. ft. (1/4 acre)	6. 2	7. 768	8. 20
9. 10,890 sq. ft. – 21,780 sq. ft. (1/2 acre)	10. 2	11. 960	12. 20
13. Over 21,780 – 1 acre	14. 2	15. 1,200	16. 20
17. Over 1 acre – 3 acres	18. 2	19. 1,600	20. 20
21. Over 3 acres – 5 acres	22. 3	23. 2,400	24. 20
25. Over 5 acres (Each additional 5 acres or fraction thereof)	26. 1 additional structure	27. 800 additional sq. ft.	

7. All activities shall be conducted within such buildings and no outdoor storage of materials shall be permitted.
8. Parking of commercial-grade vehicles shall be screened from public view and neighboring properties. The number of commercial grade vehicles shall be limited to two (2) vehicles.
9. The accessory building in which the home-based business is conducted shall have a setback of at least 100 feet from all property lines and two-hundred-and-fifty (250) feet from the property lines of a residential use or district.

10. The home-based business shall not result in the alteration of the dwelling nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.
11. The threshold of hazardous materials used in the home-based business shall not require registration.
12. Only those goods or products that are clearly primary to the home-based business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
13. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

X. Hotels and Motels

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet, unless greater lot size or frontage is required by the district.
2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, unless greater setbacks are required by the district standards.
3. Ingress and egress shall be from a paved (primary) arterial or collector road.
4. Minimum floor area of each guest unit shall be two-hundred-and-fifty (250) square feet.

Y. Libraries, Museums, Community Centers, Hospitals, and Similar Uses that are Owned and Operated by a Governmental Agency or a Noncommercial Organization

(These Standards are not applicable to uses in the Downtown Commercial District.)

1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and twenty-five (25) feet from the side and rear lot lines.

Z. Marina

1. Buildings, docks and parking areas shall be located no closer than thirty-five (35) feet from any residential property line.
2. The minimum lot or parcel size for marinas shall be three (3) acres.
3. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

4. Accessory uses shall occupy no more than five hundred (500) square feet of building area.
5. Fences and screening in accordance as outlined below may be required to mitigate potential negative impacts on adjacent properties:
 - Where landscape buffer zones are required.
 - Landscaping may be required to serve as windbreaks.
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
6. Sanitary facilities (restrooms) shall be provided on the site per the requirements of the District Health Department.
7. Any hazardous substances including petroleum require secondary containment and conformance with all state and federal laws.
8. There shall be no externally visible evidence of commercial activity from accessory uses.
9. A permit to erect, maintain, or operate a marina shall be secured from the Michigan Department of Environmental Quality in conjunction with any other approvals.
10. All marinas shall conform to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, and all other applicable county, state and federal regulations.

AA. Municipal and Public Service Facilities

1. The proposed site shall front upon, and all ingress and egress shall be from, an arterial or collector road.

BB. Nursing and Convalescent Homes

1. Minimum lot size shall be three (3) acres with at least two-hundred (200) feet of frontage, unless greater lot size or frontage is required by the underlying District.

2. The lot location shall be such that at least one (1) property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
3. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of two-hundred (200) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.
5. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

CC. Open Air Businesses

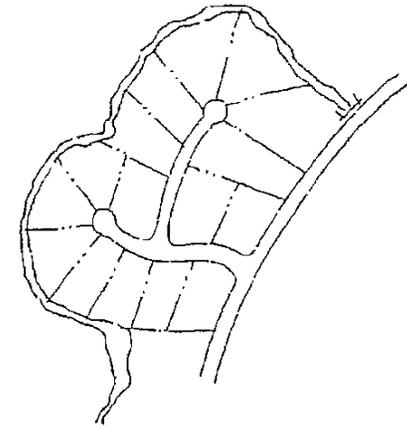
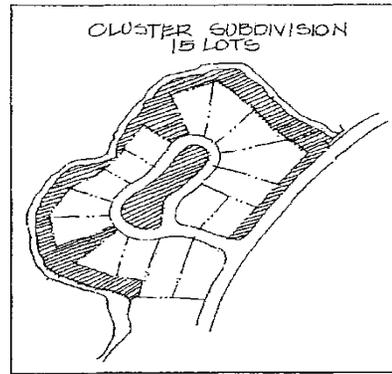
1. Minimum lot area shall be two (2) acres with a minimum lot frontage of two-hundred (200) feet.
2. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
3. No access to or from such establishment shall be permitted on any (residential) local road.
4. The lot area used for parking, display or storage shall be provided with paved surface and shall be graded and drained so as to dispose of all surface water.
5. The storage of any soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
6. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.

DD. Open Space Cluster Development

1. The purpose of the Open Space Cluster Development is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of individual developments affected by these regulations as well as the Fremont Community as a whole. These regulations are also intended to foster the

preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

2. Minimum lot size shall be forty (40) acres.
 - Minimum open space shall be fifty (50) percent. Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, and to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
3. All dwelling units shall be single-family detached housing.
4. The open space cluster may include agricultural crops, golf course, churches, stables and private airports. In no case, however, shall a golf course be considered part of the required open space. The list of allowed uses shall be established in the Special Land Use permit.
5. The maximum base density and number of dwelling units permitted in the open space cluster shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Joint Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:



- The parallel plan shall contain enough detail to permit the Fremont Community Joint Planning Commission to evaluate the feasibility of development for each lot.
- All lots on the parallel plan shall be buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
- Areas of wetlands, storm water control, water bodies and other unbuildable areas shall not be included within buildable areas but may be included in the lot calculations.
- In evaluating the feasibility of the parallel plan, the Joint Planning Commission shall consider whether the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout and other considerations the Joint Planning Commission deems appropriate.

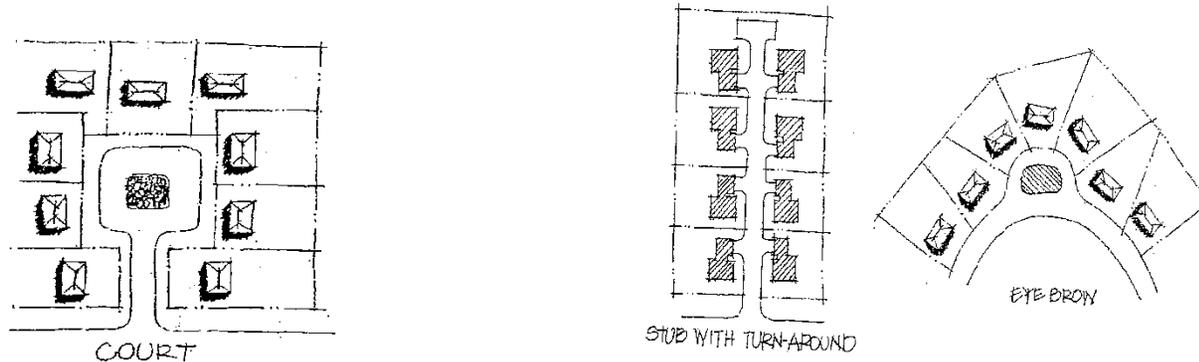
6. The Joint Planning Commission may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an open space cluster. In no case shall the density bonus total more than thirty percent (30%) of the density determined by the parallel plan.

	Additional lots permitted
Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

7. Design Standards:

- Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range up to 15 units per cluster for smaller developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).
- Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens and providing new natural screens and/or open space buffers where appropriate.

- Dead-end or cul-de-sac streets serving the development are discouraged. Eyebrow, court or stub streets are preferred (see picture).



8. Entryways to open space clusters shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
9. Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space community shall be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
10. Street systems shall be designed so that their curvature or alignment produces “terminal vistas” (the landscape element that is visible at the end of a street or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of open space elements, such as water features, meadows or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one side of the road.
11. Open space shall meet the standards as established in this Ordinance.
12. Development Setback
 - Any proposed building lot shall be located at least two-hundred (200) feet from any previously existing public street right-of-way.
 - No native or natural vegetation shall be removed from the two-hundred (200) foot setback, nor may any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Joint Planning Commission may modify this requirement provided the applicant

demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the open space cluster.

- Open space cluster sites abutting more than one (1) public street shall be permitted to reduce the setback to not less than one-hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view of the proposed development. Also, sites abutting more than one (1) public street shall be permitted to reduce the setback on one abutting side to one-hundred (100) feet, even without a natural screen. However, no native or natural vegetation shall be removed from any one-hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads, utilities or drainage improvements.
- The Joint Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the open space cluster from the adjacent street. This landscaping may consist of existing vegetation, land forms or landscaped areas using native or natural materials or a combination thereof.

EE. Outdoor Recreation Development

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so at least one (1) side abuts an arterial or collector road (a paved primary road or State designated highway) and all access shall be from that road.
3. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5.
4. Entry drives and parking areas shall be a minimum of one-hundred (100) feet from adjacent property lines.
5. All main and accessory buildings shall maintain a separation of at least two-hundred (200) feet from any residential dwelling located on adjacent property.
6. Maximum building coverage shall be ten percent (10%).
7. Any outdoor recreation development located within five-hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
8. The Joint Planning Commission may require the entire premises to be surrounded by a six (6) foot fence at or near the property lines.

9. A landscaped area of at least twenty-five (25) feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Chapter 3 “General Provisions” shall be provided adjacent to a residential use or districts.

FF. Place of Religious Worship

1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen-thousand (15,000) square feet for each one-hundred (100) in seating capacity or fraction thereof in excess of one-hundred (100) and have direct access to a paved county primary road, city street or state highway.
2. The main and accessory buildings and structures shall not be located within fifty (50) feet of the property line of any residential use or district.

GG. Raising of Fur-bearing Animals or Game Birds

1. Minimum lot size shall be ten (10) acres.
2. Minimum setback of one-hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. Fencing will be required commensurate with that required to obtain the “Permit to Hold Wildlife in Captivity” permit from the Michigan Department of Natural Resources.
4. Hunting of animals or birds for sport or profit may be permitted in designated hunting areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.
5. Animal waste shall be disposed of in a safe manner, as recommended by the Health Department. Such disposal shall not constitute a hazard to adjacent property owners.

HH. Schools, Elementary, Middle and High School (as allowed for by law)

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.
2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.

3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area shall be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, shall be extinguished at 10:00 p.m. or within one hour after the event, whichever is later, and remain extinguished until one hour prior to the commencement of the next event.

II. Sexually-oriented Businesses

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential district, thereby having deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.

2. Any sexually-oriented business use is permitted if:

- a. The proposed use is not an accessory or incidental use and it is located within a zone district where the use may be permitted as a Special Land Use.
- b. The use is not located within a one-thousand (1,000) foot radius of a residential use or district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
- c. The use shall not be within a five-hundred (500) foot radius of another such use. Separation distances between sexually-oriented businesses may be waived by the Joint Planning Commission if the following findings are made:
 - That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this subsection will be observed.
 - That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.

- That all applicable state laws and local ordinances will be observed.
 - Prior to the granting of any waiver as herein provided, the Joint Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.
- d. For the purposes of this subsection, the separation between a sexually-oriented business and a use listed in this subsection shall be measured from the sexually-oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually-oriented business shall be measured from the sexually oriented businesses' lot line to the other sexually-oriented businesses' lot line.
 - e. If any portion of the building or structure in which the sexually-oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually-oriented business use.
 - f. The presence or existence of a city, township, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
 - g. A sexually-oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually-oriented business, of a regular place of worship, a public or private nursery school, pre-school, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primary toward children or family entertainment, or another sexually-oriented business.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health or building codes.
 3. Parking shall be provided in front of the building as permitted by the district.
 4. No sexually oriented business shall remain open at any time between the hours of 12:00 a.m. and 10:00 a.m. and no such use shall be open on Sundays.
 5. No alcohol shall be served at any sexually-oriented business.
 7. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
 8. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.

9. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

JJ. Shooting, Rifle and Handgun Ranges (Outdoor and Indoor)

Outdoor Range

1. Minimum lot area shall be forty (40) acres.
2. A minimum setback of two hundred and fifty (250) feet from all lot lines shall be maintained. No shooting activities shall take place in this setback.
3. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. The use shall not be located any closer than one quarter (1/4) mile from any residential use or district, church or school.
5. Rifle and pistol ranges shall have a sufficient backstop to prevent further range of a bullet or an errant shot.

Indoor Range

1. An indoor range shall be constructed in accordance with safety regulations and industry standards.
2. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for indoor ranges.
3. Noise levels should be at a level as not to disturb the peace.

KK. State Licensed Residential Facilities

1. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

LL.Truck and Freight Terminals (These standards do not apply to properties within the Fremont Industrial Park.)

1. No structures, parking areas, or facilities shall be located within the front setback. The front setback shall be landscaped in accordance with the following standards:
 - Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.

- Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
2. No portion of any structure, facility, access drive or parking area shall be located within one-hundred (100) feet of any residential use or district.
 3. Except for the required front yard setback, a minimum six (6) foot chain link fence shall enclose all developed areas of the site. A screen that complies with the landscaping requirements as outlined under section b of this Section shall obscure all sides abutting a residential district.
 4. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets.
 5. All truck terminal access drives shall be located on an arterial or collector road.
 6. The Joint Planning Commission may require deceleration lanes after Newaygo County Road Commission review and recommendation.
 7. It shall be determined that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved. The Joint Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
 8. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
 9. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed building more than five (5) consecutive days.
 10. No trailers shall be parked or stored on site for use as storage containers.

MM. Vehicle Body and Repair Shops

1. Setback requirements of the District apply.
2. All equipment and activities associated with vehicular repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. No more than three (3) inoperable vehicles shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements of Chapter 3 “General Provisions” as outlined below erected along any common lot line:
 - Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.

NN. Vehicle Service Stations

1. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.
2. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 “Access Management Corridor Overlay District”.
3. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use without impedance of pump traffic.
4. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet from adjacent property lines is maintained and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
5. Where adjoining a residential use or district, a buffer zone that complies with the requirements as outlined below shall be erected along any common lot line:
 - Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
6. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare or similar disturbances upon nearby residents.

OO. Vehicle Wash Establishments, either Self-serve or Automatic

1. Sufficient stacking capacity for the drive-through portion of the vehicular wash establishment shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least one (1) stacking space at its entrance and one (1) stacking space at its exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any residential use or district.
3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district.
4. The lot area used for parking, drives and stacking areas shall be paved and shall be drained so as to dispose of all surface water into a public sewer system or a system approved by the Drain Commissioner's Office .
5. Access to the site shall be located according to minimum spacing access points from intersections and spacing from other access points along the same side of the public street based on access spacing standards listed in Chapter 7, Article 5 "Access Management Corridor Overlay District".
6. Where adjoining a residential use or district, a buffer zone that complies with the requirements of the following regulations shall be erected along any common lot line:
 - Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, or to avoid annoyance by artificial lighting or incompatible activity.
 - Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
7. The Joint Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

PP. Veterinary Clinics and Hospitals

Buildings which house animals, runs or exercise areas shall be located at least one-hundred (100) feet from a property line and shall be screened in accordance with the following standards:

- Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, or to avoid annoyance by artificial lighting or incompatible activity.
- Landscaping may be required to serve as windbreaks.
- Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.

QQ. Wind Energy Systems Standards are listed under Chapter 3 “General Provisions - Wind Energy Systems” .

RR. Wireless Communication Towers over 75 Feet

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.
1. The applicant shall provide an inventory of existing towers, antennas, or sites approved for towers or antennas that are either within the FCJPC Planning Area or within three (3) miles of the border thereof, including specific information about the location, height and design of each tower. The Joint Planning Commission may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the Fremont community, provided, however, that the Joint Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
3. No new communication tower or antenna shall be located within a three (3) mile radius of an existing communication tower or antenna. This requirement may be waived by the Joint Planning Commission if one of the following conditions are met:
 - The proposed communication facility is located on an existing communication tower.
 - The communication tower is to serve solely a governmental or educational institution.
4. No communication tower or antenna shall be located closer than five-hundred (500) feet from the boundary of an existing residential use or district. This requirement may be waived by the Joint Planning Commission if one of the following conditions are met:
 - The proposed communication facility is located on an existing communication tower.
 - The communication tower is to serve solely a governmental or educational institution.
5. No communication tower and antenna shall be greater than two-hundred (200) feet in height, except if in the opinion of the Joint Planning Commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
6. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
7. The applicant shall provide the legal description of the parent parcel and any leased portion thereof.
8. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e., ground antennas, satellite dishes, accessory structures).
9. The Joint Planning Commission may require a buffer zone in compliance with the following standards:
 - Where landscape buffer zones are required:
 - A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect through the calendar year.
 - Additional screening may be required by the Joint Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity.

- Landscaping may be required to serve as windbreaks.
 - Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.
11. All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 12. No signs shall be permitted on site, except for warning or other cautionary signs, which shall not exceed two (2) square feet in area.
 13. In order to reduce visual obtrusiveness, all new communication towers and antennas shall maintain a galvanized steel finish or be painted a neutral color, subject to any applicable standards of the Federal Aviation Administration.
 14. The collocation of an antenna shall not require an additional Special Land Use permit and may be approved by the Zoning Administrator.
 15. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.
 16. All communication tower permits issued shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics – Tall Structure Act and any other applicable state or federal acts.
 17. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Fremont Community Planning Area.
 18. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.
 19. Any communication tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings or grounds that have fallen into disrepair or the removal of all antennas or support structures.
 20. The application shall include a description of the security bond to be used for removal of the communication tower when it has been abandoned or is no longer needed.