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SECTION 2.01 - ESTABLISHMENT OF DISTRICTS

Freedom Township is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

Agricultural/Resource (AR)
Single-Family Suburban Residential District (R-2)
Mobile Home Park Residential District (R-6)
Commercial District (C-1)
Limited Industrial District (I-1)
Planned Unit Development (PUD)

SECTION 2.02 - OFFICIAL ZONING MAP

- A.** For the purpose of this ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "official Zoning Map of Freedom Township". The official zoning map, with all explanatory matter thereon, is hereby made a part of this ordinance.
- B. Identification of Official Zoning Map** - The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Freedom Township Zoning Ordinance" together with the effective date of this ordinance.
- C. Changes to Official Zoning Map** - If, in accordance with the procedures of this ordinance and Act 184 of the Public Acts of 1943, as amended, a change is made in the zoning district boundary, such change shall be entered onto the official zoning map by the Township Supervisor promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: "On (date) by official action by the Freedom Township Board, the following change(s) was made in the Official Zoning Map: (brief description of change)", which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformance with the procedures set forth herein. Any unauthorized change of whatever kind by any person or persons will be considered a violation of this ordinance and punishable as provided in ARTICLE 13, herein. Any change in corporate boundaries within the Township shall be recorded on the official zoning map by the Township Supervisor with his signature and date and attestation by the Township Clerk attached thereto.
- D. Authority of Official Zoning Map** - Regardless of the existence of purported copies of the official zoning map which, from time to time, may be made or published. The official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township. The official zoning map shall be located in the office of the Township Clerk and shall be open to public inspection.
- E. Replacement of Official Zoning Map** - In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions on the official zoning map but such corrections shall not have the effect of amending the zoning ordinance or the prior official zoning map. The new official zoning map shall be identified by signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of Freedom Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Freedom Township, adopted on (date) which replaces and supercedes the Official Zoning Map which was adopted on (date)".

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Unless the prior official zoning map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

F. Rules for Interpretation - Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map the following rules for interpretation shall govern.

1. A boundary indicated as approximately following the center line of a highway, alley, or easement shall be construed as following such center line.
2. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
5. A boundary indicated as following a shore line shall be construed as following such shore line, and in the event of change in the location of the shore line shall be construed as following the shore line existing at the time the interpretation is made.
6. The boundary indicated as following the center line of a stream or river, canal, lake or other body of water shall be construed as following such center line.
7. A boundary indicated as parallel to, or an extension of, features in paragraphs 1-6 preceding shall be so construed.
8. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
9. Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered by 1-8 preceding, the Board of Appeals shall interpret the location of the zoning district boundary.
10. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

SECTION 2.03 - NUMBER OF RESIDENCES ON A LOT

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as permitted on farms for seasonal agricultural workers.

SECTION 2.04 - TEMPORARY STRUCTURES

- A. Temporary Dwellings** - No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this Section

If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling, including a mobile home, approved by the Zoning Administrator, may be moved onto the lot, after obtaining a permit therefore from the

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Zoning Administrator for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.

The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed two years from the date of said destruction or damage. The temporary dwelling shall be removed from the lot within two (2) weeks of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the certificate of occupancy. A performance bond shall be determined by the Township Board shall be provided to insure removal of the temporary dwelling.

The Zoning Administrator shall provide a written statement setting forth the conditions or permission granted under this Section to the residents so dislodged and shall retain a copy in his files.

The Zoning Administrator shall notify the Township board and Planning Commission in writing of each such permission granted under this Section.

B. A temporary residential dwelling unit may be permitted in certain districts by the Zoning Administrator, as specified in this Ordinance, in accordance with the following:

1. The temporary residential structure will be occupied only during the period of construction of a new principal dwelling unit on the same lot or parcel or, during the period of construction of a new principal dwelling unit on the same lot or parcel.
2. The owner or occupant of the principal dwelling shall be the occupant of the temporary residential structure.
3. The temporary residential structure shall comply with all applicable zoning and building provisions regarding the construction of the structure and its placement on the site. Where a recreation vehicle is used for a temporary dwelling, the recreation vehicle shall be anchored to the ground in a manner approved by the Zoning Administrator.
4. The temporary residential structure shall be connected to a sanitary sewage disposal system and water supply system approved by the County Health Department, or a public sewer and water system.
5. The Zoning Administrator shall establish a date for removal of the temporary residential structure, not to exceed one (1) year. Extensions may be granted by the Planning Commission when determined appropriate, provided that the construction of the single family dwelling has commenced and is proceeding to completion in accordance with the building permit. The owner of the property shall be responsible for removal of the structure in accordance with the specified removal date. The temporary residential structure shall be removed within sixty (60) days of issuance of a certificate of occupancy.

Extensions for removal of the structure may be granted by the Planning Commission when determined appropriate.

6. The property owner shall deposit with the Township a performance guarantee in the amount of twenty-five hundred (2,500) dollars. Said performance guarantee shall be to insure removal of the temporary dwelling.
7. The property owner shall post a signed copy of the permit for the temporary residential structure in a conspicuous place on the structure.
8. The Zoning Administrator shall notify the Township Board and the Planning Commission, in writing, of each permit granted under this section.

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SECTION 2.05 - MOBILE HOMES

- A. Purpose** - This section of the zoning ordinance is designed to establish regulations under which mobile homes may be used as single family dwellings on lots outside of mobile home parks. It is hereby recognized that other forms of manufactured housing, among other names, are and have been permitted in Freedom Township on individual lots, in any zoning district in which single family dwellings are permitted, provided such units comply with the adopted building and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique features of their construction. The regulations contained in this section are specifically designed to:
1. Insure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single-family dwellings permitted in Freedom Township.
 2. Insure compliance with the National Mobile Home Construction and safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 88 Stat. 700, 42 U.S.C. Section 5401, et seq) and all Freedom Township codes, in addition to the zoning ordinance, for the protection of the public health, safety, and welfare.
 3. To be aesthetically compatible with other single-family dwellings in the community.
- B. Standards and Requirements** - A mobile home may be used as a single-family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.
1. The lot shall be located in a zoning district which permits single family dwellings.
 2. The lot and mobile home shall comply with all regulations of the zoning district in which located.
 3. The mobile home shall meet all requirements for residential mobile units, as provided in the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of PUB. L. 93-383, 88 STAT. 700, 42 U.S.C. 5401, et seq).
 4. The mobile home shall be placed onto a permanent foundation wall. The wall shall meet all requirements of the Michigan State Construction Code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile home. The mobile home shall be anchored and meet all State of Michigan requirements.
 5. The wheels, tongue and hitch, or other towing appurtenances, shall be removed before attaching the mobile home to the foundation wall.
 6. The mobile home shall be connected to public water and sanitary sewer lines, where available, according to Freedom standards and specifications, or to a well and septic tank approved by the County Health Department.
 7. The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing, and other types of approved manufactured housing. Compatibility shall be determined by the following standards.
 - a. Exterior walls shall be finished with natural or simulated natural materials, common to single-family dwellings, such as but not limited to beveled siding, vertical siding, board and batten siding, or brick.
 - b. Front and rear or front and side exterior doors.
 - c. A roof drainage system which will collect, and concentrate the discharge of, roof drainage, and will avoid roof drainage along the sides of the dwelling.

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8. A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the County Health Department, where applicable and until a certificate of zoning compliance has been issued in accordance with Article 13, herein, and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in Article 13, herein and is in effect. Any addition to a mobile home shall meet all requirements of the Michigan State Construction Code if the addition is of conventional construction (stick built). If the addition is constructed by the mobile home manufacturer, then it shall meet the standards in Subsection 3 above.
9. The mobile home, prior to any additions, shall have a minimum floor area of 1,000 square feet, a minimum exterior width of 24 feet for at least one side elevation, and a minimum floor-to-ceiling height of 7.5 feet. Expando rooms are considered additions for the purpose of this Ordinance.
10. Not more than one mobile home shall be used as a single family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
11. A mobile home shall not be removed from a foundation until a permit therefore has been issued by the Zoning Inspector, in accordance with the Michigan State Construction Code.
12. Outdoor storage shall be prohibited.

SECTION 2.06 - COMPLETION OF CONSTRUCTION

Nothing in this ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect 365 days following the effective date of adoption or amendment of this ordinance, unless a permit for the actual construction of a new building has been issued by the Zoning Inspector.

Where a building permit has been issued in accordance with the laws within 365 days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of ARTICLE 7, herein, NONCONFORMITIES, if applicable.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this ordinance shall not be used as a dwelling for more than twelve (12) months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

SECTION 2.07 - CONDITIONAL USES

Any use lawfully existing at the effective date of adoption or amendment of this ordinance and which is permitted as a conditional use in a district under the terms of this ordinance shall be deemed a conforming use and shall, without further action, application, or review be considered a conforming use but only to the extent that such use is actually occupying the lot, building and/or structures on the effective date of this ordinance or amendment. Expansion of such uses or change to another conditional use after the effective date of this Ordinance shall require a conditional use permit as provided in ARTICLE 6, CONDITIONAL USES, herein.

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Essential Services shall be permitted as authorized and regulated by law and by the ordinances of Freedom Township, it being the intention hereof to exempt such essential services from this Ordinance.

SECTION 2.09 - VISIBILITY AT INTERSECTIONS

On a corner lot in any zoning district no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines fifty (50) feet from their point of intersection as measured along the street right-of-way lines.

SECTION 2.10 - HOME OCCUPATION

A home occupation may be permitted within a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- A. No person other than the members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit may be used for the purposes of the home occupation.
- C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential areas.
- D. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
- E. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted herein.
- F. Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in ARTICLE 11, OFF STREET PARKING AND LOADING REQUIREMENTS, herein, and provided the parking spaces shall not be located in the required front yard.
- G. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- I. Signs not customarily found in residential areas shall be prohibited, provided however, that one non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.

SECTION 2.11 - TRANSIENT AND AMUSEMENT ENTERPRISES

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district upon approval by the Township Planning Commission. Such enterprises shall be permitted only on the finding by the Township Planning Commission that the location of such an activity will not ad-

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versely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Township Planning Commission may require posting of a bond or other acceptable security payable to the Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

SECTION 2.12 - ACCESS TO STREETS

- A. In any district, every use, building, or structure established after the date of this ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least 66 feet in width unless a lesser width was established and recorded prior to the effective date of this ordinance, or shall adjoin a private street which has been approved as to design and construction by the Freedom Township Board and the County Road Commission.
- B. In any rural district, every use, building, or structure established after the effective date of adoption or amendment of this ordinance shall be on a lot or parcel which adjoins a public street, or an access easement of record to a public street, such public street right-of-way and private road to be at least 66 feet wide, unless a lesser width was established and recorded prior to the effective date of this ordinance. Such access easement of record shall serve not more than two (2) dwelling units or not more than one (1) principal use or structure other than a dwelling unit.
- C. Every building and structure constructed or relocated after the effective date of adoption or amendment of this ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

SECTION 2.13 FLOODPLAINS

A. Development Prohibited

Any development requiring site plan review under any section of this Ordinance shall be prohibited within the 100-year floodplain of any existing watercourse and/or wetland.

B. Delineation of Floodplain

It shall be the petitioner's responsibility to delineate the 100-year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer after referral from the Planning Commission.

SECTION 2.14 GROUNDWATER RECHARGE AREAS

Where description and delineation of groundwater recharge areas is required as part of site plan review under any section of this Ordinance, the following regulations shall apply:

A. The petitioner shall demonstrate how his or her land use planning and site design will:

- 1. preserve the groundwater recharge areas and the infiltration capacity of the soils;
- 2. prevent polluted materials from infiltrating into groundwater;
- 3. minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and
- 4. maintain storm water on-site and/or direct storm water discharges to open, grassed areas such as swales and lawns rather than allowing storm water runoff from impervious areas to discharge directly to the storm water conveyance system.

B. The Planning Commission may require the use of buffer zones to protect surface vegetation or the installation and/or use of such other techniques it deems necessary to purify and/or retain storm water run-off.

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SECTION 2.15 WATERCOURSE SETBACKS

- A. For any project requiring site plan review under any Section of this Ordinance, setbacks shall be required for the purpose of protecting groundwater recharge and inflow areas, protecting the quality of receiving surface waters, and minimizing erosion and siltation.
- B. The following minimum setbacks shall apply:
1. A twenty-five (25) foot set-back from the boundary or edge of a wetland, as defined and regulated by the Michigan Department of Environmental Quality (MDEQ).
 2. Outside of the 100-year floodplain or twenty-five (25) feet from the ordinary high water mark of a watercourse, whichever is greater.
 3. Outside of a critical area, which shall mean an area of highly erodable soils or steep slopes. Steep slopes shall be defined as a rise of twelve (12) feet or more over a distance of one hundred (100) feet. Setbacks shall be outside of slopes of twelve percent (12%) or more where the slope is adjacent to a wetland or watercourse and/or where the soil is highly erodable. Setbacks shall be outside of slopes of eighteen percent (18%) or more where the slope is not adjacent to a wetland or watercourse and the soil is relatively stable.