

ORDINANCE NO. 2018 – 3

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF FARWELL BY

Amending the Village Code, Zoning Ordinance.

ARTICLE 1, TITLE, PURPOSES AND LEGAL CLAUSES, SECTION 1.03 PURPOSES, is hereby revoked and restated as follows:

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the ~~overcrowding of population; to provide adequate light and air; to lessen congestion on the public~~ roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character or each district, its peculiar specific suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Master Plan by the Village of Farwell Planning Commission, and endorsed, and regulations adopted, therefore, by the Village Council.

ARTICLE 2, INTERPRETATIONS AND DEFINITIONS, is hereby revoked and restated as follows:

Animal, Domestic: A tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

Animal, Exotic: Exotic Animal means those species of animals that are exotic to humans. Exotic animals include:

1. Class Mammalia

- (a) Order Artiodactyla (only hippopotamuses and giraffes)
- (b) Order Camivora (only those specified below)

- A. Family Felidae [(all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, and servals]
- B. Family Canidae (only wolves, coyotes and jackals)
- C. Family Ursidae (all bears)
- D. Family Hyaenidae (all hyenas)
 - (1) Order Perissodactyla (only rhinoceroses)
 - (2) Order Primates (only gorillas)
 - (3) Order Proboscidae (all elephants)

2. Class Reptilia

- (a) Order Squamata (only varanidae family animals specified below)

- A. Family Varanidae (only water monitors and crocodile monitors)

(1) Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) all species

Animals, Recreation: For the purposes of this Ordinance, horses, mules, donkeys, goats, sheep, cattle, cows, swine, chickens, turkeys or other similar domestic animals and fowl or animals shall be considered domesticated pets/recreation animals.

Animals, Wild: An animal not bred or raised by humans.

Zoning Administrator: The administrative official appointed by the Village with the responsibilities of administering and enforcing this Ordinance.

Master Plan: The statement of policy by the Village Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions, and includes any unit or part of such plan, and any amendment of such plan or parts thereof. (Also referred to as Comprehensive Plan).

Wind Energy Conversion System (WECS): Also commonly referred to as a wind energy facility, wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

- (a) The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
- (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.

Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied from the ground upward, except as otherwise provided herein.

1. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between front line and the nearest point of the main building.
2. Yard, Rear: An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
3. Yard, Side: An open space between a building and the side lot line, extending from the front yard to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the building or structure.

Yard, Required: A yard, as defined herein, that occupies the area of a required setback.

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.01 ACCESSORY BUILDINGS, STRUCTURES AND USES, is hereby revoked and restated as follows:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the

following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building.
2. Accessory buildings or shall not be allowed in the following yards under the following circumstances:
 - a. Interior lots – no accessory buildings shall be erected in any front or required side yards.
 - b. Corner lots – no accessory buildings or structures shall be erected in any front yard.
 - c. Through lots – no accessory buildings or structures shall be erected in any front yard.
3. No detached accessory building shall be located closer than ten (10') feet to any main building, nor shall it be located closer than three (3') feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
4. An accessory building may occupy not more than fifty (50%) percent of a required rear yard.
5. No detached accessory building in residential or mobile home park zoning districts shall exceed one (1) story or thirty-two (32') feet in height.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on either street.
7. Semi-trailers, buses and other similar structures shall not be considered as an accessory structure.

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.11, ONE AND TWO FAMILY DWELLING STANDARDS, is hereby revoked and restated as follows:

A zoning permit shall be required before any dwelling unit is constructed, relocated, or moved into Village of Farwell. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the County Building and Fire Codes. In addition, the following regulations shall apply:

1. Basement or garage dwellings are hereby declared to be undesirable and are in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure which has not been completed.
2. Plans for modular, prefabricated units, and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code in place at the time of their review prior to the issuance a building or occupancy permit.

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.14, DISH TYPE SATELLITE SIGNAL RECEIVING STATIONS, is hereby revoked and restated as follows:

Dish type satellite signal receiving stations, greater than three (3') feet across, hereafter referred to as stations, may be located in the Village subject to the following provisions:

1. For the purposes of this Ordinance, stations shall be considered as accessory structures. In any residential or mobile home park zoning districts no dish type antenna shall be placed in a required front yard or required side yard, but may be placed in other yard areas or roofs subject to the same restrictions as set forth for accessory buildings and structures.
2. Stations shall not be linked to receivers which are not located on the same lot as the station.

3. Regardless of however turned or otherwise used, all parts of the station will be set back at least ten (10') feet from the side lot lines and shall be set back from the rear lot line no less than twenty (20') feet.
4. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15') feet, and the maximum diameter of any dish antenna shall not exceed twelve (12') feet.
5. No installation or erection of a station shall commence before a permit is obtained from the Zoning Administrator. Fees for such permits shall be established by resolution of the Village Council.

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.15, RECREATIONAL ANIMALS, is hereby revoked and restated as follows:

Recreation animals, as defined in this Ordinance, shall be permitted in the Low Density Residential District and the Medium Density Residential District provided:

1. The parcel on which the animals are located is not within a recorded plat;
2. The minimum area for the keeping of recreation animals, except as otherwise provided, shall be three (3) acres. One (1) horse, mule, donkey, or cow or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first three (3) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land.
3. The following maximum numbers of domesticated fowl shall be permitted, when raised and kept for other than commercial breeding and/or commercial egg production:
 - a. Less than one (1) acre: Six (6) chickens, turkeys, geese, or other similar domestic fowl, not to exceed a total of six domestic fowl;
 - b. One (1) acre and above: Twenty-five (25) chickens and ten (10) turkeys, geese or other similar domestic fowl.
- c. There shall be no minimum area for the keeping of rabbits and other similar small animals except as otherwise provided. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres. In no instance may rabbits or similar small animals be allowed to roam in a free-range fashion.
- d. The keeping of animals, as described above, shall further be subject to any applicable State and Clare County health regulations.

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.16, NONCONFORMITIES, is hereby revoked and restated as follows:

2. **Nonconforming Structures.** The following provisions apply to a nonconforming structure:
 - a. A nonconforming structure may be continued provided it remains otherwise lawful.
 - b. A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity, except as occurs in single family structures when an outdated or undersized manufactured home is replaced with a newer State approved manufactured home. See also Subsection 3-d below.
 - c. If a nonconforming structure is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

ARTICLE 5, TABLE OF ALLOWABLE USES, is hereby revoked and restated as follows:

TABLES OF ALLOWABLE USES

The table below shows an overview of the uses permitted in each zoning district. P= "Permitted" and S = "Permitted by Special Use Permit." An empty box indicates that the use is not permitted in that Zoning District. Refer to Articles VI through XIII for specific standards by zoning district.

Table of Permitted Uses and Special Uses by Zoning District									
Use	LDR	MDR	HDR	MHP	CBD	C-2	M-1	M-2	Additional Information
Residential Uses									
Existing Single Family Dwellings	P	P	P	P	P	P	P	P	
New Single Family Dwellings	P	P	P		p*				*Second story or above
State-Licensed Residential Facility (six or fewer residents)	P	P	P		P	P			
State-Licensed Residential Facility (six to 12 residents)	S	S				S			
Adult Foster Care Facility (six or more residents)	S	S							
Day Care Group Homes (between six and 12 children)	S	S	S						
Two-Family Residences		P	P		p*				*Second story or above
Multiple-Family Dwellings			P		p*				*Second story or above
Convalescent Homes		S	S						
Nursing Homes		S	S						
Housing for the Elderly		S	S						
Adult Foster Care Family Homes and Adult Foster Care Small Group Homes			P						
Mobile Home Parks				P					Pursuant to State regulations
Commercial Uses									
Home Occupations	P	P	P	P					
Bed and Breakfast Operations	P	P			P	P			
Inns		S			S				
Commercial Nurseries / Greenhouses	S								
Day Care Centers (more than 12 children)	S	S	S						

Use	LDR	MDR	HDR	MHP	CBD	C-2	M-1	M-2	Additional Information
Kennels	S					S			
Veterinary Clinics	S				P	P			
Veterinary Hospitals						P	P	P	
Hospitals		S	S			P			
Health Care Facilities					P	P	P	P	
Retail Businesses					P	P			
Personal Service Establishments					P	P			
Restaurants without Drive-Through Facilities					P	P			
Restaurants with Drive-Through Facilities					S	S			
Professional Service Establishments					P	P			
Banks without Drive-Through Facilities					P	P			
Banks with Drive-Through Facilities					S	S			
Indoor Commercial Recreation Facilities					P	P			
Outdoor Commercial Recreation Facilities						S			
Offices and Showrooms of Plumbers, Electricians, or Similar					P	P			Not more than 25% of floor area allowed for production
Business or Private Schools					P	P			
Open Air Businesses						P			
Funeral Homes and Mortuaries						P			
Automobile Service Stations						S			With or without accessory retail use
Automobile Sales, New or Used						S			
Hotels and Motels					S	P			
Car Washes						P			
Lumberyards						S			
Adult Uses						S			

Public/Community Uses									
Use	LDR	MDR	HDR	MHP	CBD	C-2	M-1	M-2	Additional Information
Essential Services	P	P							
Public and Municipal Buildings and Facilities	P	P			P				Not including outdoor storage
Public and Municipal Buildings and Facilities with Outdoor Storage	S	S					P	P	
Off-Street Public and Municipal Parking Lots					P	P			
Public Utility Facilities	P	S				P			Not including service yards
Public Utility Facilities with Service Yards							S		
Public Utility Installations and Buildings Including Power, Fuel, Communications, and Water Treatment							P		
Religious Institutions	S	S			P				
K-12 Schools	S	S	S						Excludes post-secondary / trade schools
Public Buildings	S								
Public Recreation Facilities	S	P							
Clubs		S				P			
Fraternal Organizations					P	P			

Other Uses									
Use	LDR	MDR	HDR	MHP	CBD	C-2	M-1	M-2	Additional Information
Wireless Communication Support Facilities and Antennas	S	S	S			P	S		
Solar Energy Facilities						S	S	S	Excludes residential rooftop installation
Solar Energy Facility, Residential Rooftop Installation	P	P							
Wind Energy Conversion System								S	Section 16.29 for more information

ARTICLE 10, CBD CENTRAL BUSINESS DISTRICT, SECTION 10.05 DESIGN STANDARDS is hereby revoked and restated as follows:

Section 10.05 Design Standards

1. **Lighting.** Exterior lighting must be placed so that sidewalks and parking areas are properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. Exterior lighting can also be used to tastefully highlight special architectural features of buildings. Exterior lighting shall comply with the following:
 - A. **Type:** Pole lighting shall be compatible with historic-style street lamps. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited, except where historical-style lighting is used that is compatible with historic-style street lamps. Lighting style shall be compatible with the historic character of the area.
 - B. **Lighting source:** The lighting source shall not be directly visible from adjoining properties. The lighting shall be shielded so as to direct the light onto the site and away from adjoining properties.
 - C. **Intensity:** In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five feet above the surface. In pedestrian areas, the light intensity shall average 2.0 foot candles, measured five feet above the surface. The intensity of light shall not exceed ten foot candles at any location within the site and 1.0 foot candle at any lot boundary, except where it abuts a residential district or use where a maximum of 0.5 foot candle is permitted. Lighting shall not be flashing, pulsating or project unshielded glare onto the sidewalks or roadways.
 - D. **Height:** The maximum height of light poles to the top of the fixture shall be 20 feet high.
2. **Landscaping.** New landscaping shall comply with Village standards, in addition to the standards below:
 - A. **Street trees:**
 - i. **Spacing:** On every site involving new development or re-development, street trees shall be provided at 25- to 40-foot intervals.
 - ii. **Variety:** The species of street tree and exact locations shall be as specified on a current Village of Farwell future streetscape plan. In the event that a current Village of Farwell future streetscape plan has not been prepared, then any of the following street trees shall be planted within the road right-of-way at 25- to 40-foot intervals: Norway Maple, Red Maple, Cleveland Pear, Aristocrat Pear or Little Leaf Linden.
 - iii. **Window boxes:** Window boxes with attractive, live floral displays are encouraged. The window boxes shall be placed below the windows and their width shall be proportionate to the individual window width.
3. **Bicycle Parking and Other Site Furniture.** The Village of Farwell encourages improvements that encourage and support non-motorized transportation, especially within the CBD. On every site involving new development or re-development, the following shall be required:
 - A. **Bicycle Parking.** Installation and maintenance of a minimum of three bicycle parking facilities, whether in a rack or individual loops of an attractive character compatible with the architectural and site features existing or proposed, to the satisfaction of the Planning Commission.
 - B. **Site Furniture.** Installation and maintenance of a minimum of one bench, trash receptacle, or flower planter as deemed most appropriate for the scale and character of the individual site and building, to the satisfaction of the Planning Commission.
 - C. Where on-site space is deemed inadequate or insufficient by the Planning Commission, the requirements in sub-section 4-A and 4-B above may be reduced

or waived.

ARTICLE 14, SCHEDULE OF REGULATIONS, SECTION 14.02 LDR, LOW DENSITY RESIDENTIAL is hereby revoked and restated as follows:

Section 14.02 LDR, Low Density Residential

1. Minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 17,500 square feet. See Section 14.08, Single-Family Cluster Option, and Article 20, Planned Unit Developments, for flexibility allowances.
2. Minimum width per zoning lot shall be one hundred and seventy-five (175') feet.
3. Maximum building height shall be two (2) stories or thirty-two (32') feet. Requirements relative to limiting height apply only to non-farm residential structures, non-farm residential accessory buildings, special land use structures, and special land use accessory buildings.
4. Minimum front yard setback per zoning lot shall be twenty-five (25') feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Clare County Road Commission, or from the edge of the abutting ingress/egress easement for private roads. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
5. Front yard setback requirement includes and applies to main and accessory buildings. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
6. Minimum side yard setback per zoning lot shall be ten (10') feet. Side yard setback requirement includes and applies to main buildings.
7. Minimum rear yard setback per zoning lot shall be twenty-five (25') feet. Rear yard setback requirement includes and applies to main and accessory buildings. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.
8. The minimum residential floor area for single-family residential structures shall be as follows:

1 story	720 square feet
1½ story	1,000 square feet
2 story	1,200 square feet
9. No parcel created after the adoption of this Ordinance shall have a depth more than four times the width.

ARTICLE 14, SCHEDULE OF REGULATIONS, SECTION 14.03 MDR, MEDIUM DENSITY RESIDENTIAL is hereby revoked and restated as follows:

1. The minimum lot area (not including public road right-of-way or private road easement) and the minimum lot width for single family detached and two-family dwellings is 7,200 square feet.
2. The minimum width per zoning lot shall be sixty (60') feet.
3. Maximum building height shall be two (2) stories or thirty-two (32') feet.

4. Minimum front yard setback per zoning lot shall be twenty-five (25') feet. Minimum front yard setback shall be measured from the edge of the abutting right-of-way of public roads, based upon information and standards set forth by the Village of Farwell or where required by the Clare County Road Commission, or from the edge of the abutting ingress/egress easement for private roads.
5. All yards abutting upon a public or private road shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. No accessory building shall project beyond the required front yard setback. The required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
6. When a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than fifty (50%) percent of the lots of record on one side of the street in any one block, the depth of the front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing structures in the block. The front yard setback requirement shall be increased to fifty (50') feet if the lot or parcel abuts a quarter section line road or a section line road.
7. Minimum side yard setback per zoning lot shall be ten (10') feet.
8. Minimum rear yard setback per zoning lot shall be ten (10') feet. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.
9. The minimum residential floor area per unit for single-family and two-family residential structures shall be as follows:

1 story	720 square feet
½ story	1,000 square feet
2 story	1,200 square feet

ARTICLE 16, SPECIAL LAND USE REQUIREMENTS, SECTION 16.08 DRIVE-THROUGH ESTABLISHMENTS is hereby revoked and restated as follows:

Section 16.08 Drive-Through Establishments.

With the exception of drive-through restaurants as regulated by Section 16.38, the following regulations shall apply to all drive-through establishments.

1. The site shall have at least one (1) lot line on a major thoroughfare.
2. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained pursuant to Section 18.05.
3. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than five (5') feet in height, with a view-obstructing door.
4. Drive-through establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
5. The minimum distance between driveways on the site shall be seventy-five (75') feet measured

from the two (2) closest driveways' curbs measured along the right-of-way.

6. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60') feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
7. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
8. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.

ARTICLE 16, SPECIAL LAND USE REQUIREMENTS, SECTION 16.27 VETERINARY HOSPITALS IS hereby revoked and restated as follows:

Section 16.27 Veterinary Hospitals

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. The minimum area shall be two (2) acres.
3. No buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any side or rear property line.

ARTICLE 16, SPECIAL LAND USE REQUIREMENTS, SECTION 16.29 WIND ENERGY CONVERSION SYSTEM is hereby revoked and restated as follows:

Section 16.29 Wind Energy Conversion System

A wind energy conversion system (WECS) as defined by Section 2.02 of this Ordinance is permitted when authorized by the Village in accordance with the process defined herein. In addition to the standards and requirements for issuance of a special use permit specified in Article 16 of this Ordinance, the Planning Commission shall insure that the following requirements will be met:

- (a) **Purpose and Intent.** The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) for both residential and commercial use and shall be governed within the Village to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

The Village of Farwell recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety implications such as falling towers and ice throw are a concern, as are the potential impositions of constant or cyclical sound and shadow flicker. For these reasons and those listed above, the Village finds it prudent and necessary to develop regulations for the responsible placement of wind energy conversion systems.

- (b) **Supplementary Definitions.**

- (i) **Ambient:** The sound pressure level exceeded 90% of the time (also known as L_{90}).
- (ii) **Anemometer Tower (MET):** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
- (iii) **dB(A):** The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

- (iv) **dB(C):** The sound pressure level in decibels. It refers to the "c" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- (v) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- (vi) **FAA:** The Federal Aviation Administration
- (vii) **IEC:** The International Electrotechnical Commission
- (viii) **ISO:** The International Organization for Standardization
- (ix) **Lease Unit Boundary:** The boundary around a property(ies) leased or purchased for purposes of operating a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
- (x) **On-Site Wind Energy Conversion System:** A wind energy conversion system intended to generate electric power from wind solely for the use of the site on which the system is located. WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered On-Site WECS.
- (xi) **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window of a dwelling.
- (xii) **Sound Pressure:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- (xiii) **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- (xiv) **Utility-Scale Wind Energy Conversion System:** A wind energy conversion system intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-Scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
- (xv) **Wind Energy Conversion System (WECS):** Shall mean a combination of:
 - (i) A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
 - (ii) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
 - (iii) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
 - (iv) The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
 - (v) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.
- (xvi) **Wind Energy Facility:** Clusters of two or more Utility Grid Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(c) On-Site Wind Energy Conversion System Standards.

The following standards shall apply to On-Site WECS, including Anemometer Towers, in addition to the general Special Approval Requirements of Chapter XI of this Ordinance:

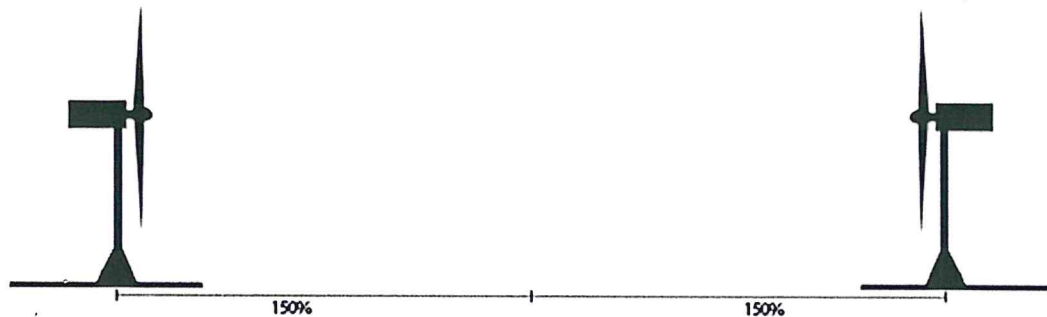
1. **Purpose.** Designed to primarily serve the needs of a home, farm, or small business.
2. **Height.** Shall have a total height of 75 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of approval, the Village requires a lesser height. Height is measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.

3. **Setbacks.** The distance between an On-Site WECS and the property lines shall be equal to 150% of the height of the tower including the top of the blade in its vertical position. The distance between an Anemometer Tower and the owner's property lines shall be equal to 150% of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
 4. **Minimum Lot Area Size.** The minimum lot size for a property to be eligible to have an On-Site WECS shall be two acres.
 5. **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
 6. **Noise Emission.** On-site WECS shall not exceed 45 dB(A) and 45 dB(C) (L_{max}) at the property line closest to the WECS and not more than forty-five (45) decibels as measured at residences outside the property line. This sound pressure level may only be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 45 dB(A) or dB(C), the standard shall be ambient sound pressure level plus five (5) for dB(A) or dB(C), respectively.
 - (i) If the noise emission levels measured at any on-site residence or primary structure exceed 45 dB(A) or 45dB(C) (L_{max}), the property owner must submit for records a signed letter of acknowledgement that verifies the owner's understanding that noise emission levels at the residence or structure may exceed the standards defined herein and waives the Village's noise emission requirements related to WECS.
 7. **Construction Codes, Towers, & Interconnection Standards.** On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected On-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 8. **Safety.** The WECS shall meet the following safety requirements:
 - (i) The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - (ii) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
 - (iii) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - (iv) All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - (v) WECS towers shall not be climbable on the exterior.
 - (vi) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
 9. **Shadow Flicker.** On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
 - (i) The property owner must submit for records a signed letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from installation and waives the Village requirement for no shadow flicker on the structure.
- (d) **Utility-Scale Wind Grid Energy Conversion System Standards.**

The following standards shall apply to Utility-Scale WECS, including Anemometer Towers, in addition to the general Special Use Requirements of Chapter XI of this Ordinance:

1. **Maximum Height.** The permitted maximum total height of each large-scale wind energy conversion system shall be 400 feet, except where state and federal regulations may require a lesser height; or where, as a condition of approval, the Village requires a lesser height. The Planning Commission may approve a WECS height of greater than 400 feet if the applicant clearly demonstrates that such greater height would be in the interest of public health, safety, and welfare. Height is measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
2. **Setbacks.** A distance equal to 150% of the height of the tower including the top of the blade in its vertical position from all property lines or from the lease unit boundary, public roads, and communication or electrical lines. Operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.
3. **Tower Separation.** Turbine/tower separation shall be based on the following standards:

- (ii) Between any two (2) utility-scale WECS: No less than 150% the height of both towers including the top of the blade in their vertical position.



Separation between two utility-scale WECS

- (iii) Between a WECS and any on-site residential, business, school, church, or municipal primary structure: No less than four (4) times the total height of the tower including the top of the blade in its vertical position.
 - (iv) Between a WECS and any off-site residential, business, school, church, or municipal primary structure: No less than 1,760 ft. unless expressly authorized by the Planning Commission. In requesting separation distance less than 1,760 feet, the applicant shall be required to demonstrate to the Planning Commission clear and convincing evidence that the WECS will have no materially adverse effects on the structures noted herein. Such evidence must include, at a minimum, baseline and expected readings for sound, lighting, shadow flicker, and other requested measurements taken and calculated for each primary structure between the smaller distance and 1,760 feet.
4. **Minimum Lot Area Size.** The minimum lot size for a property to be eligible to have an Utility-Scale WECS shall be two acres for each proposed WECS tower. By way of example, the minimum allowable lot size for two (2) WECS on the same lot is four (4) acres, in addition to compliance with all separation and other requirements.
 5. **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 75 feet for a utility-scale WECS employing a horizontal axis rotor.
 6. **Transmission Lines.** New transmission lines required to connect a WECS with a new or existing network for the distribution of electricity must be installed underground. This requirement applies to all new transmission lines associated with the WECS, regardless of whether they are within the property boundary or lease unit boundary or outside of said boundary.
 7. **Sound Pressure Level.** Utility-Scale WECS shall not exceed 45 dB(A) and 45 dB(C) (L_{max}) at the property line or lease unit boundary closest to the WECS and not more than forty-five (45) decibels as measured at residences outside the property line or lease unit boundary. This sound pressure

level may only be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 45 dB(A) or dB(C), the standard shall be ambient sound pressure level plus five (5) for dB(A) or dB(C), respectively.

- (i) If the noise emission levels measured at any on-site residence or primary structure exceed 45 dB(A) or 45dB(C) (L_{max}), the property owner must submit for records a signed letter of acknowledgement that verifies the owner's understanding that noise emission levels at the residence or structure may exceed the standards defined herein and waives the Village's noise emission requirements related to WECS.
8. **Construction Codes, Towers, & Interconnection Standards.** Utility-Scale WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility-Scale WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected Utility-Scale WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
9. **Safety.** The WECS shall meet the following safety requirements:
 - (i) The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - (ii) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
 - (iii) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - (iv) All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - (v) WECS towers shall not be climbable on the exterior.
 - (vi) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the breaking system.
10. **Visual Impact**
 - (i) WECS shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color.
 - (ii) The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping).
 - (iii) A certified registered engineer and authorized factory representative shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards.
 - (iv) The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
11. **Shadow Flicker.** Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
 - (i) If the Shadow Flicker Impact Analysis shows potential for shadow flicker to fall on any on-site residence or primary structure, the property owner must submit for records a signed letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from installation and waives the Village requirement for no shadow flicker on the structure.
12. **Lighting.** A lighting plan that includes all proposed lighting for each WECS shall be approved by the Planning Commission. The plan must include, but is not limited to, the planned number and

location of lights, light color, whether any lights will be flashing, and all proposed shielding mechanisms. All tower-mounted lighting shall be of the radar-activated variety and shielded from view at ground level, unless otherwise directed by the FAA. All tower lighting must comply with FAA regulations and guidance and shall be consistent with U.S. Fisheries and Wildlife Service/Michigan Department of Natural Resources guidelines.

13. **Electromagnetic Interference.** No Utility-Scale WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No Utility-Scale WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
14. **Substations and accessory buildings.** Structures related to a WECS shall be subject to the dimensional and locational standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.
15. **Inspection.** The Village shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The Village may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
16. **Complaints and Resolution.** It is the intent of this ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Village and/or operator for investigation and resolution. Therefore, the Village will perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance will be resolved in the following manner:
 - (i) Complaints must be submitted to the Village Council in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The written complaint must include the specific section of the ordinance which is believed to be violated.
 - (ii) Notice of all written complaints submitted to the Village shall be provided to the operator of record within 10 days of receipt of the complaint. Complaints received by the Village and the date of any Village Council meeting where complaints may be discussed shall be communicated to the operator.
 - (iii) The complaint will be placed on the agenda for the next available Village Council meeting in accordance with the adopted procedure for setting the agenda.
 - (iv) Upon review, if the Village Council deems a complaint sufficient to warrant an investigation, the Village Council shall notice the owner(s) and/or operator of the WECS that an investigation has been requested by the Council. Within ten (10) days of the date of the notice, the owner/operator of the WECS shall deposit reasonable funds, at the determination of the Village council, sufficient to pay for third-party independent investigation of the complaint.
 - (v) If the WECS is found in compliance, the balance of the deposit that was not used for the investigation shall be returned to the owner(s) and/or operator who submitted funds.
 - (vi) If the WECS is found in violation of this ordinance, the owner(s) and/or operator must take immediate action to bring the WECS into compliance. If the operator fails to bring the operation into compliance within a reasonably defined timeframe, the Village may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offense.
17. **Decommissioning.**
 - (i) The applicant shall engage a certified professional engineer acceptable to the Village to estimate the total cost of decommissioning the structure in accordance with the requirements of this ordinance, including reclamation to the original site conditions.

The cost of decommissioning shall be re-reviewed and submitted to the Village every five (5) years to ensure adequate funds are allocated for decommissioning; the security bond, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.

- (ii) All above and below ground (at least six (6) feet below average grade) materials must be removed when the WECS is decommissioned. Record of manmade elements remaining below grade must be recorded on the property deed.
- (iii) The ground must be restored to its original condition within 60 days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.

18. **Abandonment.** Any WECS that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the Village Zoning Enforcement Officer in a case involving an extended repair schedule for good cause.

19. **Reasonable Conditions.** In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of WECS as a special use.

20. **Security Bond.**

- (i) The owner(s) and/or operator of the WECS shall post a security bond in a form acceptable to the Village equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Village every five (5) years to ensure adequate funds are allocated for decommissioning; the security bond, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.
- (ii) The security bond shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Village.
- (iii) Any bonding company or lending institution is required to provide the Village with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in Subsection 19.v. below.
- (iv) In the event of sale or transfer of ownership and/or operation of the WECS, the security bond shall be maintained throughout the entirety of the process.
- (v) If at any time during the operation of the WECS or prior to, during, or after the sale or transfer of ownership and/or operation of the WECS the security bond is not maintained, the Village may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.

21. **Transfer or sale.**

- (i) In the event of a transfer or sale of the WECS, the Village shall be notified, and the special land use approval shall be updated to include the information of the new owner/operator.
- (ii) Change in ownership alone may be considered a minor amendment to the special land use and may be approved administratively.
- (iii) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Village review according to the procedures for all WECS as outlined herein, including a public hearing.
- (iv) Upon transfer or sale, the security bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

(e) Wind Energy Conversion System Site Plan Review Procedure.

An application for a WECS shall be reviewed in accordance with all applicable requirements in Article 17 Site Plan Review and Approval and Article 15 Special Land Use Conditions, Review, and Approval of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:

1. Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. The phases, or parts of construction, with a construction schedule.
5. The project area boundaries.
6. The location, height, and dimensions of all existing and proposed structures and fencing.
7. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
8. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Village to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
9. All new infrastructure above and below ground related to the project, including transmission line locations.
10. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
11. Description of operations, including anticipated regular and unscheduled maintenance.
12. Additional Requirements for Utility-Scale Wind Energy Conversion Systems only:
 - (i) A wind assessment study applied within a potential project area must be completed for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability must be placed within the potential vertical swept blade area of the proposed WECS. Temporary (one-year) installation of said device may be applied for through the Village site plan approval process and may be approved for a height acceptable to determine feasibility of a WECS height allowed by this ordinance. The anemometer must be decommissioned in accordance with this ordinance, including the provision of a security bond covering decommissioning costs.
 - (ii) A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to The International Electrotechnical Commission (IEC) 61400 and The International Organization for Standardization (ISO) 9613. After installation of the WECS, sound pressure level measurements shall be done by a third party, qualified

professional according to the procedures in the most current version of The American National Standards Institute (ANSI) S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Village of Farwell within 60 days of the commercial operation of the project.

- (iii) A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- (iv) A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (v) A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- (vi) The restoration plan for the site after completion of the project which includes the following supporting documentation:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning costs as defined in this ordinance
 - c. The security bond, or similar Village-approved security, ensuring that funds will be available for decommissioning and restoration.
 - d. The anticipated manner in which the project will be decommissioned, and the site restored.
- (vii) A contact person/address to which any notice of complaint, as defined by this ordinance, may be sent.

ARTICLE 17, SITE PLAN REVIEW AND APPROVAL, SECTION 17.03 CONCEPTUAL SITE PLAN PRE-APPLICATION MEETING ENCOURAGED is hereby revoked and restated as follows:

1. Prior to Site Plan Submission: The Village of Farwell encourages the submittal of a conceptual site plan prior to applying for site plan approval.
2. General Requirements: The conceptual site plan shall not be required to contain the comprehensive list of requirements found in Section 17.04.2, below, but should include the following:
 - a. Plan date, north arrow, and scale. The scale shall be not less than 1 inch equals 50 feet for property under three (3) acres and at least 1 inch equals 100 feet for property 3 acres or more.
 - b. Location and dimensions of proposed structures, including building elevations and floor plans.
 - c. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes,

driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.

- d. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
- e. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses.
- f. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
- g. Location, spacing, type and size of proposed plant materials.
- h. Location, striping, and spacing of off-street parking and maneuvering areas.
- i. Any other information deemed necessary to determine if the proposed conceptual site plan conforms to the requirements of this Ordinance.

Section 17.04 Data Required.

1. General Requirements: Application for site plan approval shall be made to the Village Clerk by filing an official application form; submitting 10 copies of the required site plan and any other supporting documentation; and depositing the required fees.
2. Specific Requirements: The following data shall be included on the site plan:
 - a. The names, addresses and telephone numbers, of the owners and developers.
 - b. The names, addresses, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
 - c. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.
 - d. Plan date, north arrow and scale. The scale shall be not less than 1 inch equals 50 feet for property under 3 acres and at least 1 inch equals 100 feet for property 3 acres or more.
 - e. A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
3. Location of natural features such as, but not limited to, woodlots, streams, floodplains, county drains, lakes, ponds, and existing topography at 10-foot intervals within 100 feet of the site.
4. Location and dimensions of existing structures within 100 feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.

5. Location and dimensions of proposed structures, including building elevations and floor plans.
 6. Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record.
- j. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
1. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
 2. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.
- m. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses.
- n. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
- o. Location, spacing, type and size of proposed plant materials.
- p. Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
- q. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.

Section 17.05 Standards for Review and Approval.

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below.

1. **Arrangement of Structures:** Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.
2. **Natural Features:** Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.
3. **Vehicular and Pedestrian Traffic:** Site plans shall fully conform to the driveway and traffic standards of the Clare County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.
4. **Public Safety:** Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the Village building code.
5. **Drainage:** Site plans shall fully conform to the Clare County Drain Commission standards.

6. Erosion: Site plans shall fully conform to the Clare County requirements.
7. Hazardous Waste Management: Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
8. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Clare County Health Department.
9. Statutory Compliance: Site plans shall fully conform to all applicable state and federal statutes.
10. The Planning Commission may further require landscaping, fences, screen walls and retaining walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
11. The Planning Commission may waive site plan information for topography, vegetation, soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.

Section 17.06 Official Actions.

After review of the site plan, the Planning Commission shall take one of the following actions:

1. Approval: If the site plan meets all the requirements of the Zoning Ordinance, the Planning Commission shall approve the site plan. The Commission Chair shall sign 3 copies of the final site plan, filing two with the official site plan file and one with the applicant.
2. Approval with Conditions: If minor corrections to the site plan are necessary to meet all the requirements of the Zoning Ordinance, the Planning Commission may approve the site plan and record the conditions of approval. The Commission Chair shall sign 3 copies of the site plan, filling two with the official site plan file and one with the applicant.
3. Denial: If the site plan does not meet all the requirements of the Zoning Ordinance, the Planning Commission may deny the application and record the reasons for their denial.
4. Postpone: If the site plan does not meet the requirements of the Zoning Ordinance, the Planning Commission may postpone action on the site plan to allow time for additional study and/or site plan revisions.

Section 17.07 Site Plan Amendments.

1. General Requirements: Site plan amendments shall be reviewed and approved in the same manner as the original submittal. Site plan amendments require the mutual consent of the landowner and the Planning Commission. Minor site plan amendments, as defined in this Section, may be made by the Zoning Administrator without requiring Planning Commission approval.
2. Minor Site Plan Amendments: Minor site plan amendments shall be limited to the following site plan changes:
 - a. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
 - b. Moving the ingress and egress drive a distance up to 100 feet, if required by the Clare County Road Commission.

- c. Substituting a landscape material provided that the substituted species is of a similar nature and quality.
 - d. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
 - e. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
 - f. Altering the location of an accessory structure that is less than 100 square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
 - g. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
3. Approval Required: A site plan amendment shall be approved if the Zoning Administrator finds that the change will not adversely affect the initial reasons for granting approval.

Section 17.08 Performance Guarantees.

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Village Council may require the deposit of a performance guarantee in accordance with Section 3.20.

Section 17.09 Validity and Revocation of Site Plan Approval.

1. Validity of Approval: An approved site plan shall be valid for a period of 12 months from the date of issuance of the land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
2. Permit Revocation: The Planning Commission shall have the authority to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

Passed by the Village Council of the VILLAGE OF FARWELL on September 18, 2018, at its regular meeting with seven commissioners in attendance, 7 voting aye, 0 voting nay. Adopted by the Village Council of the Village of Farwell this 18th day of September, 2018.

Kayla Randle, Village of Farwell Clerk

Gina Hamilton, Village President

I hereby certify that the foregoing was duly adopted by the VILLAGE COUNCIL of VILLAGE OF FARWELL, Michigan, at its regular meeting on the 18th day of September, 2018, that of seven members of the Village Council, all seven were in attendance and seven voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the VILLAGE OF FARWELL.

Effective Date September 20, 2018

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Village Clerk