TABLE OF CONTENTS

ARTICLE 1 TITLE, PURPOSES, AND LEGAL CLAUSES 1

Section 1.01 Short Title
Section 1.02 Repeal of Ordinance
Section 1.03 Purposes
Section 1.04 Scope
Section 1.05 Lot Use Limitation
Section 1.06 Validity and Severability Clause
Section 1.07 Interpretation
Section 1.08 Conflict with Other Laws
Section 1.09 Vested Rights

ARTICLE 2 INTERPRETATIONS AND DEFINITIONS 3

Section 2.01 Interpretations
Section 2.02 Definitions (Alphabetized)

ARTICLE 3 GENERAL PROVISIONS 28

Section 3.01 Accessory Buildings, Structures and Uses
Section 3.02 Building Grades
Section 3.03 Buildings To Be Moved
Section 3.04 Corner Clearance and Visibility
Section 3.05 Decks
Section 3.06 Essential Services
Section 3.07 Prohibition of Unauthorized Excavation or Holes
Section 3.08 Fences
Section 3.09 Greenbelts
Section 3.10 Screening of Storage Areas
Section 3.11 One and Two Family Dwelling Standards
Section 3.12 Outdoor Storage in Residential Districts
Section 3.13 Temporary Uses
Section 3.14 Dish Type Satellite Signal Receiving Stations
Section 3.15 Recreational Animals
Section 3.16 Nonconformities
Section 3.17 Height Exceptions
Section 3.18 Adult Foster Care Family Homes providing supervision or care, or both, to six (6) or fewer persons.
Section 3.19 Day Care Family Homes providing supervision or care, or both, to six (6) or fewer children.
Section 3.20 Performance Guarantees

ARTICLE 4 ZONING DISTRICTS AND MAP 40

Section 4.01 Districts Established
Section 4.02 District Boundaries
Section 4.03 District Boundaries Interpreted

Section 4.04 Zoning of Vacated Areas

ARTICLE 5 RESERVED 42

ARTICLE 6 LDR, LOW DENSITY RESIDENTIAL DISTRICT 43

Section 6.01 Statement of Purpose
Section 6.02 Principal Permitted Uses
Section 6.03 Special Land Uses
Section 6.04 Area and Size Requirements

ARTICLE 7 MDR, MEDIUM DENSITY RESIDENTIAL 45

Section 7.01 Statement of Purpose
Section 7.02 Principal Permitted Uses
Section 7.03 Special Land Uses
Section 7.04 Area and Size Requirements

ARTICLE 8 HDR, HIGH DENSITY RESIDENTIAL 47

Section 8.01 Statement of Purpose
Section 8.02 Principal Permitted Uses
Section 8.03 Special Land Uses
Section 8.04 Area and Size Requirements

ARTICLE 9 MHP, MOBILE HOME PARK DISTRICT 49

Section 9.01 Statement of Purpose
Section 9.02 Principal Permitted Uses
Section 9.03 Special Land Uses
Section 9.04 Area and Size Requirements

ARTICLE 10 CBD CENTRAL BUSINESS DISTRICT 50

Section 10.01 Statement of Purpose
Section 10.02 Principal Permitted Uses
Section 10.03 Special Land Uses
Section 10.04 Area and Size Requirements

ARTICLE 11 C-2, GENERAL SERVICE DISTRICT 53

Section 11.01 Statement of Purpose
Section 11.02 Principal Permitted Uses
Section 11.03 Special Land Uses
Section 11.04 General Regulations
Section 11.05 Area and Size Requirements

ARTICLE 12 M-1 INDUSTRIAL (LIMITED MANUFACTURING) 55

Section 12.01 Statement of Purpose
Section 12.02 Principal Permitted Uses

Section 12.03 Special Land Uses
Section 12.04 General Use Requirements
Section 12.05 Area and Size Requirements

ARTICLE 13 M-2 INDUSTRIAL (INTENSIVE MANUFACTURING).....59

Section 13.01 Intent and Purpose
Section 13.02 Principal Permitted Uses
Section 13.03 Special Land Uses
Section 13.04 General Regulations
Section 13.05 Area and Size Requirements

ARTICLE 14 SCHEDULE OF REGULATIONS.....63

Section 14.01 Schedule Limiting Height, Bulk, Density and Area by Zoning District
Section 14.02 LDR, Low Density Residential
Section 14.03 MDR, Medium Density Residential
Section 14.04 HDR, High Density Residential
Section 14.05 MHP, Mobile Home Park District
Section 14.06 CBD Central Business District
Section 14.07 C-2, General Service District
Section 14.08 Single-Family Cluster Housing

ARTICLE 15 SPECIAL LAND USE CONDITIONS, REVIEW, AND APPROVAL.....72

Section 15.01 Statement of Purpose
Section 15.02 Review and Approval Authority
Section 15.03 Data Required
Section 15.04 Public Hearing Requirements
Section 15.05 Standards for Approval
Section 15.06 Reapplication
Section 15.07 Site Plan Amendments in Conjunction with a Special Land Use
Section 15.08 Validity and Revocation of Special Land Use Permits
Section 15.09 Fees

ARTICLE 16 SPECIAL LAND USE REQUIREMENTS.....77

Section 16.01 Adult Entertainment Uses
Section 16.02 Adult Foster Care Facility
Section 16.03 Bed and Breakfast Operations
Section 16.04 Car Wash
Section 16.05 Churches, Synagogues, Temples, and other places of Worship, including other facilities normally incidental thereto
Section 16.06 Commercial Greenhouses/Nurseries
Section 16.07 Convalescent and Nursing Homes, Housing for the Elderly
Section 16.08 Drive-in Establishments
Section 16.09 Funeral Homes and Mortuary Establishments
Section 16.10 General Contractors, including other special trade contractors
Section 16.11 Golf Courses
Section 16.12 Hospitals

Section 16.13 Junkyards
Section 16.14 Kennels (Commercial)
Section 16.15 Machine Tools, Metal Cutting, and Grinding Facilities
Section 16.16 Mini-Warehouses/Self-Storage Facilities
Section 16.17 Motels and Hotels
Section 16.18 Open Air Business
Section 16.19 Public Facilities (Including Public Recreation)
Section 16.20 Recreation (Commercial Indoor)
Section 16.21 Recreation (Commercial Outdoor)
Section 16.22 Recreational Vehicle Storage Facilities
Section 16.23 Restaurant, (with Drive through facilities)
Section 16.24 Schools (Public, Private or Parochial)
Section 16.25 Vehicle Service and Repair Facilities
Section 16.26 Vehicle Service Stations, Gasoline Filling Stations, and Accessory Retail Uses
Section 16.27 Veterinary Clinics
Section 16.28 Wireless Communication Facilities

ARTICLE 17 SITE PLAN REVIEW AND APPROVAL 109

Section 17.01 Purpose
Section 17.02 Review and Approval Authority
Section 17.03 Data Required
Section 17.04 Standards for Review and Approval
Section 17.05 Official Actions
Section 17.06 Site Plan Amendments
Section 17.07 Performance Guarantees
Section 17.08 Validity and Revocation of Site Plan Approval

ARTICLE 18 PARKING AND LOADING 114

Section 18.01 Statement of Purpose
Section 18.02 General Provisions
Section 18.03 Collective Parking
Section 18.04 Off -Street Loading
Section 18.05 Off-Street Parking Space Layout, Standards, Construction and Maintenance
Section 18.06 Parking and Space Requirements

ARTICLE 19 REGULATION OF CONDOMINIUM DEVELOPMENTS 126

Section 19.01 Application
Section 19.02 General Requirements
Section 19.03 Initial Information
Section 19.04 Information to be Kept Current
Section 19.05 Site Plans for New Projects
Section 19.06 Site Plans for Expandable or Convertible Project
Section 19.07 Master Deed, Restrictive Covenants, and "As Built" Survey
Section 19.08 Monuments Required
Section 19.09 Compliance with Federal, State and Local Law
Section 19.10 Occupancy of Condominium Development

Section 19.11 Conformance to County Road Commission Requirements
Section 19.12 Dedication of Public Utility Easements
Section 19.13 Single-Family Detached Condominiums
Section 19.14 Final Documents to be Provided

ARTICLE 20 PLANNED UNIT DEVELOPMENT DISTRICT 130

Section 20.01 Intent
Section 20.02 Application of Planned Unit Development Provisions
Section 20.03 Design Standards
Section 20.04 Procedure for Review and Approval
Section 20.05 Appeals

ARTICLE 21 PROVISIONS FOR CONDITIONAL REZONING.....142

Section 21.01 Intent
Section 21.02 Application and Offer of Conditions
Section 21.03 Planning Commission Review
Section 21.04 Village Council Review
Section 21.05 Approval
Section 21.06 Compliance with Conditions
Section 21.07 Time Period for Establishing Development or Use
Section 21.08 Reversion of Zoning
Section 21.09 Subsequent Rezoning of Land
Section 21.10 Amendment of Conditions
Section 21.11 Village Right to Rezone
Section 21.12 Failure to Offer Conditions

ARTICLE 22 PLANNING COMMISION.....146

Section 22.01 Village Planning Commission
Section 22.02 Rules of Procedure
Section 22.03 Responsibility for Preparation and Adoption of Land Use Plan; Plan Content
Section 22.04 Approval of Public Improvements
Section 22.05 Approval of Plats
Section 22.06 Reserved
Section 22.07 Special Use Permits
Section 22.08 Other Authorities, Duties, and Responsibilities

ARTICLE 23 ZONING BOARD OF APPEALS.....148

Section 23.01 Statement of Purpose
Section 23.02 Creation and Membership
Section 23.03 Organization
Section 23.04 Jurisdiction
Section 23.05 Authorized Appeals
Section 23.06 Procedures
Section 23.07 Review by Circuit Court

ARTICLE 24 **ADMINISTRATION AND ENFORCEMENT** **153**

Section 24.01 Violations

ARTICLE 25 **VESTED RIGHTS** **154**

ARTICLE 26 **SEVERENCE CLAUSE** **155**

ARTICLE 27 **CONFLICTING PROVISIONS** **156**

ARTICLE 28 **EFFECTIVE DATE** **157**

ARTICLE I
TITLE, PURPOSES AND LEGAL CLAUSES

Section 1.01 Short Title.

This Ordinance shall be known and may be cited as the Village of Farwell Zoning Ordinance.

Section 1.02 Repeal of Ordinance.

The Village of Farwell Zoning Ordinance, effective February 1, 1993, and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 Purposes.

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; 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 of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, 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.

Section 1.04 Scope.

No building or structure or part thereof, shall hereafter be erected, constructed, reconstructed or altered and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance. Any building or structure for which a zoning permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and application on which said zoning permit was granted.

Section 1.05 Lot Use Limitation.

In all zoning districts which permit single family and two family residences, only one principal building shall be placed on a parcel or a lot of record. No building shall be erected on land subdivided in violation of the Land Division Act, Public Act 288 of 1967, as amended.

Section 1.06 Validity and Severability Clause.

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

said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.07 Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

Section 1.08 Conflict with Other Laws.

It is not intended by this Ordinance to repeal, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

Provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1.09 Vested Rights.

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE II
INTERPRETATIONS AND DEFINITIONS

Section 2.01 Interpretations.

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.

2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.

5. A "building" or "structure" includes any part thereof.

6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

   a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

   b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

   c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

9. Terms not herein defined shall have the meaning customarily assigned to them.

10. The terms his and her shall be used interchangeably and shall be considered to have the same meaning.

11. The word "lot" includes the word "plot", "tract", or "parcel".

12. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

13. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

14. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.02 Definitions.

Abutting (lot or parcel): A lot or parcel which shares a common property line with the subject lot or parcel.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for caretakers.

2. Swimming pools for the use of the occupants of a residence, or their guests.

3. Domestic storage in a shed, tool room, or similar accessory building or other structure.

4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

6. Accessory off-street parking spaces.

7. Accessory off-street loading space.

8. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

9. Satellite dishes or television or radio antennae for the use of occupants of a residence, or place of business.

10. Uses clearly incidental to a main use such as, but not limited to; offices of an industrial or commercial complex located on the same site.

Acreage: Any tract or parcel of land, which has not been subdivided or platted.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of adulthood defined by the laws of the state of Michigan.

Adult Entertainment Uses: Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

1. An **Adult Book Store** is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5%) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The portion of the floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Retail Space."

2. An **Adult Cabaret** is a nightclub, theater, or other establishment which features live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

3. An **Adult Mini-Motion Picture Theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."

4. An **Adult Model Studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.

5. An **Adult Motel** is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

6. An **Adult Motion Picture Arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

7. An **Adult Motion Picture Theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

8. An **Adult Novelty Business** is any establishment which offers for sale devices which stimulate human genitals or devices designed for sexual stimulation.

9. A **Restricted Adult Business** is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Foster Care Facility: A governmental or non-governmental establishment that provides foster care to more than six (6) adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; any change in the dimensions or configuration of the roof, exterior walls or foundation, or any change which may be referred to herein as altered or reconstructed.

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 Carnivora (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 used for a 4H program shall be considered domesticated pets/recreation animals. This includes animals kept as part of a hobby farm operation.

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

Apartment: See Dwelling Unit.

Apartment House: See Dwelling, Multiple-family.

Arcade: Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Automobile Sales, Storage: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Automobile Service Station: Any building, land area, other premises, or portion thereof, used for the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Such use shall be permitted to include an additional retail use, which may include but not be limited to a restaurant, gift shop, and convenience store.

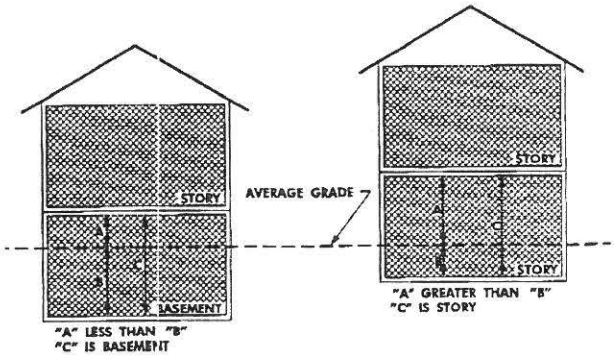
Automobile Service Station, Accessory Retail Use: The sale of food items commonly consumed by travelers (i.e., soft drinks, candy, packaged snacks and fast-foods, etc.), bread, milk, juice, cigarettes, and sundry items, and/or automobile wash facilities provided in connection with a gasoline filling station or gasoline service station, provided such use(s) is clearly incidental to the principal use.

Automobile Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

Balcony: a platform that projects from the wall of a building and is enclosed by a parapet or railing.

Basement: That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5') feet or more, such basement shall be considered as a story. Refer to illustration.

Basement and Story



Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing through another bedroom. Bedrooms shall meet all B.O.C.A. requirements.

Bed and Breakfast Lodgings: A structure which was constructed for, and is used as, a single-family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis with breakfast as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

Berm: A mound of earth, a minimum of eighteen (18") inches in height, graded, shaped and improved with sod or landscaping in such a fashion as to provide a visual and/or audible screen and a transition between uses of differing intensity.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Village.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Boarding stables: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

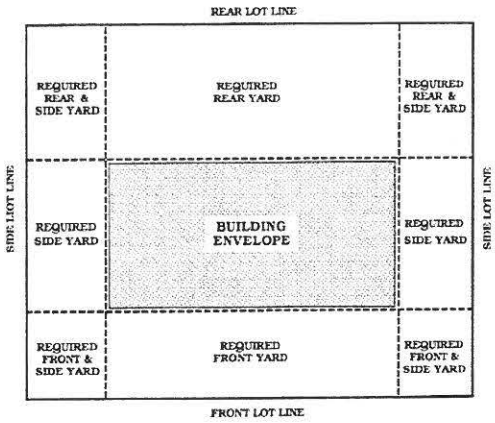
Buffer Zone: See Greenbelt.

Buildable Area: See Building Envelope.

Building: Any structure, either temporary or permanent, above or below ground, having a roof supported by columns, walls, or any other supports, which is used for the purpose of, or capable of, housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This shall not include buildings of less than six (6') square feet, such as a doghouse.

Building Envelope: The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance. Refer to illustration.

Building Envelope



Building Height: The building height is the vertical distance measured from the established grade to the highest point of the roof structure if a flat roof; to the deck of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Inspector: The administrative official appointed by the County with the responsibilities of administering and enforcing this Ordinance.

Building Line: A line established, in general, parallel to the front street right-of-way line at the minimum front yard setback distance. For the purposes of this ordinance, a minimum building line shall be the same as a front setback line.

Zoning permit: An authorization issued by the County Building Inspector to move, erect or alter a structure within the Village.

Building Site: A lot, parcel of land, or combination or portion of the two, which is used for the construction of a single principal structure.

Caretaker: Any person who is responsible for the safe keeping of a property. This may be the owner, manager, or any person designated by the owner, manager or court.

Car wash (commercial): Any building or premises or portions thereof used for the commercial washing of vehicles.

Cellar: A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5 feet.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Zoning Compliance: A permit issued by the Zoning Administrator permitting the use of land, buildings and/or structures and certifying that such all improvements to the land were constructed in compliance with the provision of this Ordinance.

Change of Use: Any use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Child Care Center: See Day Care Center

Churches, Synagogues, Temples and other places of worship: A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.

Clinic: See Health Care Facility.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members, not the general public.

Commission: The word "Commission" shall mean the Village of Farwell Planning Commission.

Common Elements: Portions of a condominium project other than condominium units, as described in the condominium master deed as required by State law.

Common Open Space: Land within or related to a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

Communication Tower: See Wireless Communication Support Facility (WCSF).

Comprehensive 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 Master Plan)

Condominium Documents: All those documents required by the Michigan Condominium Act and its amendments from time to time.

Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq.

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq.

Condominium Subdivision Plan: The drawings and information required by the Michigan Condominium Act and its amendments from time to time. For the purpose of this Ordinance, a condominium subdivision plan shall be equivalent to the term "condominium plan".

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Congregate Care Facility: See Housing for the Elderly.

Convalescent Homes: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Convenience Retail Uses: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Crawlspace: See Cellar

Cul-de-sac Street: A street terminated on one end with a turning radius.

Day Care Center: A facility, other than a private residence, receiving more than six (6) preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A day care includes a facility, which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Such a facility is also referred to as a day nursery, nursery school, child care center, parent cooperative preschool, playgroup, or drop-in center. A day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a calendar year.

2. A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group Home- A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by

blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Deck: A structure abutting a dwelling with no roof or walls, except for railings, which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Direct Access: Access not requiring trespass over adjacent property or rights-of-way.

District: A portion of the Village within which certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. Also known as a zone or zoning district.

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance.

Dwelling: A building or a portion thereof which is occupied as the home, residence or sleeping place of one or more human beings, either permanently or as transients. In no case shall a travel trailer, recreational vehicle, automobile chassis or tent be considered a dwelling. In the case where a building is occupied in part as a dwelling unit, the part so occupied shall comply with the provisions relative to dwellings.

1. **Dwelling, Attached:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

2. **Dwelling, Detached:** A dwelling which is not attached to any other dwelling by any means.

3. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard.

4. **Dwelling, One-Family:** A building designed, arranged or occupied as a dwelling unit for one family only.

5. **Dwelling, Semi-Detached:** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.

6. **Dwelling, Two-Family:** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A room or rooms within a dwelling connected together, constituting separate independent living quarters for one household, physically separated from any other rooms or dwelling units and containing permanent provisions for its own independent bathroom, sleeping and kitchen facilities.

1. **Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

2. **Dwelling Unit, Manufactured:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located. Refer to definitions of Manufactured Home and Mobile Home.

3. **Dwelling Unit, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but **not** including towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

Establishment: Any business or enterprise, which utilizes any building, structure, premises, parcel, place, or area.

Excavation: Any breaking of ground, except common household gardening and ground care.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability, distinguished from a group occupying a boarding house, lodging house, dormitory, club, fraternity/sorority or hotel/motel.

Fence: An accessory structure, artificially constructed as a barrier of any new material or combination of new materials erected to enclose or screen areas of land.

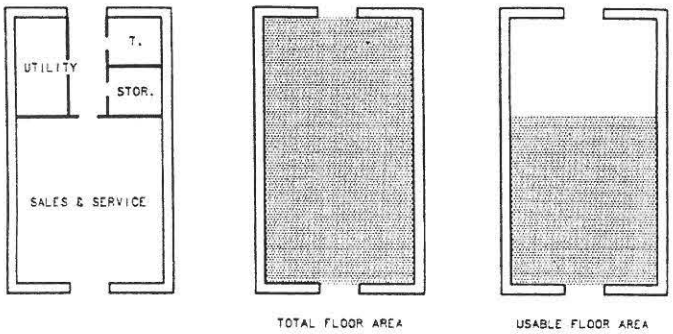
Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories having more than eighty-four (84") inches of headroom which may be made usable for human habitation; but excluding the floor area of basements, attics, garages, breezeways, porches and accessory buildings.

Floor Area, Usable: For the purpose of computing parking, is that area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such accessory floor area which is used, or intended to be used, principally for the storage or processing of merchandise. Hallways, utility, and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Refer to illustration.

Usable Floor Area



Footing: That portion of the foundation of a structure, which spreads and transmits loads directly to the soil or the pilings.

Frontage: See Lot Frontage.

Funeral homes: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage, Private: Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage.

Garage, public: Any garage which is not private.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, Village, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the grade for each face of the building.

Greenbelt: A strip of land of definite width and location reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties of different intensity.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing out-patient services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition not allowing overnight stay, including, but not limited to, a public health center, diagnostic center, treatment center, rehabilitation center.

Home for the Aged: See Housing for the Elderly.

Home Occupation: Any use customarily conducted within an owner occupied dwelling and carried on only by the inhabitants thereof, and which use is clearly incidental and secondary to the use of the subject site for single family residential purposes. Restaurants, animal hospitals, kennels, nursery schools, automobile repair or bumpshops, among others, shall not be considered as home occupations.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Hospital, Veterinary: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Hotel: See Motel.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home or nursing home.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Inn: A structure originally constructed for residential purposes and used as temporary lodging for travelers/guests where bedrooms are rented on a nightly basis and managed either by an owner/occupant

or resident manager subject to the limitations outlined in the Ordinance. Meals may or may not be included in the price of the room.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Further, any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days, and any motor vehicle, whether so licensed or not, which is inoperative for any reason for a period in excess of 30 days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as to not create a nuisance and is 30 feet or more from any residential structure for a period not to exceed seven days or for commercial vehicles which are licensed seasonally.

Junk Yard: The term "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of motorized vehicles, or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel, Private: Any lot or premises on which not less than four (4) but not more than ten (10) dogs, cats, or other domestic animals, six (6) months old or over, that are owned by the resident, are kept.

Kennel, Commercial or Boarding: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals, six (6) months old or over are kept either temporarily or permanently for sale, boarding, breeding, training, competition, or showing.

Library: An establishment which lends reading material, music, and related products to the public for no fee, and which may also provide related services and part-time social activities.

Limited Common Elements: Portions of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

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

Lot: Land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Refer to illustration below.

1. **Lot, Corner:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

2. **Lot, Double Frontage:** Any lot, excluding a corner lot, which fronts on two (2) streets, which do not intersect.

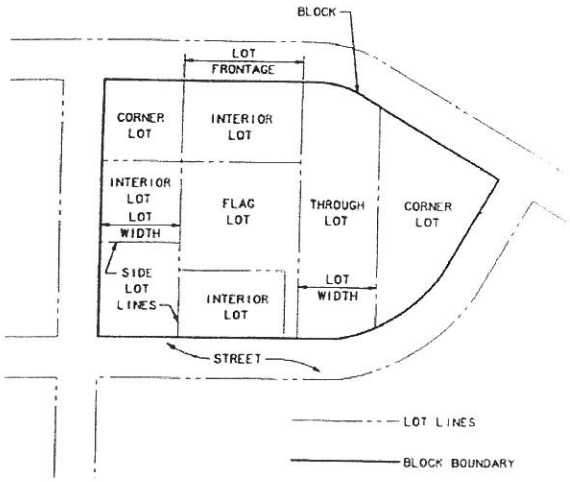
3. **Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

4. **Lot, Interior:** Any lot other than a corner lot.

5. **Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

6. **Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a zoning permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Lot Types



Lot Area, Gross: The total area contained within the lot lines or property boundary, including street right-of-way.

Lot Area, Net: The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings located thereon, including roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but not including fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The average distance measure from the front lot line to the rear lot line.

utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

Mobile/Manufactured Home Park: A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile/manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile/manufactured home.

Mobile/Manufactured Home Site (Mobile/Manufactured Home Lot): A parcel of land, within a mobile/manufactured home park, designed for the placement of a single mobile/manufactured home.

Motel: A building or a group of buildings operated and used as a unit to furnish overnight sleeping accommodations, primarily for transient occupancy. The term motel shall include tourist cabins, motor courts, motor lodges and similar facilities, but it shall not include rooming houses, boarding houses, tourist homes, apartments, or multiple dwellings. A motel will generally have individual entrances from outside the building to serve each sleeping or living unit. Not more than ten percent (10%) of the units shall have kitchenettes or cooking facilities.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current provisions of the Ordinance in the district in which it is located.

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursery, Commercial: A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Open Air Business Use: An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.

2. Outdoor display and sale of storage buildings, swimming pools and similar uses.

3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.

4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Park: A tract of land designated and used by the public for active and passive recreation. (Also see Recreation Facilities, Public)

Parking Area, Off-Street: Any public or private area outside of a public right-of-way, designed and used for parking motor vehicles.

Parking Bay: A parking facility unit that has two rows of parking stalls and a central aisle.

Parking Space: Space within a parking area or building, of definite length and width, exclusive of driveways, ramps, aisles, or entrances giving access thereto, for the parking or storage of one (1) permitted vehicle, also known as a parking stall.

Personal Service Establishment: Any business which provides services involving the care of a person or his or her personal goods or apparel. Uses included in this definition include, but are not necessarily limited to, repair shops (watches, shoes, radio, television, etc.), tailor shops, barber and beauty shops, hair stylists, photography studios, laundries or any combination.

Planned Unit Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Planned Unit Development Agreement: A written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

Planning Commission: The Village of Farwell Planning Commission.

a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

   a. Foods, desserts, or beverages are usually served in paper, plastic, or other disposable containers.

   b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.

3. **Drive-in Restaurant:** A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state and whose design, method of operation, includes one (1) or both of the following characteristics:

   a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.

   b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Restrictive Covenant: A provision in a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Village has an ownership interest in the property, a restrictive covenant is enforced by the parties to the agreement, not by the Village. Also known as a deed restriction.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Roads: See Streets.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

1. **School, Public**: Any school licensed by the state and that meets the state requirements for public education.

2. **Schools, Colleges and universities:** An educational institution authorized by the state to award baccalaureate or higher degrees.

3. **Schools, Commercial trade:** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

4. **School, Parochial:** A school supported and controlled by a church or religious organization.

5. **School, Private:** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-Storage Facility: See Mini-Warehouse.

Service Area: An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

1. **Setback, Front:** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the front lot line.

2. **Setback, Rear:** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the lot line opposite the front lot line.

3. **Setback, Side:** Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

Shopping Center: A group of three (3) or more commercial establishments developed in accordance with an overall plan and designed and build as an interrelated project.

Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

1. **Sign, Accessory:** A sign which is accessory to the permitted use.

2. **Sign, Billboard (Nonaccessory):** A sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign. All billboard type signs shall be governed by the provisions relating to non-accessory signs regardless of location.

3. **Sign, Construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

4. **Sign, Freestanding:** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.

5. **Sign, Portable:** Any sign not permanently attached to the ground or a building.

6. **Sign, Real Estate:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

7. **Sign, Temporary:** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.

Sign Area: Sign area is the total sum of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters or symbols), the sign area shall be measured by multiplying the height of the individual letters or symbols or combination of letters or symbols by the width of the individual letters or symbols or combination thereof. In broken signs of two or more lines, the sign area shall be the distance in feet between the furthermost horizontal letters or symbols multiplied by the distance in feet between the furthermost vertical letters or symbols.

Sign Height: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may be in any form.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether the requested project meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Special Approval Uses: A land use or an activity which under certain circumstances, might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the Village which provide protection to land uses. A land use which is permitted in a zoning district only after review and approval of the Planning Commission.

Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in this Ordinance.

Specified Acts of Violence: The graphic depiction, whether real or simulated, of human or animal decapitation, dismemberment, physical torture, stabbing, shooting, strangulation, drowning, electrocution, aggravated assault (whether accomplished by human contact, instruments, or weapons), rape, disfigurement, mutilation, burning, or disembowelment.

Specified Anatomical Areas: The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stored or Open Storage: Includes outside storage or keeping of building materials, sand, gravel, stone, equipment and other supplies. Vehicles shall be termed stored or in open storage if for a period exceeding seven (7) days they have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when the space meets the definition of a basement.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75%) percent of the floor area of the story immediately below. Tri-level shall be considered one and one-half stories.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Streets: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, streets shall be defined to also include the term roads. Streets are further classified by the functions they perform.

1. **Streets, Collector:** Streets primarily designed to provide access to abutting land parcels and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.

2. **Streets, Local:** Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.

3. **Street, Private:** A privately maintained area used for ingress and egress to serve more than two (2) parcels of land or residential building sites and constructed on a privately owned easement.

4. **Street, Public:** A thoroughfare which affords a principal means of access to abutting property and which has been accepted either expressly or impliedly, by the Clare County Road Commission or other public road agency as a public street, or is used as such by the public.

Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten acres.

Swimming Pools: The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24") inches.

Temporary Use or Building: Is a use or zoning permitted by the Village and the County to exist during periods of construction of the main building or use, or for special events.

Travel Trailers: See Recreational Vehicle

Usable Floor Area: See Floor Area, Usable.

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance: Permission to depart from the literal requirements of this Ordinance.

Wall: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

Wall, Obscuring: A wall that creates a visual barrier.

Water Front Storage: Storage facility fronting on water which does not provide berthing/docking on an individual basis.

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas and video programming services.

Wireless Communication Support Facility (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

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 the rear lot 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

Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Village Council.

Zoning Board of Appeals: The Village of Farwell Zoning Board of Appeals.

Zoning District (Zone): A portion of the Village within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.

ARTICLE III
GENERAL PROVISIONS

Section 3.01 Accessory Buildings, Structures and Uses.

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 structures shall not be erected in any front or required front or required side yards.

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 twenty-five (25%) percent of a required rear yard, provided that in no instance shall the total of all accessory buildings exceed the total floor area of the main building.

5. No detached accessory building in residential or mobile home park zoning districts shall exceed one (1) story or fifteen (15') 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.

Section 3.02 Building Grades.

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

1. The grades for all new development shall be completed so as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.

2. Grades of a site may be raised above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property, other than dedicated public right-of-way.

3. Where the grade on site is in any way to be increased above existing grades of the adjacent properties, the owner of the property shall, upon application for a zoning permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer stating the existing and proposed grades and that conditions set forth in items 1 and 2 of this Section are met.

Section 3.03 Buildings To Be Moved.

The term "moving of buildings" includes any buildings or structures being relocated within the Village, being moved out of Village or being moved into the Village. A zoning permit is needed when the building is being moved within or to the property lines of a lot or when such move necessitates movement along a County, State or Village Road.

Movement of buildings into, within and/or out of the Village shall be approved by the Village Zoning Administrator prior to such moving. Approval shall be contingent upon the Administrator determining that the following conditions have been met.

1. Any person desiring to move a building within or into Village of Farwell shall file an application for a zoning permit with the Zoning Administrator. Such moving of building application shall contain among other things, the following information:

    a. Name, description and address of applicant.
    b. A completed Zoning permit Application including site plan and building plans.
    c. Length of time for the anticipated move.
    d. Evidence that adequate insurance is provided to protect any improvements in the public right-of-way.
    e. Adequate police protection has been arranged for with the appropriate agency.
    f. Emergency telephone number for applicant and/or property owner.
    g. A detailed description of the route and time of the move.

2. Where a structure is moved into the Village, the structure must comply completely with all codes and ordinances prior to obtaining a zoning certificate of compliance.

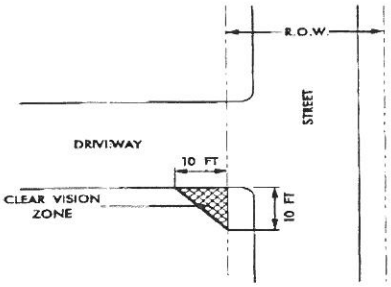
3. The Village Treasurer must be in receipt of any necessary fee, licenses and bonds.

4. A cash bond or letter of credit shall be required by the Village Council to insure that the ultimate moving, erection or construction of the building and the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the construction and the site improvements. The bond will not be returned until an occupancy permit has been granted.

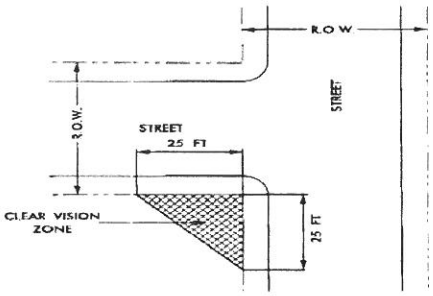
Section 3.04 Corner Clearance and Visibility.

No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8') feet above the road level. In the case of a street intersection, such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. In the case of driveway/street intersection, the aforementioned technique shall also be used, however a ten (10') foot dimension situated along the driveway and property line shall be utilized. Decorative fencing which would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration below.

Corner Clearance and Visibility



INTERSECTION OF DRIVEWAY AND PUBLIC RIGHT-OF-WAY



INTERSECTION OF TWO (2) PUBLIC RIGHTS-OF-WAY

Section 3.05 Decks.

A deck, which is associated with a residential structure, shall be subject to the following restrictions:

1. A deck shall not contain any solid vertical sides.

2. A deck shall not be completely or partially covered by a roof except for the overhang of eave from the dwelling..

3. A deck shall not occupy any yard, except the rear yard and the nonrequired side and front yard.

4. A deck shall be located no closer than fifteen (15') feet from the rear lot line.

6. Decks shall be constructed in accordance with requirements of the current Building Code.

Section 3.06 Essential Services.

Essential services and public utility facilities as defined by this Ordinance shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Village. It is the intention hereof to exempt such essential services, excluding buildings or other structures, from the application of this Ordinance.

Section 3.07 Prohibition of Unauthorized Excavation or Holes.

The existence within the limits of the Village of Farwell of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited and declared a public nuisance; provided however, that this Ordinance shall not prevent any excavations under a permit issued pursuant to the provisions of this Ordinance.

Section 3.08 Fences.

1. Residential Fences. Residential fences are permitted or required, subject to the following:

a. Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6') feet in height. This distance shall be measured from the grade to the highest point of the fence. No fence, wall, or hedge shall rise over four (4") feet in height in front of the house or in the required minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway.

b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4") feet. Nonobscuring decorative fencing does not include chain-link fencing.

c. Fences shall consist of at least one side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. Finished side of the fence should be facing outward.

d. All fences shall comply with the requirements of the Building Code.

e. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.

f. Fences shall not contain barbed wire, electric current or charge of electricity. In the case where a resident is confining recreational animal, the Zoning Board of Appeals may approve an electrical fence.

2. Nonresidential Fences

a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8') feet in height, measured from the surface of the ground.

b. Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.

c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway.

d. Fences located within twenty-five (25') feet of an intersection shall not exceed thirty (30") inches in height.

e. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8') feet in height with barbed wire attached to the top of such fence as part of the site plan review process.

Section 3.09 Greenbelts.

1. Intent: Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Village. Landscaping and

greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

a. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this Section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application: Except as otherwise specified in the Ordinance, the requirements set forth in this Section shall apply to all uses, lots, sites, and parcels requiring site plan review. No site plan shall be approved until said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a zoning permit shall not be issued until the required landscape plan is submitted and approved, and a zoning certificate of compliance shall not be issued unless provisions set forth in this Section have been met or a cash deposit has been posted.

   a. In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

   b. The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Village from agreeing to more extensive landscaping.

3. Required on outer perimeter: Greenbelts shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by **Appendix A**. Greenbelts shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Front setback berms may be considered as part of the greenbelt requirement.

4. Illustrations: The illustrations set forth in **Appendix B** to graphically show the specifications of each greenbelt. Any person wishing to develop upon a parcel of land shall be required to provide a greenbelt conforming to those set forth in **Appendix B** between such parcel and any adjacent parcel as specified in **Appendix A**.

5. Installation responsibility: All required greenbelts shall be the responsibility of the proposed higher intensity use and shall be installed prior to the issuance of any zoning permit providing for the construction of a building resulting in such higher intensity use. All plant materials shall be guaranteed by the owner for at least two (2) growing seasons.

Section 3.10 Screening of Storage Areas.

Any new or altered use which requires site plan review and has an outdoor storage area shall comply with the following requirements:

1. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.

2. In no instance shall any such refuse be visible above the required screening.

3. A wall, six (6') feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear

of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete, which complies with local building requirements.

4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

Section 3.11 One and Two Family Dwelling Standards.

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 (Public Act 230 of 1972 and Public Act 371 of 1980) prior to the issuance a building or occupancy permit.

3. Mobile homes or trailers, outside of licensed mobile home parks, shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CRF 3280, and as from time to time such standards may be amended). The Zoning Administrator shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Planning Commission.

4. All single family dwelling units shall have a minimum width across any front, side, or rear elevation of 22 feet at the time of construction or placement.

5. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the current Building Code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the Building Code.

6. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall as required above.

7. Single family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. In making such

determination of compatibility, the Village Zoning Administrator may consider the following factors: total square footage; length to depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line, as well as the character, design and appearance of a majority of the residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits must be obtained as needed.

9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Village pertaining to such parks.

10. Zoning inspection must be completed by zoning administrator to verify that structure meets all required setbacks.

Section 3.12 Outdoor Storage in Residential Districts.

Storage in a residential district shall be permitted only when it is accessory to the principal use of the parcel or adjacent parcel when owned by the same person.

1. The storage of tents, travel trailers, utility trailers, recreation vehicles and similar items shall not be permitted within the required front yard.

2. No storage shall be permitted closer than five (5') feet to any dwelling unit, nor closer than three (3') feet to any side lot line.

3. Semi-trailers, over the road commercial haulers, gravel trains and similar vehicles licensed for 20,000 pounds or more gross vehicle weight (GVW) are not permitted to be parked or stored in any residential districts except in a completely closed building, said building subject to size limitations set forth in this Ordinance.

4. Licensed motor homes shall not be stored or parked in the required front yard for a period exceeding twenty-four (24) hours.

Section 3.13 Temporary Uses.

As permitted in this ordinance, temporary uses and structures shall be permitted by the Zoning Board of Appeals. This shall include signs and dwellings during construction.

During Construction a temporary permit may be issued by the Village Zoning Board of Appeals for a mobile home or other structure to be occupied for a period up to six (6) months while the single-family dwelling is being constructed. Such temporary permit may be extended by the Village Zoning Board of Appeals for like periods of time, but not after the original cause of need for the use shall cease to exist. Such temporary permit may not be granted or extended beyond a maximum of two (2) years. The mobile home or temporary structure must be removed within sixty (60) days after the expiration of the permit. The removal of such temporary structure may be accomplished through a performance guarantee requested by the Village Council or Zoning Administrator in accordance with Section 3.20.

Section 3.14 Dish Type Satellite Signal Receiving Stations.

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 Building Official. Fees for such permits shall be established by resolution of the Village Council.

Section 3.15 Recreational Animals.
Recreation animals, as defined in this Ordinance, shall be permitted in Districts so allowed, provided:

1. The parcel on which the animals are located is not within a recorded plat;

2. The minimum area for the keeping of domesticated pets or 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 up to ten (10) acres.

3. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be three (3) acres. Twenty-five (25) chickens, ten (10) turkeys, geese or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, 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 up to ten (10) acres.

4. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be three (3) acres. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, 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 up to ten (10) acres.

5. The keeping of animals, as described above, shall further be subject to any applicable State and Clare County health regulations.

Section 3.16 Nonconformities.

Nonconformities are lots, structures, and uses that do not conform to one or more of the requirements of this Ordinance, or a subsequent amendment, which were lawfully established prior to the effective date of adoption or amendment of this Ordinance. The purpose of this Section is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions which under a nonconformity must be discontinued. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment.

Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

1. **Nonconforming Lots**. A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all applicable zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if the Zoning Board of Appeals grants a variance.

2. **Nonconforming Structures**. A nonconforming structure may be continued provided it remains otherwise lawful. 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. 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.

3. **Nonconforming Uses.**

   a. Nonconforming uses in general: Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.

      1.) A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building which was designed for such use and which existed at the time the use became nonconforming.

      2.) A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.

   b. Nonconforming Residential Uses: A nonconforming residential use may be expanded or enlarged as follows:

      1.) The principal building may be enlarged provided that all applicable yard and other zoning restrictions are met.

      2.) An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.

c. Abandonment of Nonconforming Use: If there is an intent to abandon the nonconforming use of any parcel of land or structure and the abandonment continues for a period of six (6) months, then any further use thereof shall conform to the provisions of this Ordinance. In addition, any accessory use, building, or sign related to a nonconforming use shall also be discontinued, unless it shall thereafter conform to all regulations of the Ordinance.

d. Substitution of Uses: A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:

1.) No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.

2.) Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

3.) When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

4. **General Conditions**. The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

a. Change of Tenancy or Ownership: The tenancy or ownership of a nonconformity may be transferred or changed, however, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.

b. Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.

A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed 40 percent of the replacement cost of the existing structure, as determined by the Village Assessor.

c. Termination by Destruction: Except as provided in subsection (d) below, in the event that a nonconforming structure or structure containing a nonconforming use is destroyed or damaged by fire, explosion, Act of God or by public enemy to an extent of more than sixty (60%) percent of the replacement cost of the existing structure, as determined by the Village Assessor, the structure shall not be restored or reconstructed except in conformity with the requirements of this Ordinance.

d. Any nonconforming residential use or residential building which has been destroyed or damaged by fire, explosion, Act of God or by public enemy may be reconstructed to a character similar to the original structure without increasing any nonconformity or changing the original use, unless to a conforming use. The restoration shall be commenced within six months of the date of the full

or partial destruction and shall be diligently carried on to completion within one year after the commencement of the restoration.

Section 3.17 Height Exceptions.

Except as herein provided, no building shall be erected or altered to exceed the height limit established by this Ordinance for the zone in which such building is located.

1. Chimneys, church towers and steeples, roof structures for the housing of elevators, stairways, tanks or ventilating equipment, firewalls, skylights, electrical transmission and communication poles, towers and antennas, theater screens, flag poles, smokestacks, chimneys, water tanks, silos, conveyors or similar structures may be erected above the height limits established for the zone in which such structure is located provided the requirements of this section are met.

2. If the height of any building, structure or tower exceeds the height allowed in the zone wherein the building or structure is located, then all required rear and side-yard setbacks shall be increased by not less than one (1) foot for each one (1) foot each building exceeds the height allowed in the zone concerned.

Section 3.18 Adult Foster Care Family Homes providing supervision or care, or both, to six (6) or fewer persons.

In accordance with the State of Michigan regulations, said uses shall be permitted within the all residential zoning districts and shall comply with all applicable Local Health Department and State Department of Health regulations.

Section 3.19 Family Day Care Homes providing supervision or care, or both, to six (6) or fewer children.

In accordance with the State of Michigan regulations, said uses shall be permitted within the all residential zoning districts and shall comply with applicable Local Health Department and State Department of Health regulations.

Section 3.20 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.

1. Form: A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Village shall have the right to determine the form of the performance guarantee.

2. Deposit: The performance guarantee shall be deposited with the Village prior to the issuance of a zoning permit. Upon receipt of the performance guarantee, the Village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.

3. Rebate: In the event the performance guarantee is a cash deposit or certified check, the Village shall rebate 50 percent of the deposited funds when 60 percent of the required improvements are completed and the remaining 50 percent when 100 percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant, pending completion of

the exterior improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of the Zoning Ordinance and the specifications of the site plan.

4. Return: Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Village shall return to the applicant the performance guarantee deposited and any accrued interest.

5. Completion of Improvements: In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Village use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Village's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.

6. Performance Guarantees Required by Other Agencies: If the applicant has been required to post a performance guarantee with another governmental agency other than the Village to ensure the completion of an improvement associated with the approved site plan, the applicant shall not be required to deposit with the Village a performance guaranteed for that specific improvement.

7. Performance Guarantee Agreement: At the time the performance guarantee is deposited with the Village and prior to the issuance of a zoning permit, the applicant and Village shall enter into an agreement incorporating the provisions of this Section.

ARTICLE IV
ZONING DISTRICTS AND MAP

Section 4.01 Districts Established.

For the purposes of this Ordinance, Village of Farwell is hereby divided into the following districts:

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
MHP	Mobile Home Park District
CBD	Central Business District
C-2	General Commercial District
M-1	Industrial (Limited Manufacturing)
M-2	Industrial (Intensive Manufacturing)

Section 4.02 District Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, Village of Farwell Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of the Ordinance as if fully described herein. [See Appendix for copy of Zoning Map.] The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance of the Village of Farwell (include date of adoption)." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Village Council together with an entry on the Official Zoning Map as follows: amended_____date____, amendment no. (___).

Two (2) copies of the Official Zoning Ordinance and Map are to be maintained and kept up-to-date. One copy shall be filed in the Zoning Administrator's Office and the other shall be filed with the Village Clerk which shall be the final authority as to the current zoning status of lands, buildings and other structures in the Village.

Section 4.03 District Boundaries Interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following the Village Limits shall be construed as following the Village Limits;

4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed;

6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

7. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 though 6 above, the Board of Appeals shall interpret the district boundaries.

Section 4.04 Zoning of Vacated Areas.

Whenever any street, alley or other public way within the Village of Farwell shall have been vacated by action of the Village Council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action by the Village Council, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

ARTICLE V
RESERVED

ARTICLE VI
LDR, LOW DENSITY RESIDENTIAL DISTRICT

Section 6.01 Statement of Purpose.

The LDR, Low Density Residential District is established as a district in which the principal use of land is for one-family dwellings on lot sizes larger than those found in the core village. The specific intent is to encourage the construction of, and the continued use of the land for one-family dwellings; to discourage business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district; to not encourage the continuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; to discourage any land use which would generate traffic on local (minor) streets other than normal traffic to serve the residences on those streets; and to discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

Section 6.02 Principal Permitted Uses.

In the LDR District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.

2. Essential services.

3. Public facilities, not requiring outdoor storage.

4. Public utility facilities (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.

5. Accessory buildings and uses customarily incidental to any of the above permitted uses.

6. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses

Section 6.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Adult foster care facility (over six persons). MCL 125.3206 – 6 or Less

2. Bed and breakfast operations.

3. Churches, synagogues, temples, and other places of worship.

4. Home occupations.

5. Schools.

6. Commercial Nurseries/Greenhouses.

7. Day care group homes (over six but not more than 12 children).

8. Day care centers.

9. Kennels.

10. Public recreation facilities

11. Veterinary clinics.

12. Wireless communication support facilities and antennas.

Section 6.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the LDR District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE VII
MDR, MEDIUM DENSITY RESIDENTIAL

Section 7.01 Statement of Purpose.

The MDR, Medium Density Residential District is established as a district in which the principal use of land is for one-family dwellings located in the core of the Village. The specific intent is to encourage the construction of, and the continued use of the land for one-family dwellings; to discourage business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district; to not encourage the continuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; to discourage any land use which would generate traffic on local (minor) streets other than normal traffic to serve the residences on those streets; and to discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

Section 7.02 Principal Permitted Uses.

In the MDR District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.

2. Home occupations.

3. Essential Services

4. Public facilities.

5. Public recreation facilities.

6. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

7. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

Section 7.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Two-family residences.

2. Bed and breakfast operations.

3. Inns.

4. Adult foster care facility (over six adults).

5. Day care group homes (over six but not more than 12 children).

6. Day care centers.

7. Churches, synagogues, temples, and other places of worship.

8. Clubs.

9. Convalescent homes.

10. Nursing homes.

11. Housing for the elderly.

12. Schools, excluding colleges, universities, and commercial trade schools.

13. Golf courses.

14. Hospitals.

15. Public utility buildings, not including storage yards.

16. Wireless communication antennas.

17. Accessory buildings and uses customarily incidental to any of the above uses.

Section 7.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the MDR District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE VIII
HDR, HIGH DENSITY RESIDENTIAL

Section 8.01 Statement of Purpose.

The HDR, High Density Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the lower density single-family district and the nonresidential districts. The HDR District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

Section 8.02 Principal Permitted Uses.

In the HDR District, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Adult foster care family homes and adult foster care small group homes.

2. Two-family dwellings.

3. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

4. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 8.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Adult foster care facility (over six adults).

2. Day care group homes (over six but not more than 12 children).

3. Day care centers.

4. Convalescent homes.

5. Multiple-family dwellings.

6. Nursing homes.

7. Housing for the elderly.

8. Schools, excluding commercial trade schools.

9. Hospitals/Health Care Facilities.

10. Wireless communication antennas.

11. Accessory buildings and uses customarily incidental to any of the above uses.

Section 8.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the HDR District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE IX
MHP, MOBILE HOME PARK DISTRICT

Section 9.01 Statement of Purpose.

The purpose of the Mobile Home Park (MHP) District is to encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a mobile home park with recreational facilities, churches, schools, and necessary public utility buildings.

Section 9.02 Principal Permitted Uses.

In the MHP District, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended.

2. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

3. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 9.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Home Occupations

Section 9.04 Area and Size Requirements.

Height, bulk, density, and area requirements for the MHP District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE X
CBD CENTRAL BUSINESS DISTRICT

Section 10.01 Statement of Purpose.

The CBD Central Business District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the Central Business District; and which serve the consumer population beyond the corporate boundaries of the Village. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which tend to breakup such continuity.

Section 10.02 Principal Permitted Uses.

In the CBD District, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Any generally recognized retail or convenience retail business which supplies commodities on the premises within a completely enclosed building, such as but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.

2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.

3. Standard Restaurants.

4. Professional Service Establishments including real estate, insurance, legal offices and similar executive, administrative, or professional uses.

5. Banks, with drive-in facilities permitted, when said drive-in facilities are incidental to the principal function.

6. Public and quasi-public buildings such as, but not restricted to:

   a. Churches
   b. Municipal offices
   c. Municipal off-street parking lots
   d. Libraries
   e. Museums
   f. Fraternal organizations

7. Indoor commercial recreation facilities such as: bowling alleys, theaters, and similar uses.

8. Offices and showrooms of plumbers, electricians, decorators or similar trades, of which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, furnishing, or refinishing its products or merchandise, and provided that: the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of

materials on any land shall be within the confines of the building or part thereof occupied by said establishment.

9. Business schools or private schools operated for profit, examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios.

10. Newspaper offices and printing plants.

11. Other uses which are similar to the above, as determined by the Planning Commission, and subject to the following restrictions:

    a. All business establishments shall be retail or service establishments dealing directly with consumers. The majority of goods produced on the premises shall be sold at retail from premises where produced.

    b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings, with the exception that limited outdoor (sidewalk) displays may be permitted during normal business hours of operation subject to Planning Commission approval providing that such displays are located adjacent to the business (building) and further providing that pedestrian circulation is not impeded along the sidewalk. In no case shall such an outdoor display area occupy more than 40 percent of the sidewalk measured from the building's face to the curbline of the street.

    c. Outdoor storage of commodities shall be expressly prohibited.

12. Accessory structures customarily incidental to the above permitted uses.

Section 10.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. One, two, and multiple-family residential dwelling units within or above an existing commercial building subject to the approval of the Village Council after a recommendation is received from the Planning Commission and subject to the following conditions:

    a. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the construction of one, two, and multiple-family residential dwellings.

    b. Dwelling units shall not be located below the second floor.

    c. Off-street parking shall be provided as required in Section 1806 of this Ordinance.

2. Hotels and motels.

3. Restaurants with drive-through facilities.

4. Inns.

Section 10.04 Area and Size Requirements

Height, bulk, density, and area requirements for the CBD District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE XI
C-2, GENERAL SERVICE DISTRICT

Section 11.01 Statement of Purpose.

The C-2, General Service District is designed to cater to the needs of a larger consumer population than is served by the CBD uses. These uses are designed to cater to the needs of "passer-by" traffic and comparison shopping needs. Many of the business types are generally located within an integrated or planned cluster of establishments served by a common parking area and those which require space for outdoor storage or sales area.

Section 11.02 Principal Permitted Uses.

In the C-2 District, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. All Permitted Principal Uses in the CBD District.
2. Open air businesses.
3. Off-street public parking lots.
4. Hospitals, veterinary hospitals, and Health Care Facilities.
5. Car wash establishments.
6. Hotels and motels.
7. Funeral homes and mortuaries.
8. Repair and light assembly shops and sales.
9. Public utility facilities, not including storage yards.
10. Clubs.
11. Wireless communication antenna.
12. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
13. Accessory structures and uses customarily incidental to the above permitted uses.

Section 11.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Adult entertainment uses.

2. Mini storage or mini warehouse facilities.

3. Kennels.

4. Lumberyards.

5. Automobile service stations (with or without accessory retail uses)

6. Public utility facilities.

7. Wireless communication support facilities.

8. Outdoor commercial recreation.

9. Recreation vehicle storage

10. Accessory buildings and uses customarily incidental to any of the above uses.

Section 11.04 General Regulations.

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.

2. The outdoor storage of goods and materials, except as may otherwise be provided for in this Article, shall be prohibited.

3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

Section 11.05 Area and Size Requirements.

Height, bulk, density, and area requirements for the C-2 District, unless otherwise specified, are as provided in Article 14, "Schedule of Regulations."

ARTICLE XII
M-1 INDUSTRIAL (LIMITED MANUFACTURING)

Section 12.01 Statement of Purpose.

The M-1, Limited Manufacturing District, is intended for light industrial uses with few, if any, nuisance characteristics, but also permits commercial establishments to engage in limited retail sales as it pertains to direct manufacturing or processing of their product on the premises, and service establishments which are a type not generally requiring the customer to call at the place of business. The M-1 District is designed to permit manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials. It is also intended to prohibit residential uses, and intensive retail enterprise as being incompatible with the primary industrial and related uses permitted. However, under "Special Use" provisions certain retail and wholesale activities may be permitted. This purpose is met through this ordinance as well as additional covenants at the Village Hall.

It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

Section 12.02 Principal Permitted Uses.

The following are the principal permitted uses within the M-1 District:

1. Production, Processing, Assembling, Packaging or Treatment of such products as: Bakery goods, candy, pharmaceutical, toiletries, food products, hardware and cutlery, tool and die, garage products, and sheet metal products.

2. Production, Processing, Assembling, Packaging or Treatment of articles or products from the following previously prepared or semi-finished materials: Bone, hair, fur leather or feathers, fibers, plastics, glass or cellophane, wood, paper or cork, sheet metal or wire, tobacco, rubber, precious or semi-precious stones, and similar articles or products which are previously prepared or semi-finished.

3. Manufacturing of Pottery and Ceramics.

4. Research Facilities.

5. Manufacturing of Musical Instruments, Toys, Novelties or small molded products.

6. Manufacturing and Assembly of Electronic Instruments and Equipment and Electrical Appliances and Devices.

7. Laboratories including experimental, film, and testing.

8. Trade, Skills or Industrial Schools and Veterinary Hospitals or Health Care Facilities.

9. Public Utility Installations and Buildings including power, fuel, communications, and water treatment.

10. Accessory Uses clearly subordinate to the main use of the lot or building such as:

a. Restaurant or cafeteria facilities for employees.

b. Caretaker's residence if situated upon a portion of the lot complying with all the requirements of the R-1 Residential Districts.

c. Office buildings, warehousing, and wholesale distribution associated with a manufacturing facility.

d. Research and development.

11. Recycling and/or transfer stations.

12. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 12.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Warehousing and wholesale distribution.

2. Machine and woodshops.

3. Any manufacturing, processing, testing or assembling of other semi-finished products from raw materials.

4. Companies dealing in technological development.

5. Computer aided design and/or manufacturing.

6. Technical services industries (engineering).

Section 12.04 General Use Requirements.

1. Storage Activities in this District shall be carried on in completely enclosed buildings.

2. Residential Dwellings are expressly prohibited, except as otherwise provided in this Article.

3. Uses in this District shall conform to the following standards:

   a. Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare; except those produced by internal combustion engines under design operation conditions.

   b. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.

c. Produce no heat or glare to such an extent as to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.

d. Produce no physical vibrations to such an extent as to be determined detrimental to the health, safety, and general welfare at or beyond the lot boundaries.

e. Not include in the manufacturing process any production or storage of any material designed for use as an explosive, or use of any such material in production.

f. Conform to all local, state and applicable federal pollution control standards, including noise, air and water quality requirements.

g. Emit no noise that is offensive or inappropriate for the permitted use to such an extent that it is deemed detrimental to the health, safety and general welfare at or beyond the lot boundaries.

Section 12.05 Area and Size Requirements.

1. Minimum Lot Size

   a. Each lot shall contain a minimum of one acre (43,560 square feet of area) of area.

   b. Each lot shall have a minimum frontage of forty-four (44) feet.

2. Minimum Yard Requirements

   a. All structures are required to have a minimum front yard or setback of not less than twenty-five (25) feet from the front property line. Side and rear yards shall be ten (10) percent of the lot width and depth, respectively, but need not exceed twenty-five (25) feet. Where a lot in this District abuts a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100) feet to the property line of such residential lot. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage or accessory structures. Side and rear yards, except for a strip along the lot boundary five (5) feet in width may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

   b. When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least four (4) feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading or servicing activity to be screened. A properly designed landscape barrier may be permitted in place of a fence.

3. Maximum Building Height

   a. Buildings shall not exceed three and one-half (3-1/2) stories in height or forty-five (45) feet PROVIDED any buildings within seventy-five (75) feet of a residential district shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

4. Maximum Lot Coverage

   a. There is no maximum lot coverage requirement for M-1 Districts.

5. Minimum Off-Street Parking

   a. Requirements for an allowed use shall be determined by Section 18.06, "Parking Space Requirements."

   b. Industrial or manufacturing uses and warehouse operations shall provide loading areas in amounts not less than shown on the following schedule:

Square Feet	**Loading Bays**
0 – 10,000	1
10,001 – 20,000	2
20,001 – 50,000	3
50,001 – 100,000	4
Each Additional 100,000	1 Additional

   c. The required number of standard berths for retail business uses shall be provided in amounts not less than shown in the following schedule:

Square Feet	**Loading Bays**
0 – 10,000	None
10,001 – 35,000	1
35,001 – 75,000	2
75,001 – 150,000	3
Each Additional 100,000	1 Additional

ARTICLE XIII
M-2 INDUSTRIAL (INTENSIVE MANUFACTURING)

Section 13.01 Intent and Purpose.

The M-2 Intensive Manufacturing District is intended for intensive industrial uses but also permits light industrial and commercial establishments not engaged in retail sales and service establishments which are of a type not generally requiring the customer to call at the place of business. The M-2 District is designed to permit the manufacturing, processing, or assembling of semi-finished or finished products from raw materials previously prepared, while intensive retail enterprise is considered incompatible with the primary industrial and related uses permitted. This purpose is met through this ordinance as well as additional covenants at the Village Hall.

It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

Section 13.02 Principal Permitted Uses.

The following are the principal permitted uses within an M-2 District.

1. Uses Permitted by "Right" or By Special Land Use Permit Within an M-1 District.

2. Heating and Electrical Power Generating Plants.

3. Any Manufacturing, Processing, Testing, Assembling, Storage and Distribution of material, goods, foodstuffs and other semi-finished products from raw materials.

3. Heavy Metals Processing and Production such as foundries, casting plants and other similar production.

4. Truck Terminals and General Contractors' Establishments.

5. Warehouse and Storage Buildings and Yards and Wholesaling.

Section 13.03 Special Land Uses.

The following Special Land Uses shall be permitted subject to review by the Planning Commission and approval by the Village Council and further subject to any and all reasonable conditions which may be imposed in accordance with the Zoning Enabling Act, as amended, Article 15, "Special Land Use Conditions, Review, and Approval," Article 16, "Special Land Use Requirements," and Article 17, "Site Plan Review and Approval" of this Zoning Ordinance.

1. Hazardous Materials Disposal or Reprocessing Plants.

    a. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

b. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so they shall be a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground

c. The Planning Commission shall establish routes for truck movement in and out of the development.

d. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, and individual, or to the community in general.

2. Junkyards provided the following standards are met:

a. The site shall be a minimum of five (5) acres in size.

b. An opaque fence or wall at least eight (8') feet in height shall be provided around the entire site and shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

c. There shall be no stacking of material above the height of the fence or wall, except for movable equipment used on the site.

d. No equipment, materials, signs, or lighting shall be used or stored outside the fence area.

e. All fenced-in areas shall be at least fifty (50) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of installation.

3. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.

Section 13.04 General Use Requirements.

1. Enclosed Buildings. Activities in this District shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors PROVIDED that within two hundred (200) feet of any other district said storage shall be in completely enclosed buildings.

   All outdoor storage shall be effectively screened by a solid uniformly finished wall or fenced with a solid entrance and exit gate, which fence or wall shall be at least four (4) feet in height, but in no case shall the fence be lower than the enclosed storage, up to a maximum of eight (8) feet, except as otherwise provided herein. Landscaped barriers may be utilized as visual screen in lieu of fencing.

2. Retail Sales expressly prohibited except as may herein be specifically allowed.

3. Uses in this District Shall Conform to the Following Standards:

a. Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except those produced in internal combustion engines under design operating conditions.

b. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.

c. Produce no heat or glare to such an extent to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.

d. Produce no physical vibrations to such an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.

e. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any such material in production.

f. Shall conform to all local, state and applicable federal pollution control standards, including noise, air, and water quality requirements.

Section 13.05 Area and Size Requirements.

1. Minimum Lot Size

   a. Each lot shall contain a minimum of one acre (43,560 square feet of area).

   b. Each lot shall have minimum frontage of one hundred (100) feet.

2. Minimum Yard Requirements

   a. All structures are required to have a minimum front yard of setback of not less than twenty-five (25) feet from the property line. Side and rear yards shall be ten (10) percent of the lot width and depth, respectively, but need not exceed twenty-five (25) feet each. Where a lot in this District abuts a lot in any residential district, no building in the M-2 District shall be closer than one hundred (100) feet to the property line of such residential district lot.

      Except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary five (5) feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

   b. Structures and solid fences or walls shall be no closer to the lot boundary than a distance equal to twice their height. This provision shall not apply to main buildings fifteen (15) feet or less in height, nor to accessory structures, fences, or wall ten (10) feet or less in height.

3. Maximum Building Height

   a. Building shall not exceed five (5) stories in height or seventy (70) feet PROVIDED any building within one hundred (100) feet of a residential district shall not exceed three and one-half (3-1/2) stories or forty-five (45) feet.

4. Maximum Lot Coverage

   a. There is no maximum lot coverage requirement for M-2 Districts.

5. Minimum Off-Street Parking

a. Requirements for an allowed use shall be determined by Section 18.06, "Parking Space Requirements."

6. Minimum Off-Street Loading Area for M-2 Uses

a. Industrial or manufacturing uses and warehouse operations shall provide loading areas in amounts not less than shown in the following schedule:

Square Feet	**Loading Bays**
0 – 10,000	1
10,001 – 20,000	2
20,001 – 50,000	3
50,001 – 100,000	4
Each Additional 100,000	**1 Additional**

ARTICLE XIV
SCHEDULE OF REGULATIONS

Section 14.01 Schedule Limiting Height, Bulk, Density, and Area by Zoning District.

The following regulations regarding lot sizes, building heights, lot coverage, yards, setbacks, building size, and densities apply within the Zoning Districts as indicated. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of any lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

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 twenty-eight (28') 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 fifty (50') 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 twenty-five (25') feet. Side yard setback requirement includes and applies to main and accessory buildings.

7. Minimum rear yard setback per zoning lot shall be fifty (50') 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.

Section 14.03 MDR, Medium Density Residential.

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 twenty eight (28') feet.

4. Minimum front yard setback per zoning lot shall be thirty (30') 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
1½ story	1,000 square feet
2 story	1,200 square feet

Section 14.04 HDR, High Density Residential.

1. Minimum size per multiple-family zoning lot (not including public road right-of-way or private road easement) shall be 6,000 square feet.

2. Minimum width per multiple-family zoning lot shall be sixty (60') feet.

   The future subdividing of an existing multiple-family development shall be permitted provided that, for each parcel created, there shall be maintained direct access to a paved public street with a minimum frontage on said street of one hundred and fifty (150') feet.

3. Maximum multiple-family building height shall be two and one half (2.5) stories or thirty-five (35') feet. Maximum two-family building height shall be two and 2 (2) stories or thirty (30') feet.

4. Minimum landscaped area for two-family residential zoning lots shall be twenty (20%) percent, with required front yard not used for access driveways or sidewalks to be landscaped. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

5. Minimum landscaped area for multiple-family developments shall be as follows. Within any side and rear yard setback or area between buildings, an area equivalent to seventy (70%) percent of the required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.

6. Maximum building lot coverage shall be thirty (30%) percent for two-family residential zoning lots and fifty (50%) percent for multiple-family developments. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.

7. Minimum front yard setback per two-family residential zoning lot shall be forty (40') 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. 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. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

8. The minimum front yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any front yard setback be less than one hundred (100') feet when abutting a section line road or fifty (50') feet from a quarter section line road. 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.

9. 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.

10. The required front yard setback for a multiple-family residential development 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.

a. The minimum distance between any two multiple-family buildings on the same parcel shall be not less than thirty-five (35) feet.

11. Minimum side yard setback per two-family residential zoning lot shall be twenty (20') feet. The minimum side yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100') feet when abutting a Single-Family Residential District. No accessory building shall project beyond the required side yard setback.

12. Minimum rear yard setback per two-family residential zoning lot shall be forty (40') feet. The minimum rear yard setback for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100') feet when abutting a Single-Family Residential District. In the case of a corner lot, the rear yard may be opposite either front yard, but there shall be only one rear yard.

    All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six (6') feet high or other screening as required by the Planning Commission.

13. The minimum residential floor area per unit for two-family residential structures shall be as follows:

1 story	720 square feet
1½ story	1000 square feet
2 story	1,200 square feet

14. The minimum residential floor area per unit for all multiple-family residential structures shall be as follows:

Efficiency	450 square feet
One (1) Bedroom	630 square feet
Two (2) Bedroom	720 square feet
Three (3) Bedroom	1050 square feet
Four (4) Bedroom	1,200 square feet

15. For the purpose of computing the minimum allowable floor area per unit in a multiple-family residential structure, the horizontal areas of each dwelling unit shall be measured from the centerline of the exterior walls and walls separating two (2) dwelling units. The floor area measurement for multiple-family residential structures shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.

16. The maximum floor area ratio (F.A.R.) in the HDR District shall be 0.5.

17. The formula for calculating the required F.A.R. is as follows:

$$\text{F.A.R.} = \frac{\text{Total floor area}}{\text{Total lot area}}$$

Section 14.05 MHP, Mobile Home Park District.

1. The minimum size per zoning lot (not including public road right-of-way or private road easement) shall be 6,000 square feet. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, PA 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.

2. The minimum zoning lot width shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.

3. The maximum building height shall be one and one-half (1.5) stories or twenty-five (25') feet.

4. The maximum percent of building lot coverage and minimum yard setbacks shall be subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 96 of 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.

Section 14.06 CBD Central Business District.

1. All business establishments shall be retail or service establishments dealing directly with consumers. The majority of goods produced on the premises shall be sold at retail from premises where produced.

2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings, with the exception that limited outdoor (sidewalk) displays may be permitted during normal business hours of operation subject to Planning Commission approval providing that such displays are located adjacent to the business (building) and further providing that pedestrian circulation is not impeded along the sidewalk. In no case shall such an outdoor display area occupy more than 40 percent of the sidewalk measured from the building's face to the curbline of the street.

3. Outdoor storage of commodities shall be expressly prohibited.

4. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.

5. The maximum building height shall be four (4) stories or forty eight (48') feet.

6. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

Section 14.07 C-2, General Service District.

1. The minimum zoning lot area (not including public road right-of-way or private road easement) and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.

2. The maximum building height shall be thirty (30') feet.

3. Landscaping shall be construed to include areas devoted solely to pedestrian use and, unless for aesthetic purposes, shall not consist of any impervious ground cover with the exception of areas devoted to patios.

4. The maximum building lot coverage shall be fifty (50%) percent. Building lot coverage applies to all main and accessory buildings and structures, except that in-ground or at-grade structures are not deemed structures for computing maximum allowable building lot coverage.

5. The minimum front yard setback per zoning lot shall be twenty (20') 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 existing approved authority. 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. On a corner lot abutting a residential district, there shall be provided a front yard setback equal to the required front yard setback of the abutting residential zoning district.

6. Off-street parking shall be permitted to occupy a required front yard, provided there shall be maintained a minimum landscaped setback of twenty (20') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the public right-of-way line or private ingress/egress easement.

7. Side yard minimum setbacks per zoning lot shall be ten (10') feet. Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential district. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50') feet and off-street parking shall be permitted to occupy the required side yard, provided there shall be maintained a minimum landscaped setback of twenty (20') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

8. Rear yard minimum setback per zoning lot shall be twenty (20') 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. Where a commercial district abuts a residential district, the minimum distance between a commercial structure and said common district line shall be fifty (50') feet. Loading space shall be provided in the rear yard in accordance with Section 18.04. No outside storage shall be permitted.

9. Off-street parking shall be permitted in a required rear yard setback when said rear yard abuts a nonresidential district. Where a commercial district abuts a residential district, off-street parking shall be permitted to occupy the required rear yard, provided there shall be maintained a minimum landscaped setback of twenty (20') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest point of the common district line.

10. The maximum floor area ratio in the C-2 District is 0.5. The formula for calculating the required F.A.R. is as follows:

$$\text{F.A.R.} = \frac{\text{Total floor area}}{\text{Total lot area}}$$

Section 14.08 Single-Family Cluster Housing.

The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.

1. The Planning Commission may approve the clustering and/or attaching of single-family dwelling units on parcels of land ten (10) acres or more in size. In approving an area for the cluster housing option, the Planning Commission shall find the following to exist:

    a. The parcel to be developed has frontage on a major or collector street and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.

    b. The parcel contains natural assets which could be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved.

    c. At least twenty percent of the property, not including street rights-of-way, shall be maintained in permanent open space.

2. The Planning Commission may, at its discretion, convene a public hearing held in accordance with the Zoning Enabling Act, Public Act 110 of 2006, as amended, as part of its review, study, and approval of an area for the cluster housing option.

3. The minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:

    a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the zoning district in which the cluster is to be constructed.

    b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:

        1). Through a common party wall which does not have over seventy-five (75%) percent of its area in common with an abutting dwelling unit wall.

        2). By means of an architectural wall detail which does not form interior room space.

        3). Through a common party wall in only the garage portion of an abutting structure.

    c. The attachment of more than four (4) units in the above-described manner shall not permitted.

    d. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for each single-family district under the Schedule of Regulations.

4. Yard requirements shall be provided as follows:

    a. Spacing between any grouping of four (4) or less one-family units and another grouping of such structures shall be equal to at least twenty (20') feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.

    b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.

    c. That side of a building adjacent to a dedicated street shall not be nearer to said street than twenty-five (25') feet; however, this yard setback requirement shall be increased to fifty (50') feet if the street is a quarter section line or section line road.

    d. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.

    e. No building shall be located closer than thirty (30') feet to the outer perimeter (property line) of the site.

5. The building height shall not exceed two and one-half (2.5) stories or twenty-five (25') feet. In computing the building height of an individual unit in a cluster on a slope in excess of ten (10%) percent and when the unit is constructed on posts, the first ten (10') feet of the height of the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10') feet of post height.

6. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require a landscaped berm, at least five (5') feet high, or a ten (10') foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that it conforms with corner clearance visibility regulations, see Section 3.04.

7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2') foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.

8. Site plans submitted under this option shall be accompanied by information regarding the following:

    a. The proposed manner of holding title to open land.

    b. The proposed method of regulating the use of open land.

    c. The proposed method of maintenance of property and financing thereof.

9. All land not intended to be conveyed to individual dwelling unit owners shall be set-aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Village Attorney to assure the following:

    a. That title to the open space is held in common by the owners of all dwelling units in the detached single family cluster development.

    b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the zoning permit.

ARTICLE XV
SPECIAL LAND USE CONDITIONS, REVIEW AND APPROVAL

Section 15.01 Statement of Purpose.

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Village.

The following use permit review procedures are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. The procedures apply to those special land uses which are specifically designated as such in the Zoning Ordinance.

Section 15.02 Review and Approval Authority.

The Planning Commission shall have the authority to review and recommend action concerning special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Commission may require for any special land use included in the various provisions of this Zoning Ordinance. The Village Council shall have final authority for special land use permits.

Section 15.03 Data Required.

1. Applications for Special Land Uses authorized in this Ordinance shall be submitted to the Zoning Administrator. Applications shall include the appropriate number of copies of the site plan and the fees as established by the Village Council. Applications will be processed according to the procedures adopted by the Village Council.

2. The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and forward completed applications and supporting data in accordance with the provisions of the procedures manual.

3. An application for a special land use permit shall include the following:

    a. Applicant's name, address, and telephone number.

    b. Address and tax identification number of the proposed site.

    c. A signed statement that the applicant is the owner of the proposed site, or is acting as the owner's representative.

    d. A complete site plan containing all the applicable data required by Section 17.03, Data Required.

    e. Supporting statements, evidence, data, information and exhibits that address criteria for assessing

special land use applications as provided in Section 15.05.

f. Any additional information deemed necessary for the Planning Commission or Village Council to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand, use saturation), fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. Such additional studies shall be completed by an individual or firm of the Village's choosing, but at the applicant's expense.

Section 15.04 Public Hearing Requirements.

1. Public Hearing Notification Requirements:

   a. One notice of the public hearing shall be published in a newspaper that circulates in the Village. The publication shall occur not less than fifteen (15) days before the date of the public hearing.

   b. A notice of the public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet. The notice to such persons shall also be given not less than fifteen (15) days before the date the application will be considered.

   c. If the name of the occupant is not known, the term "occupant" may be used in making notifications. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

   d. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

   e. The public hearing notices shall:

      1.) Describe the nature of the special land use request.

      2.) Indicate the property that is the subject of the request, including a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.

      3.) State the date, time, and place of the public hearing.

      4.) Indicate when and where written comments concerning the request will be received.

2. Upon receipt of a complete application for a special use permit, the Planning Commission shall schedule a public hearing in accordance with the notification requirements above, State law and the Village's procedure manual.

3. Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission shall recommend approval, denial, or approval with conditions regarding the special land use application, and forward its recommendation to the Village Council for its consideration. The recommendation shall state the reasons for the decision reached. The Planning Commission's recommendation shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions recommended. In arrive at its recommendation, the Planning Commission shall refer to and be guided by those individual standards for that special land use found in Article 16, "Special Land Use Requirements," and the general standards of Section 15.05. If the special land use application does not meet the requirements of the Zoning Ordinance, the Planning Commission may postpone action on the special land use to allow time for additional study and/or site plan revisions.

4. Upon review of the special land use application, all supporting materials, the hearing, and the recommendations of the Planning Commission, the Village Council shall approve, deny, or approve with conditions the application for special land use approval. The Village Council decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Village Council shall refer to and be guided by those individual standards for that special land use found in Article 16, "Special Land Use Requirements," and the general standards of Section 15.05. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved.

5. The Village Council may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include:

    a. Insurance that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

    b. Protection of the natural environment, conservation of the natural environment and conservation of natural resources and energy;

    c. Insurance of compatibility with adjacent uses of land;

    d. Promotion of the beneficial use of land in a socially and economically desirable manner.

5. Special conditions imposed shall meet each of the following:

    a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

    b. Be related to the valid exercise of the police power and purposes, which are affected by the proposed use or activity.

c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

d. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Village Clerk shall maintain a record of changes granted in conditions.

Section 15.05 Standards for Approval.

The Planning Commission and Village Council shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements and shall make a determination as to whether the use proposed and subject site meet the following standards and requirements:

1. Will be in accordance with the general objectives, intent and purposes of this Ordinance.

2. Will be in accordance with the goals and objectives of the Village of Farwell Master Plan.

3. Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

4. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

6. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

7. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

8. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

9. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District.

Section 15.06 Reapplication.

1. No special land use application which has been denied wholly or in part by the Village Council shall be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

Section 15.07 Site Plan Amendments in Conjunction with a Special Land Use.

1. Any approved site plan shall become part of the record of special land use approval. Subsequent improvements relative to the authorized use shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Village Council. A special land use amendment shall be reviewed and considered in the same manner as the original special land use application, except as otherwise provided in this Ordinance.

Section 15.08 Validity and Revocation of Special Land Use Permits.

1. Validity of Permit: A special land use permit shall be valid for a period of 12 months from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this 12 month period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Village Council 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. Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit. The Village Council reserves the right to review, with the applicant and the Village Zoning Administrator, the status of Special Use Permits on an annual basis.

3. Permit Revocation: The Village Council 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 shall issue a stop work order and a notice to appear for a hearing before the Village Council. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

Section 15.09 Fees.

An application fee shall be established by resolution of the Village Council. Before issuance of a zoning permit, any costs incurred by the Village shall be paid for by the applicant.

ARTICLE XVI
SPECIAL LAND USE REQUIREMENTS

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

Section 16.01 Adult Entertainment Uses.

It is the intent and purpose of the Village of Farwell to adopt reasonable regulations for adult entertainment uses in the Village, so as to minimize the adverse affects caused by this activity on the public health, safety, and welfare of persons and property within the Village. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Village's retail trade, maintain property values, protect and preserve the quality of life in the Village, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a special land use in the C-2 General Service District and M-1 Limited Manufacturing District and only in conformance with the following restrictions:

1. No adult entertainment use shall be located within one thousand (1,000') feet of any other adult entertainment use nor within five hundred (500') feet of any of the following uses:

    a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.

    b. Pool or billiard halls.

    c. Coin-operated amusement centers or video arcades.

    d. Teenage discos or dance halls.

    e. Ice or roller skating rinks.

    f. Pawn shops.

    g. Indoor or outdoor movie theaters.

    h. Any public park, public playground, public library, or public building.

    i. Any church, place of worship, or other religious facility.

    j. Any public or private school having a curriculum including kindergarten or any one or more of the grades one (1) through twelve (12).

k. Any restaurant that does not serve alcohol.

l. Any preschool or day nursery.

m. Any indoor or outdoor public, private, or commercial recreational facility.

n. A single-family dwelling used or designed for residential purposes within the AG, Agricultural and Rural Estate zoning district.

o. Uses like or similar to the above.

2. Such distance shall be measured along the centerline of the street between two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

3. No adult entertainment use shall be located within five hundred (500') feet of any area zoned residential (LDR, MDR, HDR, or MHP Districts). Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.

4. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.

5. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

Section 16.02 Adult Foster Care Facility.

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

2. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

3. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.

4. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.

5. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

Section 16.03 Bed and Breakfast Operations.

1. Site Requirements:

   a. A bed and breakfast operation shall provide off-street parking spaces in accordance with the requirements for a single-family dwelling plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15') feet from any property line. The Planning commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.

   b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.

2. Performance Standards:

   a. The bed and breakfast facility must be a single-family dwelling, which is operated and occupied by the owner of the dwelling.

   b. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.

   c. The exterior appearance of the structure shall not be altered from its single-family character.

   d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.

   e. One sign is permitted providing:

      1.) It is for identification purposes only.

      2.) It is not internally illuminated and does not exceed four (4) square feet.

      3.) It shall be mounted flush to the principal structure.

   f. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.

   g. No separate or additional kitchen facilities shall be provided for the guests.

   h. Retail sales are not permitted beyond those activities serving overnight patrons.

   i. Meals shall not be served to the public at large but only to guests.

   j. No receptions, private parties or activities for which a fee is paid shall be permitted.

   k. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

l. A bed and breakfast operation shall not be allowed to be located in a platted subdivision or within a site condominium project.

m. A bed and breakfast operation shall have direct access to and from a public road and, in no case, shall such an operation have access to or from a private road.

n. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principle place of residence of the owner. Rooms for guest sleeping shall not have been specifically constructed for rental purposes.

o. Bed and breakfast operations may have up to four (4) sleeping rooms and an additional full bathroom facility for a third and/or fourth sleeping room.

p. All sleeping rooms and areas shall have a fully functional smoke detector.

q. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.

r. The application for a bed and breakfast operation shall be accompanied by the following:

1.) A site plan subject to the requirements for site plan review.

2.) A floor plan of the residence showing those rooms and/or areas that will be used by guests (i.e., sleeping rooms, bathrooms, dining areas, etc.), including dimensions and floor area calculations, and the location of required exits and smoke detectors.

Section 16.04 Car Wash.

1. All ingress and egress to the site shall be directly from a hard surfaced road.

2. Minimum lot size shall be ten thousand (10,000) square feet.

3. All washing activities must be carried on within a building.

4. Vacuuming activities shall be at least fifty (50') feet distant from any adjoining residential zone.

5. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

6. Provision shall be made for the drying of the automobile undercarriage during subfreezing weather prior to entering the public thoroughfare.

7. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.

8. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.

9. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

Section 16.05 Churches, Synagogues, Temples, and other places of Worship, including other facilities normally incidental thereto.

1. No building shall be closer than one hundred and fifty (150') feet from any lot line or right-of-way.

2. No more than twenty-five (25%) percent of the site area shall be covered by buildings. No more than sixty (60%) percent of the site shall be covered by impervious surface.

3. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1') foot from the initial one hundred and fifty (150') feet for each one (1') foot of additional height above the district height limitation. Any spire is excluded.

4. Any yard or open space shall be landscaped.

5. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 18.02.

6. Signs shall comply with Article 21.

Section 16.06 Commercial Greenhouses/Nurseries.

1. All ingress and egress to the site shall be directly from a hard surfaced road.

2. The storage or display of any materials shall conform to all building setback requirements of a structure.

3. The total square footage of all impervious surfaces shall not exceed three (3%) percent of the total area.

4. All parking and loading shall be provided off-street.

5. The parking area shall be designed so as not to disrupt abutting residences with noise or headlights.

Section 16.07 Convalescent and Nursing Homes, Housing for the Elderly.

1. All such complexes shall be constructed on parcels of at least three (3) acres.

2. There shall be provided not less than one thousand five hundred (1,500) square feet of open space for each one (1) bed in a convalescent of Nursing Home, and each unit in a housing complex for the elderly. The one thousand five hundred (1,500) square feet of open space per bed or unit shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.

3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25%) percent of the total site not including any dedicated public right-of-way.

4. All ingress and egress to the site shall be directly from a major or minor thoroughfare.

5. No building shall be closer than forty (40') feet to any lot line.

6. Building heights shall be no more than two (2) stories.

7. All such complexes shall provide for common service areas containing, but not limited to, central dining rooms, recreational rooms, and lounge areas.

8. In the case of housing complex for the elderly, minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.

9. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

Section 16.08 Drive-in Establishments.

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

9. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

Section 16.09 Funeral Homes and Mortuary Establishments.

1. All ingress and egress to the site shall be directly from a hard surfaced road.

2. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.

3. Such assembly area will be in addition to required off-street parking.

4. A caretakers residence may be provided within the main building of the mortuary establishment.

5. All parking shall be located in the side or rear yard.

Section 16.10 General Contractors, including other special trade contractors.

1. Required outdoor storage of motorized vehicles, generators, or other equipment used in connection with the business shall be contained within a screened are of the lot.

2. Materials used in connection with the business shall be confined to a screened area or within an enclosed building.

3. No outside work in connection with the business shall be permitted except for emergency conditions, for which approval by the Zoning Administrator is required.

Section 16.11 Golf Courses, including public and private facilities but not including "par 3" golf courses.

1. Site Requirements:

   a. Minimum site shall be eighty (80) acres for a nine-hole course.

   b. Minimum site shall be one hundred sixty (160) acres for an 18-hole course.

   c. The minimum site for tennis, racket sport and swimming facilities shall be no less than four (4) acres.

2. Buffering Requirements:

   a. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development.

b. A fifty (50') foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated.

3. Performance Standards:

a. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.

b. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

c. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.

d. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30') feet. Both signs may be lighted but not internally.

e. All principal or accessory buildings and parking areas shall be not less than two hundred (200') feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

f. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.

g. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15%) percent.

h. All artificial lights shall be directed away from adjoining properties.

i. No outdoor loudspeaker or call system shall be audible on adjoining property.

j. Outside storage shall be properly screened.

k. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.

l. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75') foot front yard and a one hundred (100') foot side and rear yard setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.

m. Toilet facilities for use by patrons shall be located conveniently. Satellite restrooms are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Clare County Health Department.

d. The minimum distance of any building from lot or right-of-way line shall be at least one hundred (100') feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20') feet. Buildings less than two (2) stories shall be no closer than forty (40') feet from any lot line or right-of-way.

e. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare

f. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred (300') feet from any residential area.

3. Buffering Requirements:

a. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6') feet in height. Said wall shall further be in accordance with the General Provisions article of this Zoning Ordinance.

b. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 18.02.

c. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

4. Performance Standards:

a. All hospitals shall be licensed by the Michigan Department of Public Health.

b. Hospitals shall conform to applicable state and federal laws.

Section 16.13 Junkyards.

1. Locational Requirements:

a. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Commission finds that such access point will further minimize impacts on other properties.

2. Site Requirements:

a. The minimum lot or parcel size for junkyards shall be five (5) acres.

b. Setbacks:

1. All enclosed areas shall be set back at least one hundred (100') feet from any front lot line.

2. Junkyards shall not be located closer than two hundred (200') feet from the border of a Light Industrial District.

c. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

d. Whenever the installation abuts a residential district, a transition strip at least two hundred (200') feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.

3. Buffering Requirements:

   a. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 3.09.

   b. A solid fence, wall or earthen berm at least eight (8') feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

4. Performance Standards:

   a. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.

   b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

   c. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

   d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.

   e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

Section 16.14 Kennels (Commercial).

1. A commercial kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.

2. Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred (100') feet to any adjacent residential lot line.

3. All kennels shall be operated in conformance with all applicable county, state and federal regulations.

4. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.

5. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.

6. The intensity level of sounds shall not exceed seventy-five (75dbA) decibels at the lot line of industrial uses; sixty-five (65dbA) decibels at the lot line of commercial uses and fifty-five (55dbA) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

7. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.

8. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

9. Runs and/or exercise areas and buildings where the animals are maintained shall be located in the rear yard only.

10. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.

11. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of animals.

12. All animals must be licensed and maintained in a healthful and careful manner.

13. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.

14. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

15. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

16. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

Section 16.15 Machine Tools, Metal Cutting, and Grinding Facilities.

1. The activity shall not have a detrimental effect on nearby residents by virtue of noise, smoke, or other emissions.

2. The Village shall establish reasonable measures to mitigate any such adverse impacts.

Section 16.16 Mini-Warehouses/Self-Storage Facilities.

1. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24') feet or equal to the building height, whichever is greater.

2. The total lot coverage of all structures shall be limited to thirty-five (35%) percent of the total lot area.

3. A ten (10') foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five (5') foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance with the General Provisions article of this Zoning Ordinance.

4. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.

5. Internal driveway aisles shall be a minimum of twenty-four (24') feet in width.

6. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.

7. All ingress and egress from this site shall be onto a major street.

8. Building height shall not exceed one (1) story or fourteen (14') feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25') feet.

9. No single storage building shall exceed seventy-five hundred (7,500) square feet.

10. All storage on the property, with the exception of item 11 below, shall be kept within an enclosed building.

11. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential area.

12. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

Section 16.17 Motels and Hotels.

1. There shall be at least eight hundred (800) square feet of lot area for each guest room.

2. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25%) percent of the area within the lot lines of land developed at any one time.

3. The front twenty-five (25') feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.

4. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fences.,

5. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.

6. No guest shall establish permanent residence at the motel.

Section 16.18 Open Air Businesses.

Open air businesses shall include, but need not be limited to, the following: automobile, truck and boat sales, agricultural equipment sales, commercial nursery, landscaping supplies, lumber yards, home and garden centers.

1. Site Requirements:

    a. The minimum frontage shall be two hundred (200') feet.

    b. No loading activities shall be permitted within seventy-five (75') feet of any lot line abutting a residential land use.

    c. All buildings shall be set back a minimum of fifty (50') feet from any lot line.

    d. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.

    e. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35') feet.

2. Buffering requirements:

    a. Trucking, outside storage, loading and dock areas shall be fenced and screened.

    b. If the site is immediately adjacent to a residential district it shall comply with the requirements of Section 3.09.

    c. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

3. Performance standards:

a. The site shall be kept in a neat and orderly fashion.

b. Not more than fifty (50%) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.

c. Storage or display of goods and materials shall not occur in the required yards.

d. No public address system shall be audible from any abutting residential parcel.

e. All lighting shall be shielded from adjacent streets and residential districts.

f. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.

g. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage-ways.

h. In the case of auto sales:

1.) No vehicles, which are inoperative, shall be stored on the premises.

2.) All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.

3.) For facilities with new underground storage tanks, the site shall be three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two-thousand (2,000') feet from any public water well.

4. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

Section 16.19 Public Facilities (Including Public Recreation).

1. Public facilities include: parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, and storage areas for public equipment.

2. Site Requirements:

a. No building shall be closer than fifty (50') feet to any property or road right-of-way line.

b. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.

c. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.

3. Buffering Requirements:

a. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5') feet in height.

b. All buildings housing mechanical equipment shall be landscaped and maintained in accordance with the requirements of Section 3.10.

4 Performance Standards:

a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.

b. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.

c. Outdoor storage areas shall be located a minimum of fifty (50') feet from any residentially zoned property.

d. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25') feet from residential lot lines.

e. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

f. Any sports fields shall be a minimum of one hundred (100') feet from any lot line and two hundred (200') feet from any dwelling.

Section 16.20 Recreation (Commercial Indoor).

1. The minimum lot size shall be one (1) acre.

2. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

3. Said recreation facility shall be for the exclusive use of the membership as conditioned above and their guests.

4. Provision for the land and/or buildings shall have been identified in the original platting of the land so that all subsequent lot purchasers were duly placed on notice. Prior to approval of the special land use, the Village shall determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the recorded plat.

5. In those instances where the proposed facility is intended to serve areas beyond the recorded subdivision, the proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto or from said major street.

6. Front, side, and rear yards shall be at least eight (80') feet on those sides adjacent to residential districts. Front, side, and rear yards shall not less than ten (10') feet on those sides adjacent to non-

residential districts. Such required yard setback shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition.

7. Off-street parking shall be provided so as to accommodate not less than one-half of the family and individual membership or as otherwise provided. Prior to the approval of a special land use, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking shall be screened from adjacent residential districts in accordance with the General Provisions article of this Zoning Ordinance.

8. There shall be no parking or structures permitted in the required front, side, and rear yards, except for required entrance drives and screening walls used to obscure the use from abutting residential districts.

9. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

10. Central loudspeakers/paging systems are prohibited adjacent to residential property.

11. The intensity level of sounds shall not exceed seventy (70) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

12. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

13. When a swimming pool is constructed under this section of the Zoning Ordinance, said pool area shall be provided with a protective fence five (5) feet in height, and entry shall be provided by means of a controlled gate.

14. All plans for storm sewers, sanitary sewers, water, and other utilities shall be reviewed and approved by the Village Engineer.

Section 16.21 Recreation (Commercial Outdoor).

1. Minimum site area shall be three (3) acres for: flea markets, batting cages, skateboard parks and miniature golf.

2. Ten (10) acres for: amphitheater, amusement parks, resorts and campgrounds. Minimum lot width shall be six hundred (600') feet.

3. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600') feet.

4. No building or spectator seating facility shall be located within one hundred (100') feet of a lot line.

5. Front, side and rear yards shall be at least eighty (80') feet. The first fifty (50') feet of such yards shall not be used for off-street parking and shall be landscaped.

6. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5') foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.

7. Racetracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8') feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

8. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.

9. Facilities shall provide off-street parking and passenger loading areas.

10. Adequate stacking area shall be provided for vehicles waiting to enter the lot.

11. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and Clare County Road Commission with respect to the proposed project.

12. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent streets.

13. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.

14. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.

15. Outside storage shall be screened.

16. Landscaped areas shall be maintained in a healthy condition.

17. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

18. In no case shall a recreational accessory use pre-date the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.

19. Accessory commercial activities shall be limited to that necessary to serve only the seasonal patrons of the facility.

20. Central loudspeakers/paging systems are prohibited adjacent to residential property.

21. The intensity level of sounds shall not exceed seventy (70) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

22. No temporary sanitary facility or trash receptacle shall be located within two hundred (200') feet of an existing dwelling.

23. All sanitary facilities shall be designed and constructed in strict conformance with Clare County Health Department regulations.

24. Adequate trash receptacles shall be provided, as needed throughout the site.

25. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.

26. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.

Section 16.22 Recreational Vehicle Storage Facilities.

1. Minimum area shall be five (5) acres.

2. The use of the premises shall be limited only to storage of recreational vehicles, boats, and trailers and shall not be used for any auction, sales, transfer business, or storage of other materials.

3. The premises shall not be used for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item.

4. The premises shall not be used for the operation of power tools, compressors, kilns, or similar equipment.

5. Limited sale of products and supplies incidental to the principal use, such as ropes, locks, tape, etc., to tenants shall be permitted within an enclosed building.

6. The storage of combustible or flammable liquids or explosive materials shall be prohibited.

7. No vehicle shall have a fixed connection to electricity, water, gas, or sanitary facilities.

8. No person, individual, group, or family shall be allowed to occupy any vehicle during non-business hours.

9. All lighting shall be shielded from adjacent residential districts and shall not create a nuisance for nearby properties.

10. At least one property line shall abut a major street.

11. All ingress and egress shall be directly onto a major street.

12. Storage areas shall meet all yard setback requirements applicable to any building in the district.

13. Storage areas shall be hard surfaced.

14. The area shall be graded and drained as to properly dispose of all surface water accumulated within the area.

15. All recreational vehicles, boats, and trailers contained herein shall be locked or secured at all times when not being claimed or moved by the owner so as to prevent access thereto and to prevent accidental release that would permit movement onto abutting property.

16. Storage areas shall be screened by an obscuring wall at least six (6') feet high or a chain-link fence with intense evergreen shrub planting.

17. Access drives, parking areas, and maneuvering lanes shall be maintained and located so as to provide access for emergency vehicles at all times.

Section 16.23 Restaurant (with Drive through facilities).

1. The minimum width of driveways at the property line shall be twenty-four (24') feet, and not greater than thirty (30') feet.

2. 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.

3. 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.

4. 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.

5. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified by the Village of Farwell Planning Commission. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

6. Concrete curbing, six (6") inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

   The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.

7. All outside trash receptacles, except that intended for use by the customer, shall be enclosed by a six (6') foot masonry wall. The material being stored shall not be stacked higher than the wall.

8. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

9. Drive-in 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.

10. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:

a. Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Village at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Village shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.

b. The ground shall be kept free of rubbish and debris, and the grass, if any shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.

c. Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secure pre-cast concrete wheel stops or the equivalent.

Section 16.24 Schools (Public, Private or Parochial).

1. Locational Requirements:

   a. Ingress and egress to the site shall be only from a major thoroughfare.

   b. A preferential location is one, which would offer natural or man-made barriers or buffer zone that would lessen the effect of intrusion of the institution on adjoining uses.

2. Site Requirements:

   a. The minimum lot or parcel size for schools shall be ten (10) acres.

   b. No more than twenty-five (25%) percent of the site area shall be covered by buildings.

   c. No more than sixty (60%) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.

   d. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100') feet of a residential district or use.

   e. Parking areas shall not be located within fifty (50') feet of a residential district or use.

   f. Student drop-off and vehicular turn-around facilities shall be provided on the site so those vehicles will not interfere with traffic.

   g. No parking shall be allowed within the minimum front yard setback of fifty (50') feet.

   h. The principal building shall be no closer than seventy-five (75') feet from any lot line or right-of-way.

3. Buffering Requirements:

   a. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 3.09 of this Ordinance.

b. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

4. Performance Standards: All activities conducted on the site shall conform to county, state, and federal laws.

Section 16.25 Vehicle Service and Repair Facilities.

Locational Requirements:

1. For facilities including any underground storage tanks, the site shall be three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well and two thousand (2,000') feet from any public water well.

2. All ingress and egress to the site shall be directly from a hard surfaced street, or from a shared access drive to such roadway.

3. No driveway or curb cut shall be located less than ten (10') feet from any lot line, measured from the edge of the driveway to the lot line.

4. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30') feet.

5. The site shall be no less than two hundred (200') feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

Site Requirements:

1. In addition to the minimum lot size of the district, Automobile Filling Stations shall have an additional five hundred (500) square feet of lot area for each pump over four (4), and one thousand (1,000) additional square feet of lot area for each additional bay over two (2).

2. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.

3. Any stored items may not be stacked higher than the enclosing wall height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.

The minimum lot width and frontage shall be two hundred (200') feet.

1. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line or within thirty (30') feet of the road right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

2. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

3. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred and twenty (120) percent of the volume of the tank.

4. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6') foot wall with such storage being located in the rear yard.

Greenbelt Requirements:

1. Greenbelts shall comply with the requirements of Appendix A and B.

2. Restroom and service bay doors shall not be visible from adjacent streets and residential districts.

Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.

2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.

3. The sale or leasing of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.

4. No public address system shall be audible from any abutting residential parcel.

5. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.

Section 16.26 Vehicle Service Stations, Gasoline Filling Stations, and Accessory Retail Uses.

1. No repair work shall be permitted, other than incidental service, including the addition of motor oil, windshield/wiper fluid or transmission fluid.

2. No steam cleaning or undercoating shall be permitted.

3. A principal building, of not less than four hundred (400) square feet in area, shall be required.

4. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station. Gasoline filling stations may be permitted on lots of ten thousand (10,000) square feet. For each additional accessory uses such as, but not limited to, a drive-through restaurant, car wash, or convenience store, an additional 5,000 square feet of lot area shall be provided. In no instance shall the percentage of building coverage on site exceed 35 percent.

5. Minimum lot width and frontage shall be not less than one hundred and fifty (150') feet.

6. A building shall be located not less than fifty (50') feet from any right-of-way line.

7. Ingress and egress to the facility shall only be from a major thoroughfare or from a shared access drive to such roadway. Drives shall not be more than thirty (30') feet in width.

8. Not more than two (2) driveways onto adjacent roadways shall be permitted per road frontage. Curb cuts shall not be permitted where, in the opinion of the Site Committee, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

9. No drive or curb opening shall be located nearer than twenty-five (25') feet to any intersection or adjacent residential property line, as measured along the property line. No drive shall be located nearer than thirty (30') feet, as measured along the property line, to any other drive on the premises. No drive shall be located less than ten (10') feet from any lot line, as measured along the property line.

10. The entire lot, excluding the area occupied by buildings, shall be hard-surfaced with concrete or asphalt material, except landscaped areas, which shall be separated from all paved areas by a low barrier or curb.

11. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15') feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.

12. When adjoining residentially zoned property, a six (6') foot masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25') feet of any right-of-way line, subject to approval by the Zoning Administrator.

13. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6') foot ornamental masonry wall with such storage being located in the rear yard.

14. Any stored items may not be stacked higher than the enclosing wall height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.

15. The sale or leasing of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.

16. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties. In no instance shall such lighting exceed a brightness of 1.0 foot-candles as measured at the property line.

17. The site should be no less than two hundred (200') feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between the pump islands and the exterior wall of the building used for public assembly.

18. There shall be no aboveground outdoor storage/dispensing tanks on site.

19. A permanent covered structure shall be provided over that portion of the pump island and drive area of any station wherein customers are required to dispense fuel into their own vehicles on a self-service basis. Such structure shall not be enclosed by walls and shall be provided with a minimum clearance of thirteen feet, six inches (13'-6") between the underside of the roof structure and the drive surface. For purpose of this Ordinance, setback requirements shall not apply to canopies; however, in no instance shall they extend beyond the property line.

20. All off-street parking areas, maneuvering lanes, and paved surface areas shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

21. A minimum ten (10') foot greenbelt, planted in accordance with the specifications of Section 3.09 shall be provided along all right-of-way lines bordering a major thoroughfare.

22. Auto wash facilities, when established in connection with the principal use on the same zoning lot, shall comply with the following standards.

    a. All washing activities must be carried on within an enclosed building.

    b. Vacuuming activities shall be at least fifty (50') feet distant from any adjoining residential zone. In no instance shall the weighted sound level from the vacuuming activity exceed 77dBA when measured at the property line.

    a. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

    b. Provision shall be made for the drying of the automobile's undercarriage during freezing weather prior to entering the public thoroughfare for all automatic auto wash facilities. In addition, such auto washes must also install underground heating elements at each vehicle exit to prevent icing at grade.

    c. There shall be provided no less than five (5) stacking spaces for each automatic wash lane.

d. Vehicle stacking spaces shall be clearly separated from pump islands and from routes necessary for entering and exiting the property, and in a manner, which precludes pedestrians from traversing through such space.

23. Convenience stores and/or fast food restaurants, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:

    a. Buildings shall be so arranged on site in a manner that screens any drive-through lanes from adjoining residentially zoned land.

    b. Drive-through lanes shall be separated from pump islands and from routes necessary for entering and exiting the property.

    c. Customer parking for convenience store and/or fast food use shall be located on the site in a manner which precludes pedestrians from traversing through drive-through lanes and off-street loading zones.

    d. Loading zones shall be restricted to the rear or side yards.

    e. There shall be provided no less than five (5) stacking spaces for the drive-through lane.

    f. Food service areas shall be physically separated from vehicle repair and service facilities.

    g. The sale of snack food items, commonly consumed by travelers (e.g. pop, candy, packaged snacks and goods dispensed through a vending machine), bread, milk, juice, cigarettes and sundry items shall be permitted as part of a gasoline filling or service station provided that the sale of such items is clearly incidental to the sale of vehicular fuel and lubricants, minor parts and accessories; and further provided that the area used for the sale and storage of food and sundry items does not exceed a usable floor area of five hundred (500) square feet.

24. On-site parking shall equal the sum of the number of parking spaces required separately for each use.

Section 16.27 Veterinary Clinics, including small animal 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.

Section 16.28 Wireless Communication Facilities.

1. Wireless Communication Antennas

   a. In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Village, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20') feet above the tallest portion of the structure on or to which it is attached. Provided further that the height of any WCA shall not exceed one hundred (100') feet unless:

      1.) Located on a lawfully existing or approved WCSF; or

      2.) Located on a structure existing prior to the adoption of this regulation; or

      3.) Located on a structure, which has received a height variance.

   b. An application to install a WCA in a non-residential zoning district shall be required to receive approval from the Village Zoning Administrator.

   c. An application to install a WCA in a residential zoning district shall require a review by the Village Planning Commission, and shall include but not be limited to the following:

      1.) Evidence that adequate servicing cannot be attained from the placement of a WCA in a non-residential zoning district.

   d. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.

   e. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15') feet in height and shall meet all zoning requirements.

   f. WCAs shall not be allowed on any site used as a single-family dwelling unit.

   g. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.

   h. No accessory equipment structure or area shall be allowed in any rights-of-way, which creates a public safety hazard.

   i. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

2. Wireless Communication Support Facilities (WCSF)

   a. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.

b. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.

c. The WCSF shall not be used for advertising purposes and shall not contain any signage except signage, which shall show the identity of the service provider and emergency telephone numbers.

d. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.

e. The WCSF shall meet all requirements of the zoning district in which it is located, which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.

f. The WCSF shall have a landscaped greenbelt so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent properties. A greenbelt, as selected by the Zoning Administrator or Planning Commission from among those provided in Appendix B, shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6) feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. "No Trespassing" signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.

g. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.

h. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.

i. If co-location is not part of the application, then the applicant shall provide evidence as to why co-location is not possible.

j. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

k. WCSFs shall not have a shiny or metallic finish.

l. The applicant is required to disclose whose wires will be connecting proposed towers so the Village can assess any separate franchise fees.

3. Replacement of Existing WCSF

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

a. The replacement WCSF shall not exceed a total height of one hundred and fifty (150') feet or, if the existing WCSF has an approved height greater than one hundred and fifty (150') feet, the replacement WCSF shall not exceed the approved height.

b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.

c. The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred and eighty (180) days of the Village's final construction inspection of the replacement WCSF.

d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Village's final construction inspection of the replacement WCSF.

e. The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission, which shall approve such requests that meet the requirements of this section.

4. Review Criteria for all new WCSFs, except replacement WCSFs

a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF, which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:

1.) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;

2.) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;

3.) Radio frequency interference or other signal interference problems at existing WCSF or others structures;

4.) Other factors, which demonstrate the reasonable, need for the new WCSF.

5.) The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services.

6.) The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.

b. WCSFs shall be designed to have sufficient structural capacity to allow for three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show

that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate three (3) users.

c. The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for co-location of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.

d. As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.

e. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Village based on those entities that have requested approval of WSCF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Village at the time the application is filed.

f. New WCSFs shall meet the following additional criteria:

1.) The WCSF shall not exceed one hundred and fifty (150') feet in height;

2.) All WCSF's over one hundred (100') feet in height shall be designed for the co-location of three additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures.

3.) All WCSFs shall be setback a minimum of two hundred and fifty (250') feet from any residential zoning districts.

4.) The installation of a WCSF must be reviewed by the Planning Commission, which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

g. Application Requirements for New WCSFs

1.) A site plan prepared in accordance with Article 17 of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2.) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location, which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support

structure and security from children and other persons who may otherwise access facilities, which may be unsafe.

3.) The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.

4.) The application shall include a description of security to be posted at the time of receiving a zoning permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as required in subsection 6. In this regard, the security shall be in the form of cash, surety bond, letter of credit or an agreement in a form approved by the Village Council establishing the land in question as security for removal.

5.) The application shall include a map showing existing and known proposed WCFs within the Village, and further showing existing and know WCFs within areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

6.) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCF is on the premises.

5. Additional Criteria for Special Approval Condition Use and Review

a. The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two acres;

b. As a condition of issuing a permit to place a WCSF in a Residential Zoning District, the applicant is required to provide proof that no suitable locations exist within any other "permitted use" or "conditional use" areas determined by the Ordinance.

c. If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;

d. The Planning Commission may require a visual/line of site analysis to enable the Village to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

6. Removal of Abandoned WCSFs

Any WCSF, which is abandoned, shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF or the Village may place a lien

on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

7. Variances and Appeals

Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA so long as such additional height does not exceed thirty (30') feet. Appeals of a Planning Commission decision shall be taken to the Board of Appeals.

8. Certification of Registered Engineer

The Village may require a review by an independent registered engineer engaged by the Village and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of Village residents.

ARTICLE XVII
SITE PLAN REVIEW AND APPROVAL

Section 17.01 Purpose.

It is the purpose of this Article to specify the data requirements and procedures for the review of site plans.

Section 17.02 Review and Approval Authority.

1. Review and Approval Authority: The Village Planning Commission shall have the authority to approve site plans subject to the requirements of this Ordinance.

2. Conditions Requiring Site Plan Review: Site plan approval shall be required prior to the establishment of any new use, addition to an existing use, or the erection of any structure in any zoning district and for all permitted principal uses and structures in all zoning districts (except for the single-family detached and two-family dwellings and their accessory uses and bona fide agricultural operations and their accessory uses and buildings) and all special land uses in all zoning districts.

3. Land Clearing: No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan approval until the proposed use or structure is authorized by a zoning permit.

Section 17.03 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.

f. 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.

g. 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.

h. Location and dimensions of proposed structures, including building elevations and floor plans.

i. 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.

k. 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.

l. 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 17.04 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 17.05 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 17.06 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 17.07 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 17.08 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.

ARTICLE XVIII
PARKING AND LOADING

Section 18.01 Statement of Purpose.

Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Zoning certificate of compliance, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Zoning Administrator may permit temporary occupancy for a period not exceed six (6) months.

Section 18.02 General Provisions.

1. The following parking lot landscaping provisions shall apply to the interior of all non-covered parking lots designed for twenty (20) or more spaces or containing eight thousand (8,000) square feet or more of surfaced area.

   a. Landscape plan requirement:

      1.) No parking lot shall be constructed, enlarged or reconstructed until a parking pattern and a landscape plan for that parking lot has been approved by the Planning Commission, or in the case of a permitted use, the Zoning Administrator.

      2.) Landscape plans shall, where appropriate, be submitted as part of the plan.

   b. Parking lot landscaping design criteria: The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other live planting material shall be used to complement the tree landscaping, but shall not be the sole contribution of the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

      1.) The landscaping shall be dispersed throughout the parking lot.

      2.) The interior dimensions of any planting area or planting median shall be a minimum of ten (10') feet wide to protect the landscaping materials planted therein and to allow proper growth. Placement of such curb islands shall be at the discretion of the Zoning Administrator.

      3.) Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part.

      4.) Landscape areas must be properly maintained by owners.

   c. Interior coverage requirements. Not less than five (5%) percent of the interior of a parking lot shall be landscaped. This landscaping shall be distributed throughout the parking lot. Planting which is required for screening along the perimeter of any parking lot shall not be considered as part of the interior landscaping requirement. Moreover, where a parking lot abuts buildings on the subject property, border planting adjacent to those buildings shall not be considered as part of the interior landscape requirement.

d. Street frontage planting requirements:

1.) A landscaping strip ten (10') feet in width shall be located between the abutting sidewalk or proposed right-of-way line and the parking lot, except where driveway or other openings may be required.

2.) No foliage or structural features shall obstruct the visibility of the motoring public.

e. Maintenance:

1.) The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy growing conditions, replacing it when necessary, and in conformance with original approvals. Yards shall be free of refuse and debris. All walls or fences shall be kept in good repair. All landscaping materials shall be placed so as not to grow out into the public right-of-way.

f. Bond/cash escrow requirement. During the months of November through April the applicant shall post a bond or cash escrow equal to one and one-half (1.5) times the estimated cost of the landscaping project. Release of the bond or cash escrow is conditional upon satisfactory installation of the greenbelts, parking lot landscaping and general landscaping.

2. A maximum of twenty-five (25%) percent of the required number of parking spaces may be supplied by on-site transient docking facilities with the approval of the Planning Commission.

3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

4. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

5. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on any area designated as a parking lot.

6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers to be similar in type.

7. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require on parking space.

8. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Planning Commission, and where required by the Clare County Road Commission and or the Michigan Department of Transportation.

9. Federal and State requirements regarding handicapped parking and access shall apply.

10. Off-street parking shall be permitted to occupy part of the required front yard after the approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of fifteen (15') feet between the nearest point of the off-street parking area and the street right-of-way line.

11. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

Section 18.03 Collective Parking.

1. The collective provision of off-street parking for two or more structures or uses is permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.

    a. Uses in the CBD shall not be required to provide separate parking for each use provided public parking is parallel within a distance of 330 feet.

    b. Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.

    c. Not more than fifty (50%) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.

2. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Village Attorney, and filed with and made part of the application for a zoning permit.

Section 18.04 Off-Street Loading.

1. Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.

2. Every such building or structure housing such a use shall be provided with at least one truck standing, loading and unloading space on the premises not less than ten (10') feet in width, twenty-five (25') feet in length and fourteen (14') feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof of gross floor area in the building.

3. Off-street loading space and access drives shall be drained, lighted and shall have appropriate bumper or where guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets.

4. When required off-street loading in a nonresidential district abuts a residential district, a greenbelt shall be required.

5. Loading spaces shall not be construed as supplying off-street parking space.

Section 18.05 Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Whenever the off-street parking requirements of the Zoning Ordinance require an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

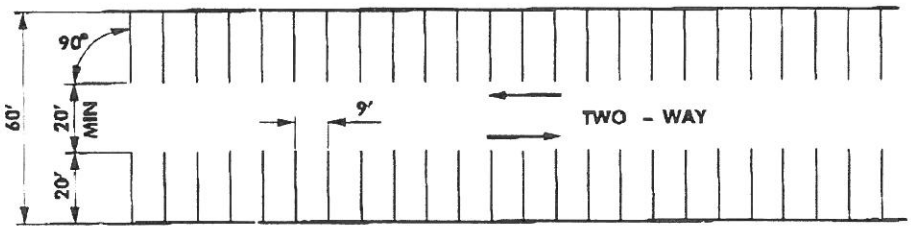
1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements. Refer to the illustration Parking Layout on the following page.

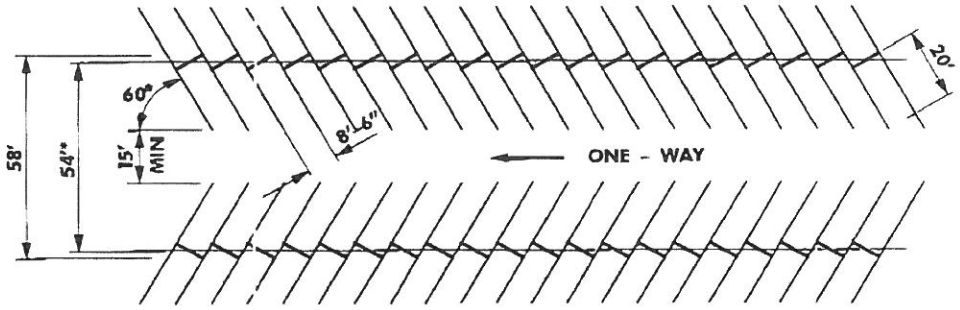
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane*	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	28 feet	--	--
45°	12 feet	8 feet – 6 in.	20 feet	47 feet	52 feet
60°	15 feet	8 feet – 6 in.	20 feet	54 feet	58 feet
90°	20 feet	9 ½ feet	20 feet	60 feet	--

*Measured from the centerlines of the parking stall borders

Parking Layout

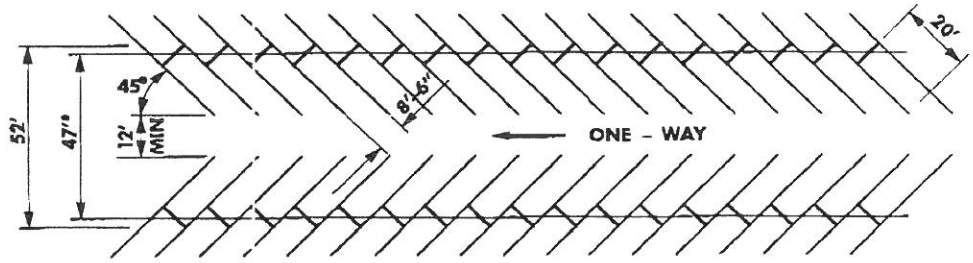


90 DEGREE



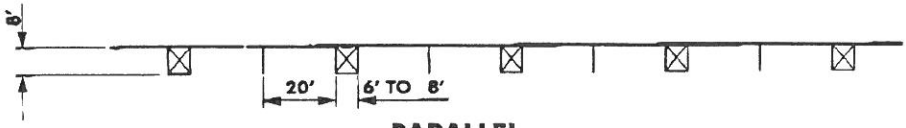
60 DEGREE

* OVERLAPPING DIMENSIONS



45 DEGREE

* OVERLAPPING DIMENSIONS (INCLUDING HERRINGBONE PATTERN)



PARALLEL

3. Each entrance and exit, to and from any off-street parking lot located in an area zoned for other than one family residential use shall be at least twenty-five (25') feet distant from adjacent property located in any one family residential district.

4. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or landscaping subject to the approval of the Planning Commission and in accordance with the provisions set forth in Section 3.09 of this Ordinance.

5. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

6. The entire parking area, including parking spaces, driveways, and maneuvering lanes, required under this section, shall be provided with asphaltic, concrete or double seal-coat surfacing in accordance with the specifications of the Village of Farwell. The parking area shall be surfaced prior to issuance of a Zoning certificate of compliance for the facility which it serves. All parking lots shall be striped according to the approved site plan.

7. In the event that inclement weather or other conditions beyond the control of the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Zoning Administrator may permit temporary occupancy for a period not to exceed six (6) months. A mandatory condition of this temporary occupancy shall be that a case deposit, certified check, irrevocable bank letter of credit or performance bond acceptable to the Village, in the full amount necessary to provide the surfaced area, be deposited with the Village of Farwell Treasurer, prior to any occupancy of the facility which it serves.

8. Those nonresidential structures in existence and operational at the time of adoption of this Ordinance amendment shall be exempt from the provisions regarding hard surfacing except that asphalt, concrete or double seal-coat surfacing shall be required for all parking required as a result of business expansion beyond fifteen (15%) percent of the usable floor area of the development existing on-site.

9. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards buildings.

10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10') feet from such alley line in order to permit a wider means of access to the parking area.

11. All lighting used to illuminate off-street parking areas shall be so installed as to be confined within and directed only onto the parking area and away from abutting or neighboring property or from the street or highway.

12. Except for those serving single and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped areas.

13. The Planning Commission may modify the yard or wall requirements where no good purpose would be served by compliance with the requirements of this section.

Section 18.06 Parking Space Requirements.

1. The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered or expanded shall be determined in accordance with the following schedule:

Use	Required Parking Spaces
1. One family dwelling or Mobile homes	Two (2) for each dwelling unit.
2. Multiple dwellings	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and Motel	One (1) for each unit, plus one (1) for each employee on the largestshift, and required parking for accessory uses.
5. Bed and breakfast	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns	Two (2) spaces, plus one space for each room to be rented plus parking as required for each accessory use.
7. Hospitals, convalescent or homes for the aged.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee.
8. Churches	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), buildings similar uses with fixed seats.	One (1) for each six (6) seats, for plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each six (6) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.

11.	Elementary and junior high school	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12.	High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.
13.	Libraries, museums, and post offices.	One (1) for each 800 square feet of usable floor area plus one (1) for each two (2) employees.
14.	Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.
18.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
19.	Golf course open to the general public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
20.	Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
21.	Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
22.	Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
23.	Bowling lanes.	Five (5) for each bowling lane plus accessory uses.
24.	Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one for each one hundred fifty (150) square feet of usable floor area, whichever is greater.

25. Establishments for sale and consumption on the premises of beverages, foodor refreshments.	One (1) for each one hundred (100) square feet of usable floor area or one (1) each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
26. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand of (1,000) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
27. Automobile service and repair stations.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
28. Self service gas station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
29. Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
30. Funeral and mortuary establishment.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.
31. Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.
32. Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
33. Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
34. Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 ½) spaces for each additional chair.

35.	Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
36.	Auto wash.	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
37.	Banks.	One (1) for each one hundred (100) square feet of usable floor area.
38.	Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
39.	Nursery school, day nursery, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.
40.	Business offices or professional offices except as follows	One (1) for each two hundred (200) square feet of usable office floor area.
41.	Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
42.	Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
43.	Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

2. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 Percent of Total
Over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide and must meet all other applicable requirements as to size as set forth in this section as per state requirements.

ARTICLE XIX
REGULATION OF CONDOMINIUM DEVELOPMENTS

Section 19.01 Application.

The following regulation shall apply to all condominium developments within Village of Farwell.

Section 19.02 General Requirements.

All condominium developments within Village of Farwell shall be subject to all requirements and standards of the applicable zoning district, except as specifically provided herein. All condominium developments shall also be serviced by a public water supply and public sanitary sewage system where available, except in accordance with Section 71a of the Condominium Act, Act 59 of 1978, as amended. These developments shall be located in or near the centers of the highest concentration of residents and businesses. They shall further be located along major streets and other appropriate urban facilities and services.

Section 19.03 Initial Information.

Currently with notice required to be given Village of Farwell, pursuant to Section 71 of PA of 1978, as amended (the Condominium Act), a person, firm, corporation intending to develop a condominium development in the Village shall provide the following information:

1. The name, address, and telephone number of:

    a. All person, firms, or corporations with and ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

    b. All engineers, attorneys, architects, or registered land surveyors associated with the project.

    c. The developer or proprietor of the condominium development.

2. The Legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.

3. The acreage of the land on which the condominium development will be developed.

4. The purpose of the development (for example, residential, commercial, industrial, etc.)

5. Approximate number of condominium units to be developed on the subject parcel.

6. Whether or not a public water system is contemplated.

7. Whether or not a public sewer systems is contemplated.

Section 19.04 Information to be Kept Current.

The information shall be furnished to the Village of Farwell and shall be kept updated until such time as a Zoning certificate of compliance has been issued.

Section 19.05 Site Plans for New Projects.

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article 17 of this Ordinance. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

Section 19.06 Site Plans for Expandable or Convertible Project.

Prior to expansion of or conversion to a condominium development, the project shall undergo site plan review and approval pursuant to Article 17 of this Ordinance.

Section 19.07 Master Deed, Restrictive Covenants, and "As Built" Survey.

The condominium development developer or proprietor shall furnish Village of Farwell with the following: two (2) copies of the Master Deed, two (2) copies of all restrictive covenants, and two (2) copies of an "as built" survey. One (1) copy of each of the above shall be provided to the Village of Farwell and one (1) copy to the Village of Farwell Assessor. The "as built" survey shall be reviewed by the Building Department for compliance with Village Ordinances. Fees for this review shall be established by resolution of the Village Council.

Section 19.08 Monuments Required.

All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2") inch in diameter and thirty-six (36") inches long and completely encased in concrete at least four (4") inches in diameter.

2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line.

   It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

3. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

4. If a point required to be monument is on a bedrock outcropping, a steel rod, at least one half (1/2") inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8") inches.

5. All required monuments shall be placed flush with the ground where practicable.

6. All units corners and the intersection of all limited common elements and all common elements shall be monument in the filed by iron or steel bars or iron pipes at least eighteen (18") inches long and one-half (1/2") inch in diameter, or other approved markers.

7. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit to Village of Farwell, whichever the proprietor selects in an amount to be established by the Village Council. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 19.09 Compliance with Federal, State, and Local Law.

All Condominium developments shall comply with federal and state statutes and local ordinances.

Section 19.10 Occupancy of Condominium Development.

The Village of Farwell Building Department may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that performance guarantee is submitted in an amount approved by the Village Council in accordance with Section 3.20.

Section 19.11 Conformance to County Road Commission Requirements.

All streets within a condominium subdivision shall be designed and constructed in accordance the current standards and specifications of the Clare County Road Commission.

Section 19.12 Dedication of Public Utility Easements.

The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

Section 19.13 Single-Family Detached Condominiums.

1. Single-family detached condominium developments shall be located in a residential district and shall be subject to all requirements and standards of the applicable residential district.

2. A single-family detached condominium project shall be subject to the requirements of Village of Farwell, as provided by the Village of Farwell Subdivision Regulations.

3. Roadways within a single-family condominium project shall be constructed in accordance with minimum road standards approved by the Village. Such minimum standards shall be designed to permit access by residents and public safety vehicles at all times.

4. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

5. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of three (3') feet in width and be so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

6. All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks, and similar site features may be allowed.

7. Utilities

   a. An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.

   b. A sanitary sewer system shall be required as regulated by the State of Michigan.

   c. A water supply system shall be required as regulated by the State of Michigan.

   d. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted, and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development.

   e. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

Section 19.14 Final Documents To Be Provided.

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Village a copy of the site plan on a mylar sheet of at least 13" x 16" with an image not to exceed 10-12" x 14".

ARTICLE XX
PLANNED UNIT DEVELOPMENT DISTRICT

Section 20.01 Intent.

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

Section 20.02 Application of Planned Unit Development Provisions.

1. Minimum Parcel Criteria: The provisions of this Section may be applied to any parcel of land twenty (20) acres or greater, located in any residential district, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.

2. Exceptions to Minimum Parcel Criteria: Notwithstanding the provisions of paragraph 1, an application for a planned unit development on a parcel of land of less than twenty (20) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:

    a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;

    b. The parcel of land has a historical character of importance to the Village that will be protected by employing the provisions of this Article; or

    c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.

3. Application Criteria: An applicant for planned unit development must demonstrate all of the following:

    a. A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible or unlikely without application of the planned unit development provisions; or

    b. The long-term conservation of natural features and the environmental character to the Village will be achieved; or

c. A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.

d. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.

e. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

Section 20.03 Design Standards.

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

1. Residential Dwellings: The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing as a means of conserving natural features and providing additional common open space.

2. Permitted Residential Density: The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:

   Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways, and minus eighty (80%) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.

   The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the Clare County Health Department standards. The minimum permitted lot size for a detached single-family dwelling in areas served by public sewer and water shall not be less than eleven thousand (11,000) square feet.

3. Common Open Space: All planned unit developments shall maintain a minimum of thirty (30%) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and\or open water areas, provided that not more than twenty-five (25%) percent of the designated common open space area is wetland area, floodplain area, and\or open water.

4. Educational and Recreational Uses: Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Village Council, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25%) percent of the common open

space requirement. Golf courses may be used to satisfy up to sixty (60%) percent of the common open space requirement, provided such use is integrated into the overall development.

5. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10%) percent of the gross area of a parcel greater than twenty (20) acres.

   a. The following commercial uses may be permitted within a planned unit development:

      1.) Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.

      2.) Banks, credit unions, savings and loan associations, and similar financial institutions.

      3.) Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.

      4.) Personal service establishments which form services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, and dry cleaners.

   b. Adjacent property which is zoned commercial and included as part of the planned unit development proposal shall not be applied to this provision.

   c. Planned commercial uses shall be accessed by public roads and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.

   d. Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.

6. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with Article 18 of this Ordinance.

7. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

8. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.

   However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

9. Phasing: Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

   A minimum of fifty (50%) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50%) percent of the total number of residential dwelling units.

10. Planned Unit Development Agreement: The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Village. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Village Council. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

    The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

11. Land Division Requirements: All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Land Division Act, PA 288 of 1967, as amended, and with the Village of Farwell

Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

Section 20.04 Procedure for Review and Approval.

1. Optional Conceptual Planned Unit Development Submittal.

   An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

   a. The applicant shall provide twenty (20) copies of the conceptual submittal to Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Planning Commission's agenda.

   b. The following minimum information must be provided as part of the concept submittal.

      1). Statement of purpose, objectives, and development program including:

      2). Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.

      3). Total project area.

      4). Description of existing site characteristics.

      5). Description of proposed character of the development.

      6). Densities, areas and setbacks for various residential types.

      7). Area and percent of developed and undeveloped open spaces.

      8). Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.

      9). Proposed project phasing and estimated timing schedule by phase to completion.

      10). Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.

         a. Generalized development plan and program, including:

      11). Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.

      12). Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:

i). Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.

ii). Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.

iii). Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.

iv). Proposed internal pedestrian and vehicular circulation system.

v). Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.

vi). Areas to be preserved in a natural state.

vii). Other data or graphics which will serve to further describe the proposed planned unit development.

c. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Village's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission may refer appropriate portions of the submittal to the Village Attorney, Engineer, Planner and\or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant. The Planning Commission shall report the final results of this review in writing to the Village Council.

2. Preliminary Planned Unit Development Submittal

A preliminary planned unit development submittal shall be processed in accordance with the following procedures:

a. The applicant shall provide twenty (20) copies of the preliminary planned unit development submittal to the Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.

b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required by Section 20.04.1B.

Existing Site Features

1). An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.

2). Physical development plan prepared at a minimum scale of 1 inch equals 100 feet.

3). Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.

4). Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.

5). Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.

6). Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.

7). Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.

8). Proposed Development Features

9). Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.

10). Layout, numbers, and dimensions of single-family lots, including building setback lines.

11). Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.

12). Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.

13). Depiction of major wooded areas and description of means to be employed to preserve them.

14). An indication of ownership, and existing and proposed use of any parcels identified as "excepted."

15). An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Clare County Drain Commissioner.

16). Conceptual site grading and conceptual landscaping plans.

17). Depiction of proposed development phases.

18). Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

19). Tabulations

20). Total site acreage and percent of total project in various uses, including developed and undeveloped open space.

21). Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.

22). Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.

23). Planned Unit Development Agreement

24). Legal description of the total site.

25). Statement of developer's interest in the land proposed for development.

26). Statement regarding the manner in which open space is to be maintained.

27). Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.

28). Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.

29). Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.

30). Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.

i). Planning Commission accepts the submittal and refers the appropriate portions to the Village Attorney, and appropriate county agencies for review and recommendation.

ii). The Planning Commission reviews preliminary planned unit development submittal as well as the comments from the Village Attorney, and appropriate state and county agencies and then sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:

c. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Village.

1). Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which planned unit development approval is being considered; to the owners of record of all real property and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question. (If the name of the occupant is not known, the term "occupant" may be used in making notification.)

2). Notifications need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different

individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

3). In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

4). Notice of the public hearing shall be made not less than fifteen (15) days prior to the public hearing date.

5). The public hearing notice shall:

i). Describe the nature of the planned unit development request.

ii). Indicate the property that is the subject of the request, including a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

iii). State the date, time, and place of the public hearing.

iv). Indicate when and where written comments concerning the request will be received.

d. Planning Commission holds a public hearing. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Village Council. Before recommending preliminary approval to the Village Council, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 20.02 exist and the requirements of Section 20.03 have been met.

e. The Village Council reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.

f. Following approval of the preliminary planned unit development submittal, the Village Council authorizes the developer to prepare the planned unit development agreement and the final planned development submittal.

1). The developer prepares a planned unit development agreement which is reviewed by the Village Attorney.

2). The Village Council reviews the planned unit development agreement and either approves, approves with conditions, or denies the planned unit development agreement.

3). A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Village Council, upon written

application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.

3. Final Planned Unit Development Submittal

The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Village Council to assure substantial compliance with the preliminary planned unit development submittal.

a. The final planned unit development submittal must be prepared as one of the following:

1.) Subdivision Plat as Defined by the Land Division Act

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Land Division Act, the Village of Farwell Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Village Council. This limit may be extended for a reasonable period to be determined by the Village Council, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

2.) Condominium Plan as Defined by the Condominium Act

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

b. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:

1.) Detailed grading plan.

2.) Detailed landscaping plan.

3.) Detailed utilities layout.

Tabulations showing

4.) Total phase acreage and percent of total planned unit development.

5.) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.

6.) Total phase density and percent of total planned unit development.

7.) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).

8.) Percent of ground area covered by structures other than detached single-family dwelling units.

9.) Supporting materials

i). Legal description of the total phase, each use area, and dedicated open space.

ii). Copies of covenants, easements, and other restrictions to be imposed.

iii). Proposed dates of construction start and completion of phase.

c. The final planned unit development submittal shall not:

1.) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or

2.) Involve a reduction of the area set aside for common space; or

3.) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or

4.) Increase by more than five (5) percent the total ground area covered by buildings.

d. The final planned unit development submittal shall be processed in accordance with the following procedures:

1.) The applicant shall provide twenty (20) copies of the final planned unit development submittal to the Zoning Administrator at least fourteen (14) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.

2.) The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Village Attorney, as well as the appropriate state and county agencies for review and recommendation.

3.) The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.

e. Before either the Planning Commission recommends final approval or the Village Council grants final approval to any planned unit development, the Planning Commission and Village Council shall, respectively, determine that:

1.) Provisions, satisfactory to the Village Council, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Village Council.

2.) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Village Council.

3.) The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.

4.) Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Village Council and the developer.

f. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Village Council in conformance with the Land Division Act and the Village of Farwell Subdivision Ordinance or the condominium plan through the Planning Commission and Village Council in conformance with the Condominium Act and condominium provisions of this Ordinance.

Section 20.05 Appeals.

No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

ARTICLE XXI
PROVISIONS FOR CONDITIONAL REZONING

Section 21.01 Intent

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act, Public Act 110 of 2006 (MCL 125.3405), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 21.02 Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

5. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 21.03 Planning Commission Review

The Planning Commission, after public hearing, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 21.04 Village Council Review

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 401 of the Zoning Enabling Act, (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

Section 21.05 Approval

1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.

2. The Statement of Conditions shall:

    a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.

    b. Contain a legal description of the land to which it pertains.

    c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

    d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

    e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

    f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of the County in which the land is located. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 21.06 Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 21.07 Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if: (1) it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section 21.08 Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 21.07 above, then the land shall revert to its former zoning classification as set forth in the Zoning Enabling Act. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 21.09 Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 21.08 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the

owner's written request, the Village Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

Section 21.10 Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Section 21.07 above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 21.11 Village Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act.

Section 21.12 Failure to Offer Conditions

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE XXII
PLANNING COMMISSION

Section 22.01 Village Planning Commission.

The Village of Farwell Planning Commission is hereby designated as the commission specified in Section 301 of the Zoning Enabling Act, Public Act 110 of 2006, as amended, and shall perform the duties of such commission as provided in the statute together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance.

Section 22.02 Rules of Procedure.

The Planning Commission shall adopt and follow Bylaws and Rules of Procedure related to their responsibilities and organization.

Section 22.03 Responsibility for Preparation and Adoption of Land Use Plan; Plan Content.

1. The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Village. The land use plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Village.

2. The land use plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Village:

   a. A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residence, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wildlife refuges, and other uses and purposes.

   b. The general location, character and extent of streets, roads, highways, railroads, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewer and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and structures.

   c. Recommendations for implementing any of its proposals.

Section 22.04 Approval of Public Improvements.

1. After the Planning Commission has adopted the land use plan of the Village, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Village or in the planning section and district until the location, character and extent thereof shall have been submitted to and approved by the Planning Commission.

2. The Planning Commission shall communicate its reasons for approval or disapproval to the Village Council, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.

3. If the public way, ground, space, building structure, or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the Village Council, then the submission to the Planning Commission shall be by the Council, Commission or Body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the Council, Commission or Body by a vote of not less than a majority of its membership.

4. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.

5. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

Section 22.05 Approval of Plats.

The Village Council shall refer plats or other matters relating to land development to the Planning Commission and may request the Planning Commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design, and the physical improvements that may be required.

Section 22.06 Reserved.

Section 22.07 Special Use Permits.

The Planning Commission shall have the authority to review and recommend action on special land use permits for the uses for which this Ordinance requires the obtaining of such permits.

Section 22.08 Other Authorities, Duties, and Responsibilities.

The Planning Commission shall have additional authority, duties, and responsibilities as provided elsewhere in this and other ordinances of the Village. The Planning Commission shall undertake other studies and make recommendations on other subjects as the Village Council may from time to time request.

ARTICLE XXIII
ZONING BOARD OF APPEALS

Section 23.01 Statement of Purpose.

The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

Section 23.02 Creation and Membership.

1. Establishment: A Zoning Board of Appeals (ZBA), first established by the Zoning Ordinance is hereby retained in accordance with the Zoning Enabling Act, Public Act 110 of 2006, as amended. Unless the Village Council acts as the Zoning Board of Appeals, the Zoning Board of Appeals shall consist of not less than five (5) members: a member of the Planning Commission; and the remaining members appointed by the Village Council from the electors residing in the Village. A member of the Village Council may serve on the Zoning Board of Appeals but shall not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Village Council may not serve on the Zoning Board of Appeals.

2. Appointment of Members: The Village Council may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Village Council or the Planning Commission. The alternate members may be called as needed to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

3. Terms of Office: Members shall be appointed for three (3) year terms except in the case of Planning Commission and Village Council members, whose terms shall be limited to the time they are members of the Planning Commission or Village Council. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Village Council for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

4. Conflict of Interest: A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

Section 23.03 Organization.

1. Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Zoning Board of Appeals shall annually elect a chairperson, a vice chairperson, and a secretary.

2. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals' Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Village Board of Appeals shall not conduct official business unless a majority of the regular members of the Board is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976, as amended

3. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

4. Records: The minutes of all meetings shall contain the grounds for every determination made by the Zoning Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Village Clerk.

5. Legal Counsel: An attorney for the Village shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Village Council.

Section 23.04 Jurisdiction.

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Zoning Enabling Act, PA 110 of 2006, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary land use (Section 3.13) permit. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance. This jurisdiction shall not include review of Special Land Use or PUD decisions of the Planning Commission.

Section 23.05 Authorized Appeals.

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. Administrative Review: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance. This authority shall not include review of Special Land Use or PUD decisions of the Planning Commission.

2. Interpretation of the Ordinance: The Zoning Board of Appeals shall hear and decide upon requests to:

a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.

3. Variance: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

   a. The strict enforcement of the provisions of this Ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owner owning property within the same zoning district.

   b. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.

   c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor it title, within the time following the effective date of the provisions alleged to adversely affect such property.

   d. The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.

   e. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

4. A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.

5. Conditions: The ZBA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

of the time and place of the Zoning Board of Appeals meeting at which the application will be considered; provided, however, such notice shall be given not less than fifteen (15) days before the hearing. Where the hearing, in the opinion of the Village Clerk and chairperson of the Zoning Board of Appeals, concerns matters of general applicability in the Village and does not concern only individual lots or parcels, such notice shall also be given in a newspaper of general circulation in the Village not less than fifteen (15) days before the public hearing.

4. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

5. Stay: An appeal shall postpone all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a postponement would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be postponed except by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

6. Fee: A fee as established by the Village Council, shall be paid to the Village Clerk at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Zoning Administrator, Planning Commission, or Village Council is the initiating party.

7. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

8. Performance Guarantee: In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Village Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 3.20.

Section 23.07 Review by Circuit Court.

The decision of the Zoning Board of Appeals shall be final. A review of a Zoning Board of Appeals decision is by way of circuit court.

ARTICLE XXIV
ADMINISTRATION AND ENFORCEMENT

Section 24.01 Violations

Any person, persons, firm, or corporation, or anyone acting in behalf of said person, persons, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals, Planning Commission or the Village Council, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred Dollars ($500.00) and the costs of prosecution or, in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

Each day such violation continues shall be deemed a separate offense. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. The imposition of any fine or imprisonment shall not exempt the offender from compliance with the requirements of this Ordinance.

Uses of land, and dwellings, buildings, or structures including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of the Ordinance are hereby declared to be a nuisance per se.

In addition to the imposition of the foregoing fines and penalties, the Village Building and Zoning Inspector, any Village Police Officers or such other officers as the Village Council may designate, may petition to a court for an order to cause the abatement of any zoning violation, to cause the zoning violation to be removed from the premises, and/or impounded and destroyed, and/or sold for junk, and the cost thereof assessed against the owner of the premises upon which the same are located. Any sums realized on the cost of same may be retained by the Village to reimburse it for the cost incurred in such removal and sale, to the extent of such loss. Any balance of sums remaining after such reimbursement shall be returned to the owner of the premises, parcel or the property.

ARTICLE XXV
VESTED RIGHTS

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation, or protection of public health, safety and welfare.

ARTICLE XXVI
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXVII
CONFLICTING PROVISIONS

The Farwell Village Zoning Ordinance No. 25 passed by the Village Council on February 1, 1993, including any amendments thereto, is hereby repealed in its entirety. All other resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, hereby repealed.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

ARTICLE XXVIII
EFFECTIVE DATE

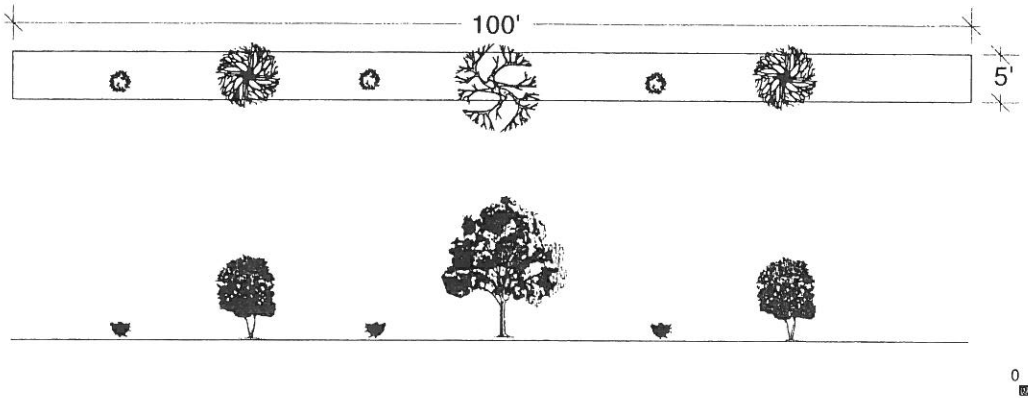
Following the public hearings, adoption of the Ordinance by the Village Council, and publication of a notice of Ordinance adoption, this Ordinance shall take effect upon the expiration of 7 days after publication, pursuant to the provisions of the Zoning Enabling Act, Public Act 110 of 2006, as amended.

Public Hearings:	Planning Commission – May 1, 2007 Village Council – May 7, 2007
Village Council Adoption:	May 7, 2007
Publication of Adoption Notice:	May 18, 2007
Effective Date:	May 25, 2007

APPENDIX: "A"

Appendix A - Greenbelt Table						
Zoning Districts	LDR/MDR	HDR	MHP	CBD	C-2	M1/M-2
LDR/MDR	1/2 A					
HDR	A					
MHP	B	B				
CBD	D	C	C			
C-2	D	C	C	C		
M-1/M-2	E	D	C	B	B	

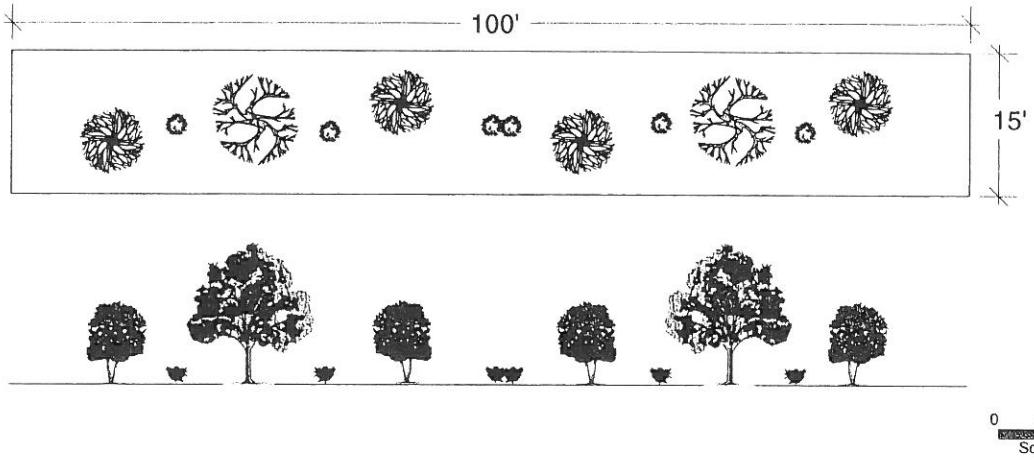
APPENDIX: "B"



1/2 Greenbelt "A" - 5' Wide

Requirements Per 100 feet

Shade Trees	1 (3" - 3.5" Caliper)
Ornamental Trees	2 (2" - 2.5" Caliper)
Evergreen Trees	None
Deciduous Shrubs	3 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

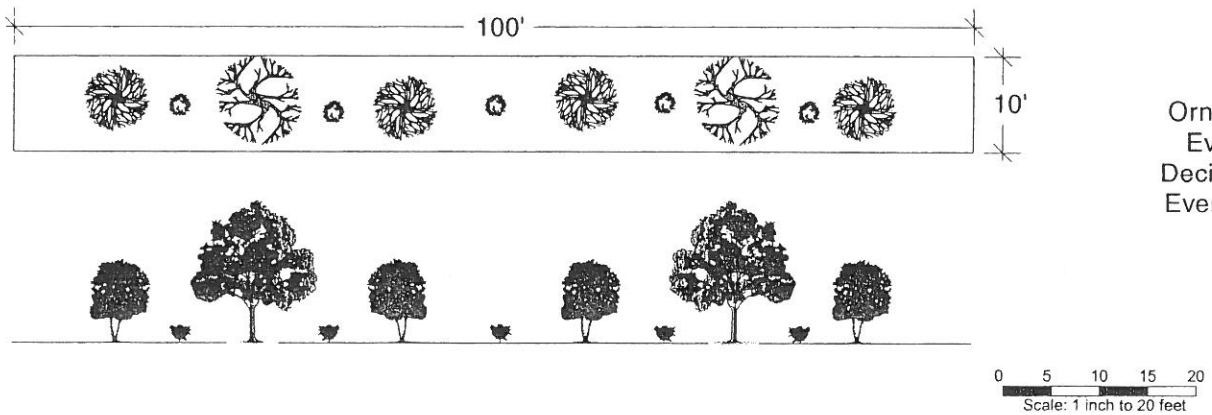


Greenbelt "B" - 15' Wide

Requirements Per 100 feet

Shade Trees	2 (3" - 3.5" Caliper)
Ornamental Trees	4 (2" - 2.5" Caliper)
Evergreen Trees	None
Deciduous Shrubs	6 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

Prepared by: Wade-Trim, Inc., 2000

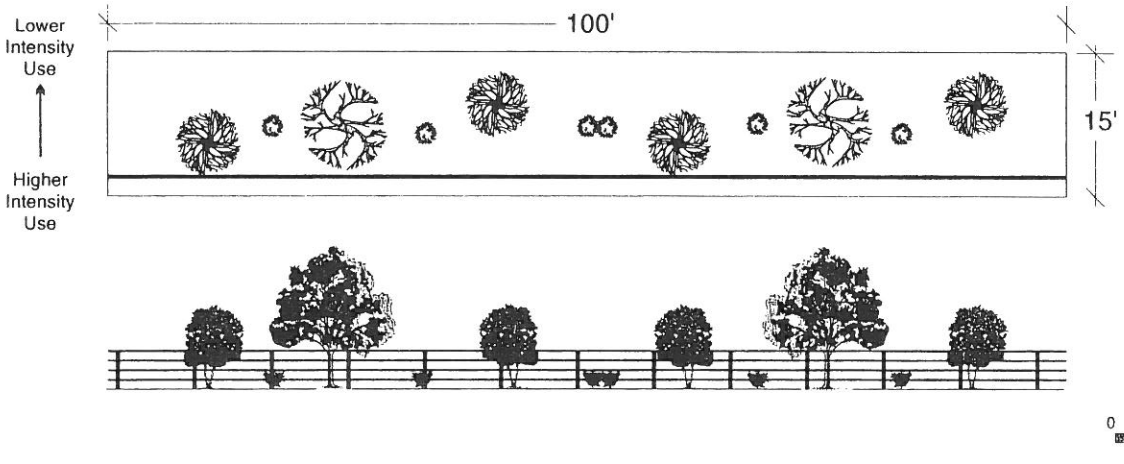


Greenbelt "A" - 10' Wide

Requirements Per 100 feet

Shade Trees	2 (3" - 3.5" Caliper)
Ornamental Trees	4 (2" - 2.5" Caliper)
Evergreen Trees	None
Deciduous Shrubs	5 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

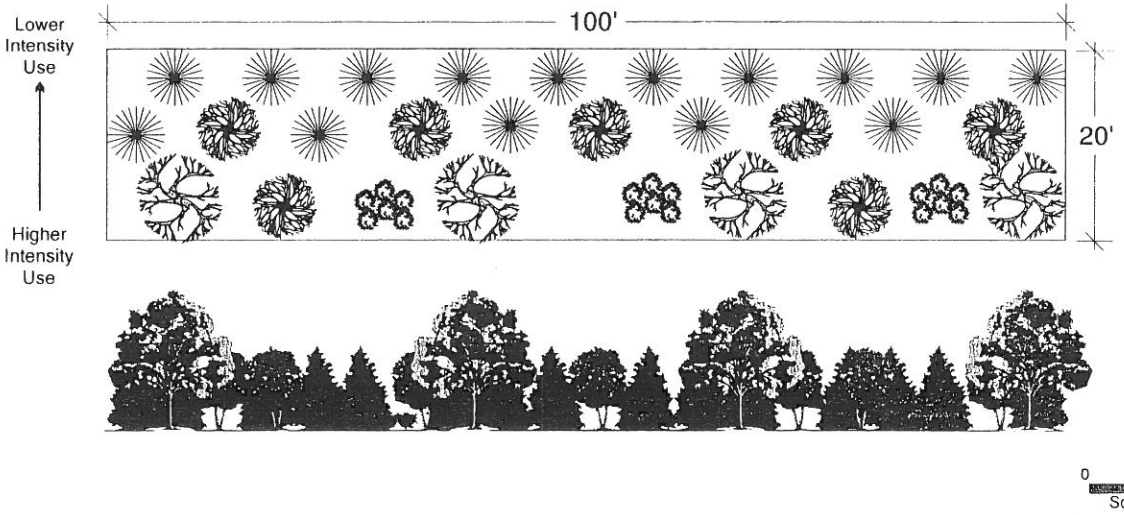
Prepared by: Wade-Trim, Inc., 2000



Greenbelt "C" - 15' Wide

Requirements Per 100 feet

Shade Trees	2 (3" - 3.5" Caliper)
Ornamental Trees	4 (2" - 2.5" Caliper)
Evergreen Trees	None
Deciduous Shrubs	6 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	Post & Rail (4')
Mounding	None
Other	None

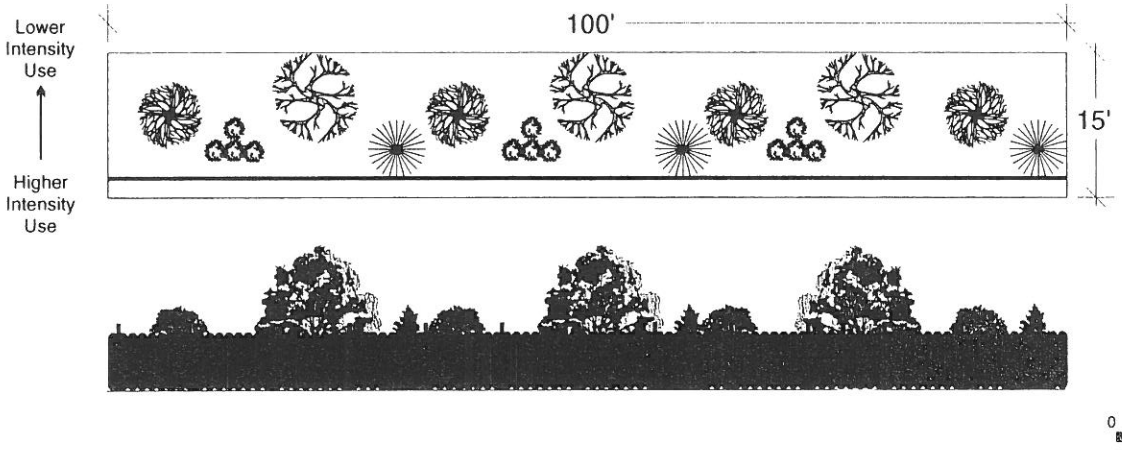


Greenbelt "D" - 20' Wide

Requirements Per 100 feet

Shade Trees	4 (2" - 2.25" Caliper)
Ornamental Trees	7 (1.5" - 2" Caliper)
Evergreen Trees	15 (5' - 6' Height)
Deciduous Shrubs	18 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

Prepared by: Wade-Trim, Inc., 2000



Greenbelt "E" - 15' Wide

Requirements Per 100 feet

Shade Trees	3 (2" - 2.25" Caliper)
Ornamental Trees	4 (1.5" - 2" Caliper)
Evergreen Trees	3 (5' - 6' Height)
Deciduous Shrubs	15 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	Solid Wood (6')
Mounding	None
Other	None

Prepared by: Wade-Trim, Inc., 2000