

Goodland Township

Zoning Ordinance

100-07

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ZONING ORDINANCE
Ordinance No. 100
TOWNSHIP OF GOODLAND
LAPEER COUNTY, MICHIGAN

A ZONING ORDINANCE to regulate the use of land, buildings, and structures by dividing the Township into districts; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, agriculture, and height and bulk of buildings and other structures; regulating the density of housing; limiting congestion upon the public streets and roads by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing a penalty for violation thereof, in accordance with the authority and intent of Act 110, of the Public Acts of 2006, as amended.

PREAMBLE

The Township of Goodland desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon agriculture, commerce, or residents. The Township further desires to assure the provision of adequate sites for agriculture, commerce, and residence; to provide for the free movement of vehicles upon the roads and highways of the Township to protect agriculture, industry, commerce, and residences against incongruous and incompatible uses of land and to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure that all uses of land and building within the Township of Goodland be so related as to provide for economy in government, protection of the environment and mutual support.

The Lapeer County Comprehensive Development Plan and the Goodland Township Land Use Plan have designated Goodland Township an agriculture area. For the near future, no sewer or water facilities will be furnished to this area. Therefore, it is necessary to recognize that while there can be extensive agricultural development, only limited non-agricultural development is possible.

THE TOWNSHIP OF GOODLAND ORDAINS:

ARTICLE I—SCOPE

1
2 Section 1.01: TITLE
3

4 This Ordinance shall be known and may be cited as the "The Goodland Township Zoning Ordinance,"
5 being Ordinance No. 100 of 2007.
6

7 Section 1.02: SCOPE
8

9 No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or
10 moved; and no new use or change in use shall be made of any building, structure, or land or part thereof;
11 except in conformity with the provisions of this ordinance.
12

1 **ARTICLE II—ADMINISTRATION**

2
3 Section 2.01: ZONING ADMINISTRATOR

4
5 A Zoning Administrator appointed by the Township Board shall administer the provisions of this
6 ordinance. The Zoning Administrator shall serve under such terms and at such rate of compensation as
7 the Township Board may determine.

8
9 Section 2.02: DUTIES OF THE ZONING ADMINISTRATOR

10
11 The Zoning Administrator shall have the authority to administer all provisions of the Zoning Ordinance,
12 which shall include the authority to determine whether a proposed or existing land use complies with the
13 provisions of the Zoning Ordinance. In order to fulfill that duty, the Zoning Administrator shall have the
14 authority to inspect lands and premises for which a zoning compliance permit is sought as well as
15 structures, buildings and lands that may be in violation of the Zoning Ordinance. If the Zoning
16 Administrator determines that a rezoning, a special land use approval, site plan approval, or a variance is
17 necessary for compliance purposes, the Administrator shall refer the applicant to the Planning
18 Commission or the Zoning Board of Appeals to obtain a decision.

19
20 Section 2.03: ZONING COMPLIANCE PERMITS

21
22 A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is
23 undertaken, any structure is moved, or any change in the use of any land, structure, or building is
24 undertaken within the Township.

25 A.) APPLICATION: A zoning compliance permit shall be applied for in writing on an application form
26 provided by the Township. The Zoning Administrator shall require that every application for a
27 permit for excavation, construction, moving, or structural alteration or change in type of use or the
28 type of occupancy, be accompanied by a written statement and plans drawn to scale, in triplicate,
29 and showing the following detail, to ascertain whether the proposed work or use is in
30 conformance with this Ordinance:

- 31 1.) The actual shape, location, and dimensions of the lot
- 32 2.) The shape, size and location of all buildings or other structures to be erected, altered, or
33 moved, and of any buildings or any structures already on the lot.
- 34 3.) The existing and intended use of the lot and of all such structures upon it, including, in
35 residential areas, the number of dwelling units the building is intended to accommodate.
- 36 4.) The signature of the owner of the premises concerned.
- 37 5.) Such other information concerning the lot or adjoining lots as may be essential for
38 determining whether the provisions of this Ordinance are being observed.
- 39 6.) Prior to the issuance of a zoning compliance permit and a building permit, all property lines,
40 right-of-ways, easements, and all proposed structures and excavations shall be staked and
41 otherwise physically identified on the site by the applicant, in such a manner deemed
42 necessary by the Zoning Administrator, to determine compliance with applicable Township
43 ordinances.
- 44 7.) If the proposed excavation, construction, moving, alteration or use of land as set forth in the
45 application, in conformity with the provisions of this Ordinance, the Zoning Administrator shall
46 issue a permit. If any application for such permit is not approved, the Zoning Administrator
47 shall state in writing on the application, the cause for such disapproval. When required or
48 authorized by the Ordinance, the Zoning Administrator shall refer the application to the
49 Planning Commission, Township Board, Zoning Board of Appeals or other agency for
50 required approvals. In no case, shall the issuance of a permit be construed as waiving any
51 provisions of this Ordinance. Any permit issued contrary to the terms of this Ordinance shall
52 be void.

53 The Zoning Administrator is under no circumstances authorized to grant exceptions to the actual
54 meaning of any clause, order, or regulation contained in this Ordinance.

55 A.) ISSUANCE. A zoning compliance permit shall be issued by the Zoning Administrator whenever
56 the proposed use is found to comply with the provisions of this ordinance and any conditions of
57 approval imposed as part of a Township Board, Planning Commission or Board of Appeals
58 decision required under this ordinance.

- 1 B.) PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance
- 2 permit due to violations of private covenants, agreements, or deed restrictions.
- 3 C.) INVALID PERMITS. Any zoning compliance permit issued in error, or pursuant to an application
- 4 containing any false statements, shall be invalid and void.
- 5 D.) FEES. The Township Board shall establish, by resolution, the amount of any fees charged for the
- 6 revision of applications and the issuance of compliance permits.
- 7

1 **ARTICLE III—ZONING DISTRICTS**

2
3 Section 3.01: DISTRICTS

4
5 The Township is hereby divided into the following zoning districts:

- 6
- 7 A Agricultural/Rural Residential
- 8 R Residential
- 9 C Commercial
- 10 I Industrial
- 11 MHP Mobile Home Park

12 Section 3.02: ZONING MAP

13
14 The locations and boundaries of the zoning districts are hereby established as shown on a map that
15 accompanies, and is hereby made a part of this ordinance. Where uncertainty exists as to the
16 boundaries of zoning districts as shown on the zoning map, the following rules of construction and
17 interpretation shall apply:

- 18 A.) Boundaries that are indicated as approximately following the centerlines of streets, highways
19 or alleys shall be construed to follow such centerlines.
- 20 B.) Boundaries indicated as approximately following platted lot line shall be construed as
21 following such lot lines.
- 22 C.) Boundaries indicated as approximately following township boundaries shall be construed as
23 following township boundaries.
- 24 D.) Areas Not Included Within A District. In every case where land has not been included within
25 a district on the zoning map, such land shall be in the A Agricultural/Rural Residential District.

26 Section 3.03: PRINCIPAL USES PERMITTED

27
28 All uses of land or structures listed as principal uses permitted are permitted throughout the district
29 under which they are listed. Any uses not expressly listed as “principal uses permitted” are prohibited in
30 that district, unless they are listed as uses permitted after special approval in the district, or unless
31 otherwise authorized under a written provision of this ordinance.

32 Section 3.04: USES PERMITTED AFTER SPECIAL APPROVAL

33
34 All uses of land or structures listed as “uses permitted after special approval” are permitted within the
35 district under which they are listed, provided Planning Commission Approval has been granted pursuant
36 to the provisions of ARTICLE XVII—USES **PERMITTED AFTER SPECIAL APPROVAL OF THE**
37 **PLANNING COMMISSION.**

38 Section 3.05: VOLUNTARY REZONING AGREEMENTS

- 39 A.) **AUTHORITY**—the Township Board may, after public hearing by the Planning Commission,
40 enter into an agreement with a property owner to rezone property pursuant to the authority
41 contained in Michigan Compiled Law Section 125.3405, being part of the Michigan Zoning
42 Enabling Act, No. 110 of 2006, as amended.
- 43 B.) **APPLICATION**—any offer to enter into a rezoning agreement shall be submitted to the
44 Township Clerk along with a rezoning agreement fee, in an amount established by the
45 Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the
46 person shall be the fee owner of the premises concerned or else have the fee owner
47 subscribe to the offer. Proposed rezoning agreements may only be initiated by a property
48 owner and not by the Township.
- 49 C.) **PRE-HEARING MEETING**—whenever an application for a voluntary rezoning agreement is
50 submitted, a pre-hearing meeting shall be scheduled between the applicant and the Zoning
51 Administrator. At the pre-hearing meeting, the applicant shall fully explain the agreement
52 being proposed. The Zoning Administrator and the developer shall then discuss the
53 proposed agreement and put it into appropriate form for a public hearing.

- 1 D.) PUBLIC HEARING AND RECOMMENDATION—after due notice, a public hearing shall be
2 conducted by the Planning Commission as to the proposed rezoning agreement. The
3 Commission shall subsequently adopt recommendations as to the approval, approval with
4 revisions, or denial of the proposed rezoning agreement. All procedural requirements for a
5 rezoning shall be met.
- 6 E.) FINAL DECISION—upon receipt of the recommendations of the Planning Commission, the
7 Township Board shall undertake consideration of the proposed rezoning agreement. Any
8 decision by the Township Board, which results in a rezoning agreement, shall be
9 incorporated in a written document duly executed by the Township Board and the property
10 owner. Any such agreement shall be recorded with the Register of Deeds and shall run with
11 the land.
- 12 F.) STANDARDS FOR DECISION—in deciding whether to approve a proposed rezoning
13 agreement, the Planning Commission and the Township Board shall base their decisions on
14 the following factors:
- 15 1.) The terms of the offer must be reasonably related to the property covered in the
16 agreement.
- 17 2.) The proposed land use must be designed in such a way as to be compatible with
18 surrounding land uses.
- 19 3.) The proposed land use must be consistent with the goals and policies of the Township,
20 as stated in the Township's adopted Master Plan.
- 21 G.) LIMITATIONS ON AGREEMENTS—a rezoning agreement shall not be used to allow
22 anything that would not otherwise be permitted in the proposed new zoning district. Any
23 proposed variations from district requirements such as density, permitted uses, or lot size,
24 shall only be granted by the Zoning Board of Appeals pursuant to the variance standards
25 contained in **ARTICLE XVIII—ZONING BOARD OF APPEALS**. Any agreement shall include
26 a specific time-period during which the terms of the agreement must be completed.
- 27 H.) ZONING REVERSION—In the event that the terms of a zoning agreement are not fulfilled
28 within the time specified in the agreement, the Township Board shall initiate a proposed
29 rezoning to revert the property back to the original classification.

30 Section 3.06: AREA, SETBACK AND HEIGHT

31
32 All uses of land or structures shall comply with the area, setback, and height requirements in Table
33 11.02 for the zoning district in which they are located, unless different requirements are specified as a
34 condition for a use permitted after special approval. No space that has been counted as part of a
35 required setback, area, or open space for a building site may be subsequently counted to satisfy setback,
36 area, or open space requirements for any other building site.
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1 **ARTICLE IV—A AGRICULTURE/RURAL RESIDENTIAL DISTRICT**

2 Section 4.01: STATEMENT OF PURPOSE

3
4 The A Agricultural/Rural Residential District is established to preserve the rural agricultural environment
5 by encouraging the continuation of existing agricultural uses, by helping to conserve lands suited for the
6 pursuit of agricultural activities, and by discouraging the development of land uses which will generate
7 demands for urban services at public costs and an increase in imprudent demands on scarce energy
8 resources when other lands more suited for such purposes are designated and available. It is the policy
9 of the Township that public water and sewers will not be encouraged within this district until other lands
10 identified for public water and sewers have been substantially developed and additional lands are
11 identified only to the extent that the need for such land is demonstrated.

12 Section 4.02: PRINCIPAL USES PERMITTED

- 13
14 A.) Farms, farm buildings, and farm uses.
15 B.) Single family homes
16 C.) Conservation areas.
17 D.) Keeping of livestock
18 E.) Roadside stands for sale of agricultural products raised on the premises.
19 F.) Schools, Churches, cemeteries, and publicly owned buildings or facilities.
20 G.) Buildings, structures and uses that are accessory to any of the above permitted uses.
21 H.) Type 1 home occupations, subject to all provisions set forth in Section 12.17: HOME
22 OCCUPATIONS of this Ordinance.
23 I.) Family day care homes and adult foster care homes caring for six (6) or fewer persons
24 J.) Exempt Solar Energy.
25 K.) On-Site Wind Energy Systems

26
27 Section 4.03: USES PERMITTED AFTER SPECIAL APPROVAL

- 28
29 A.) Conservation Subdivision Planned Unit Developments
30 B.) Type 2 home occupation is any home occupation involving the use of an attached or detached
31 accessory building or one that would occupy more than 500 square feet or 25 percent of the
32 gross floor area of the dwelling unit.
33 C.) Raising of fur bearing animals, including dog kennels.
34 1.) All animals shall be adequately housed, fenced and maintained so as not to create a
35 nuisance.
36 2.) All gates on fences where the animals are enclosed shall have a self-closing latch to which a
37 lock may be fastened.
38 3.) All pens and runways shall be screened from view from all directions either by the buildings
39 or by greenbelt plantings. Kennels shall also have restrictive fencing at least six (6) feet in
40 height.
41 4.) Kennels shall be set back a minimum of fifty (50) feet from each property line and one
42 hundred fifty (150) feet from the road right of way.
43 5.) Special approval for a dog kennel pursuant to this section shall be required in addition to any
44 kennel licenses issued by the county and or state.
45 6.) Approvals may be limited to a one-year period, subject to renewal
46 D.) Two Family Dwellings.
47 1.) Any dwelling proposed for use as a two family dwelling must have been constructed for and
48 occupied as a single family dwelling prior to the adoption of this Ordinance.
49 2.) Each dwelling unit within the remodeled dwelling must contain the minimum number of
50 square feet required for a single-family dwelling.
51 E.) Group day Care Homes
52 1.) The group day care home shall have a fenced play area for the children containing not less
53 than 5,000 square feet. In no event shall less than 150 square feet of outdoor play area be
54 available for each child.
55 2.) The property shall be maintained in a manner consistent with the visible characteristics of the
56 neighborhood, which may include landscaping or screening at the discretion of the Planning
57 Commission.

- 3.) The group day care home shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period. The Township Planning Commission may place limits on the operation of the day care home between the hours of 10:00 p.m. and 6:00 a.m., but may not totally prohibit operations during said hours.
- 4.) The group day care home must provide adequate off street parking for employees and for persons bringing children to the facility
- F.) Aircraft landing areas for agricultural or personal use. Any landing area shall be least 500 feet from any existing structure. Landing area shall be grass surface only.
- G.) Farm Labor Housing. Housing for temporary farm labor on bona fide farms may be permitted, subject to the following requirements.
 - 1.) A farm on which the farm labor housing is proposed to be located must demonstrate a legitimate need for temporary farm labor to be housed on the farm.
 - 2.) The farm labor housing must fully comply with the Agricultural Labor Camp rules issued by the Michigan Department of Public Health.
 - 3.) Any housing for temporary farm labor approved under this ordinance shall be occupied only by the temporary farm laborers and shall not be used for any other residential purposes. In no event shall the housing be occupied more than six (6) months during any one (1) calendar year.
 - 4.) Any housing used under this section shall contain no less than 650 square feet of living area. Mobile homes must meet footage requirements prior to any alterations or additions.
 - 5.) All temporary farm labor housing must be kept in neat and orderly condition.
 - 6.) In the event that a mobile home is used for temporary farm housing, the foundation supports may consist of pillars or six (6) inch concrete reinforced slab rather than full foundation. Full skirting shall be placed on the mobile home consisting of aluminum, brick or other non-combustible material. Any skirting shall extend from the ground to the edge of the mobile home and shall surround the mobile home.
 - 7.) Any structure utilized for temporary farm housing shall be subject to all building permits and inspection requirements. A written yearly report shall be filed with the Township Offices before occupancy each year, including copies of state approvals.
 - 8.) The single-family dwelling requirements of Section 12.06: MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MANUFACTURED HOUSING PARKS of the Goodland Township Zoning Ordinance shall not be applicable to temporary farm housing constructed under this section.
 - 9.) In the event that any farm labor housing is no longer used for that purpose for a period of two (2) years, the farm labor housing shall be removed from the parcel.
- H.) Sewage and or water treatment plants
- I.) Golf Courses and/or driving ranges
 - 1.) The site shall be so planned as to provide all ingress and egress directly onto a paved road.
 - 2.) No buildings shall be less than two hundred (200) feet from any property line.
- J.) Private Clubs and Indoor / Outdoor Recreation Areas
 - 1.) Site Requirements:
 - a.) Minimum site size of forty (40) acres
 - b.) Direct access to a public road
 - 2.) Yard and Placement Requirements:
 - a.) All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of two hundred (200) feet from property lines and road rights of way.
 - b.) Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreation character of the property
 - 3.) Other Requirements:
 - a.) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
- K.) Recreational Travel trailer parks shall also be subject to the following:
 - 1.) The number of trailer or campsites shall be not more than fifteen (15) per gross acre. The minimum area of any space for travel a trailer shall not be less than twelve hundred (1200) square feet with no dimension less than thirty (30) feet.
 - 2.) Parking of a tent, camper, travel trailer or recreation vehicle shall be limited to not more than thirty (30) days.
 - 3.) A minimum of 50% of the total area shall be reserved for recreation purposes or open space.

- 1 4.) The trailer park shall meet all state and county health department requirements.
2 L.) Public and private shooting ranges and gun clubs shall be subject to the following:
3 1.) Every shooting range shall be constructed and maintained in accordance with nationally
4 recognized safe practice standards set forth by the National Rifle Association. Each range
5 shall be of sufficient size and appropriate design to permit the discharge of firearms without
6 endangering the safety of persons within the velocity area of the various firearms utilized.
7 2.) Every shooting range shall be posted with signs around the perimeter that indicate the area
8 as a shooting range. Adequate backstops, bench rests, baffles and necessary safety
9 features shall be provided. There shall be a greenbelt or open area not used for shooting
10 along the perimeter of the shooting range. Such greenbelt or open space shall be a minimum
11 of five hundred (500) feet in width.
12 3.) The Planning Commission shall consider safety and noise factors and methods of minimizing
13 related problems. There shall be no shooting between the hours of 7:00 P.M. and 9:00 A.M.
14 4.) The application shall be accompanied by plans and scale drawings showing the area of land,
15 shooting areas, and backstops or buildings to be used.
16 M.) Cellular and other communications towers exceeding the height limitations of the district.
17

1 **ARTICLE V—CONSERVATION SUBDIVISION/PLANNED UNIT DEVELOPMENT**

2
3 Section 5.01: PURPOSE

4
5 The intent of this Article is to offer an alternative to the pervasive rural subdivision using planned unit
6 development (PUD) procedures as authorized under Section 125.3503 of the Michigan Zoning Enabling
7 Act, being Act 110 of 2006, as amended. These provisions encourage greater innovation and offer more
8 flexibility in the design of open space/cluster residential developments than can be achieved under the
9 provisions of the underlying A Agricultural/Rural Residential district. They are intended to preserve the
10 rural character of the land by promoting the creation of compact residential clusters that are
11 encompassed and veiled by open space and less intensive land uses. The Conservation Subdivision
12 (CSd)/Planned Unit Development provisions allow variation from permitted lot density, lot area and width
13 standards for lots in single-family residential developments in exchange for improved open space,
14 enhanced screening and buffering techniques and amenities and other design considerations such as
15 single loaded streets that will enhance the rural quality of life.

16 Land use goals and objectives for the Township, which may be better accomplished using the CSd
17 development provisions, include the following:

- 18 A.) The provision of meaningful buffers between agricultural land and operations and more intensive
19 residential development.
- 20 B.) The conservation and preservation of woodlands and sensitive environmental areas such as
21 wetlands in the Township and to otherwise minimize the disturbance of woodlands, steep slopes,
22 ridgelines, wetlands and stream corridors in the design of new development.
- 23 C.) To facilitate the continued use of farmland while accommodating residential development that will
24 not over capacitate the soil, aquifers and roadways.
- 25 D.) To recognize the value of and to facilitate the creation of "developed" open space and recreation
26 facilities such as golf courses, man made lakes, equestrian facilities and passive athletic grounds
27 within residential developments in concert with undeveloped open space; as defined in Section
28 125.3506 of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended.
- 29 E.) Greater accessibility to natural areas, developed open space, and recreation land by their
30 inclusion within new developments as common areas.
- 31 F.) The provision of "developed" recreation and open space facilities that are privately financed and
32 maintained for the use of residents in the development and/or the public.

33
34 Section 5.02: DEFINITIONS

35
36 **PLANNED UNIT DEVELOPMENT (PUD):** An area of a minimum contiguous size, as specified under this
37 ordinance, to be planned, developed, operated and maintained as a single entity and containing one or
38 more residential clusters and one or more public, quasi-public, or private open space areas in such
39 percentage of gross or net area or ratio to residential use area as specified in this ordinance

40
41 Section 5.03: PERMITTED USES

42
43 Conservation Subdivision PUD (CSD PUD) developments may only be authorized in the A
44 Agricultural/Rural Residential District. The uses permitted within CSd PUD developments are restricted to
45 detached single-family residential dwellings; customary residential accessory uses and structures; and
46 improved and unimproved open space. At the time of PUD approval, the Planning Commission may
47 approve the following uses as allowable uses of open space:

- 48 A.) Agricultural accessory buildings and limited agricultural activities when conducted within the open
49 space areas designated within the development. For the purposes of this Section, agricultural
50 activities shall be limited to the growing of trees, crops, fruits and vegetables and/or the raising,
51 breeding, training and keeping of farm animals. Areas made part of the development intended to
52 support farming activities shall be located, arranged and restricted to minimize any nuisance or
53 hazard to the residents of the development.
- 54 B.) Natural areas, golf courses, equestrian facilities, tennis courts, ball fields, trails, playgrounds,
55 community buildings and similar recreational facilities as well as day care facilities. Such uses
56 shall be accessory to the residential uses in the development and designed to be primarily used
57 by residents of the development unless specifically designed and authorized by the Planning
58 Commission as public use facilities.

1 C.) Accessory structures and buildings customarily associated with single-family residential dwellings
2 shall be subject to the requirements, unless otherwise specified herein, residential accessory
3 buildings shall be regulated by the provision that pertains to accessory buildings in the R
4 Residential district, except that no accessory building shall be located in the front yard of a
5 dwelling lot. The location, size appearance and use of buildings and structures associated with
6 an approved open space use shall be established by the Planning Commission as a condition of
7 approval of the PUD plan approval for a Development.
8

9 Section 5.04: LOCATION PRINCIPLES

10
11 The following general principles shall be utilized to evaluate the location of any proposed conservation
12 subdivision district. The Planning Commission shall apply these principles as general guidelines to help
13 assess the impact and appropriateness of the development and its design.

- 14 A.) Protecting Natural and Cultural Features. All conservation subdivision developments shall be
15 designed to promote the preservation of natural features and or cultural features. Significant
16 wildlife habitats, sensitive environmental lands, productive and unique farmland and scenic vistas,
17 historic structures are to be conserved and/or protected where practical.
- 18 B.) Access to Public or Private Roadway. CSd developments must be directly accessible to a public
19 road or indirectly accessible to a public road via a private road meeting Goodland Township
20 Private Road Ordinance specifications. If it is possible to access a development from more than
21 one public or private road, the Planning Commission shall, in consultation with the Lapeer County
22 Road Commission, determine the most appropriate number and location of new street
23 intersections and access points. Direct driveway access for individual lots and home sites to
24 existing public streets will be prohibited unless it is necessitated by unique property configuration
25 or other unusual physical circumstances.
- 26 C.) If an already existing private road is to be used it must comply with the Goodland Township
27 Private Road ordinance, the PUD approval can be held in lieu of Private Road proof of
28 compliance.
29

30 Section 5.05: AREA REGULATIONS

- 31
32 A.) Minimum Development Acreage: To be eligible for PUD consideration, the minimum size of any
33 CSd development shall be twenty (20 ± 0.1) acres of contiguous land, including existing road right
34 of way.
- 35 B.) Minimum Required Open Space: The minimum amount of preserved and protected open space
36 contained in any CSd PUD shall be fifty-percent (50%) of the gross acreage of the project and
37 shall meet the open space criteria of Section 8 of this chapter. A minimum of forty-percent (40%)
38 of the protected open space shall be held in common or in public ownership. The balance of the
39 minimum required protected open space might be held privately. All lands intended to be held in
40 common and all open space, which is to be preserved but not held in common or by the public,
41 shall be protected by restrictions meeting the criteria of Section 5.12: COMMON
42 OWNERSHIP OF PRESERVED AREAS and Section 5.13: PRESERVED AREAS NOT
43 OWNED IN COMMON of this Article.
- 44 C.) Lot Area:
- 45 1.) The minimum lot area shall be not less than one and one-half acres (65,340 square feet).
46 2.) All lots must comply with the Land Division Act length to width ratio.
47 3.) No portion of a lot exceeding two acres shall be used in calculating adherence to the required
48 minimum average.
49 4.) The well and septic facilities for each lot that is not served by public water and/or sewer shall
50 be approved by the State or County Health Department having jurisdiction—although parcel
51 size may meet Township requirements for PUD ordinances, it may not meet development
52 requirements for on site sewer and water.
- 53 D.) Lot Width: The minimum lot width at the front building line shall be 100 feet. The street frontage
54 for individual lots may be less than the required lot width when the lot is arranged along a cul-de-
55 sac street, or other street curve. The lot width at the street may also be reduced for individual
56 unique situations where strict adherence to a minimum frontage requirement would contribute
57 unnecessarily to an inefficient lot arrangement, or to the wasting of otherwise appropriate building
58 sites.
- 59 E.) Front Yard: There shall be a front yard setback of not less than thirty (30) feet.

- 1 F.) Side Yard: For residential buildings, there shall be a side yard setback of not less than ten (10)
2 feet.
- 3 G.) Rear Yard: There shall be a rear yard setback of not less than twenty-five (25) feet.
- 4 H.) Exterior Setbacks: The setback of any residential dwelling, residential accessory structure or
5 other building approved in the development shall be a minimum of fifty (50) feet from any property
6 not included within the development.
- 7 I.) Accessory Buildings: No residential accessory building shall be constructed within any required
8 front yard setback. No detached accessory building shall be closer than ten (10) feet to the
9 dwelling or within any required side or rear setbacks. No accessory building within the residential
10 areas shall exceed fourteen (14) feet in height.
- 11 J.) Common Area Setbacks: For all other buildings and structures, permitted by the Planning
12 Commission in common areas within the development, the minimum front, rear, and side-yard
13 setbacks shall be fifty (50) feet.

14
15 Section 5.06: HEIGHT REGULATIONS

16 No residential building or structure shall exceed thirty-five (35) feet in height. No accessory building
17 within the residential areas shall exceed fourteen (14) feet in height. Unless otherwise approved by the
18 Planning Commission, no buildings and structures shall exceed thirty-five (35) feet.

19
20 Section 5.07: MINIMUM FLOOR AREA

21 Each dwelling unit shall have a minimum of nine hundred-sixty (960) square feet of usable floor area,
22 exclusive of porches, garages, basements, or utility areas; in the case of a dwelling unit of more than one
23 (1) story the minimum area shall be seven hundred (700) square feet of floor area on the ground level
24 and any other level shall have a floor area no less than forty percent (40%) of the ground level floor area.

25
26 Section 5.08: MAXIMUM BASE DENSITY AND DENSITY BONUS

27
28 Through the preservation of permanent developed and undeveloped open space and the use of
29 subdivision design techniques that limit the impacts on the rural character, the total number of lots
30 permitted in a CSd development may be allowed to exceed the number of dwelling lots achievable
31 utilizing the conventional lot area standards of the underlying Zoning District.

- 32 A.) Minimum Open space: No bonus will be granted unless at least fifty (50%) percent of the gross
33 acreage is set aside as permanently protected open space.
- 34 B.) Maximum Bonus: The combined total number of bonus dwelling units granted shall not exceed
35 fifty (50%) percent of the base number of dwelling units achievable under the conventional
36 density and lot area requirements for the district.
- 37 C.) Bonus Dwelling Units: The number of dwelling units granted as bonuses shall be earned
38 bonuses derived as follows:
- 39 1.) Open space in excess of fifty (50%) percent. One bonus dwelling unit will be granted for
40 each five (5) acres of preserved open space, in excess of the 50% required under Section 5.
- 41 2.) Streetscape and residence buffer bonus. One bonus dwelling unit or a two acre reduction in
42 the minimum of fifty (50%) percent of open space required under Section 5 may be granted
43 for each three hundred (300) feet long by two hundred-fifty (250) feet deep (measured from
44 the edge of existing or proposed right-of-way) increment of uninterrupted street frontage open
45 space that is preserved directly adjacent to an existing public roadway or existing residences.
46 As a variation to the two hundred-fifty (250) feet of streetscape depth, the township may in its
47 discretion require the creation of a seventy-five (75) foot deep (measured from the edge of
48 existing or proposed right-of-way) professionally landscaped, planted and maintained buffer
49 along the adjacent existing public road right of way or between new home sites and existing
50 residences adjacent to the development.
51 The township may in its discretion accept a densely vegetated "no disturb" zone of at least
52 seventy-five (75) in width as satisfying the above streetscape and existing residence buffer.
- 53 3.) Open space improvements. One (1) bonus dwelling unit or a two (2) acre reduction in the
54 minimum of fifty (50%) percent open space required, under Section 5 of this Article, may be
55 granted for each five hundred (500) foot increment of five (5) foot wide improved, handicap
56 accessible walkway or trail. One bonus dwelling unit or a two (2) acre reduction in open
57 space may be granted for each seventeen hundred-fifty (1750) foot increment of five (5) foot
58 wide improved or semi-improved trail not meeting handicap accessible standards. For

1 purposes of this Article a semi-improved pedestrian trail shall consist of a clear travel width of
2 at least five (5) feet, a well-drained and solid sand or gravel base maintained for year round
3 use and shall be clearly marked.

4 Satisfactory mechanisms for perpetual trail maintenance shall be incorporated into the
5 documents required under Section 5.12: COMMON OWNERSHIP OF PRESERVED
6 AREAS of this Article.

- 7 4.) Single loaded streets. One bonus dwelling unit or a two (2) acre reduction in the minimum of
8 fifty (50%) percent of open space required under Section 5, will be granted in exchange for
9 each three hundred (300) lineal feet of single loaded (homes on only one side) internally
10 constructed street.
- 11 5.) Public Dedication of Open space. Dedication of land for public use including trails and active
12 recreation areas is encouraged. A density bonus for open space dedicated to the public for
13 such purpose shall be computed based on one lot or building site for each two (2) acres of
14 open space accessible to the public. The decision to accept an applicant's offer to dedicate
15 open space for public access shall be at the discretion of the Township Board, who shall be
16 guided by the Planning Commission and any officially adopted Township or county plans and
17 policies for parks, recreation and open space.
- 18 6.) Contribution to an Open Space Acquisition and Maintenance Fund. The Planning
19 Commission, in consultation with the Township Board, may allow a density bonus for the
20 express purpose of generating income or endowment for a Township open space acquisition
21 and maintenance fund. For each bonus lot granted in a development, not otherwise justified
22 by the above items 1 through 5, a minimum of seventy-five (75%) percent of the value
23 improved lot (as determined by an independent and certified appraiser) must be donated to
24 an open space endowment fund created for such purposes. The fund must be restricted to
25 expenditures used for the public acquisition and maintenance of open space and recreation
26 land located anywhere within the Township.
- 27 7.) Access: Developments located on unimproved public streets (gravel) may not be granted
28 bonus dwellings if in the discretion of the Planning Commission, it is determined that the
29 condition of the public roadway from which primary access will be derived is in sub-standard
30 condition and deterioration would be materially accelerated by the project; and the roadway is
31 not scheduled for improvements in the foreseeable future. Bonus densities may be
32 subsequently authorized for development at the request of the developer once appropriate
33 roadway improvements have been made.

34 D.) Maximum Base Density Lot Yield: The base lot yield under the conventional zoning district
35 regulations shall be determined by first subtracting fifty percent of any acreage that is presently
36 restricted by open water, designated wetlands, floodway, and exclusive easements and one
37 hundred percent of any right of way from the gross (total) acres of land area of the project parcel.
38 The remaining area, (net buildable land area) is then divided by the District's base density of one
39 (1) dwelling units per five (5) acres to determine the number of lots that are achievable under the
40 District's conventional standards.

- 41 1.) The existence or non-existence of permanent open water, wetlands and or floodways on a
42 parcel shall be evidenced and demonstrated to the satisfaction of the Planning Commission
43 through a written determination by the Michigan Department of Environmental Quality
44 (MDEQ) or by analysis performed by a professional environmental scientist, environmental
45 engineer or similar professional with credentials showing expertise for making such
46 determinations.
- 47 2.) The applicant may be required to provide evidence of on site well and septic suitability for the
48 number of lots determined to be the conventional lot yield.
- 49 3.) Fractions of dwelling units resulting from dwelling unit calculations shall be rounded to the
50 nearest whole number. If the fraction is exactly between whole numbers, the fraction shall be
51 rounded to the highest whole number.

52 E.) Density Bonus: The base density lot yield is added to the number of the bonus lots allowed under
53 the above formula to achieve the maximum number of lots eligible for consideration within the
54 proposed Conservation subdivision. Fractions of dwelling units resulting from dwelling unit
55 calculations shall be rounded to the nearest whole number. If the fraction is exactly between
56 whole numbers, the fraction shall be rounded to the highest whole number.

1
2 Section 5.09: OPEN SPACE CRITERIA
3

- 4 A.) The following areas will not be calculated as protected open space:
5 1.) Areas devoted to public street right of way and private street easements.
6 2.) Any area included within a dwelling lot or a limited common area, which is assigned to the
7 benefit of a single condominium unit unless specifically approved by the Planning
8 Commission. The Planning Commission may approve area not dedicated to the public or in
9 common as protected open space and calculate such area in meeting the minimum required
10 protected open space as specified in Section 4 only if the following circumstances exist:
11 a.) The individual lot, parcel or unit within which protected open space is encompassed
12 exceeds two (2) acres and only that area in excess of two (2) acres is calculated.
13 b.) The total amount of protected and preserved open space not held in common or by the
14 public within the development may represent no more than twenty (20%) percent of the
15 required fifty (50%) percent protected open space.
16 c.) The areas not held in common are designated on the site plan and are protected by
17 recorded legal mechanisms approved by the Township as stipulated under Section 5.13:
18 PRESERVED AREAS NOT OWNED IN COMMON of this Article.
19 d.) Areas set aside for future development.
20 B.) Except as otherwise approved by the Planning Commission, no individual area designated as
21 open space shall be less than one (1) acre in size.
22 C.) Access to open space areas, which are suitable for active use, shall be provided from all areas of
23 the development by means of public or private streets or pedestrian access ways.
24 D.) Frontage along existing primary and secondary roads is encouraged to remain in an open
25 undeveloped state with building sites and structures arranged and located to minimize the
26 prominence of the development within the view shed of the roadway. (Refer to Section 5.08:
27 MAXIMUM BASE DENSITY AND DENSITY BONUS).
28 E.) Where feasible and appropriate, the location and configuration of open space shall be
29 coordinated with existing and potential open space lands on adjacent parcels and others in the
30 surrounding area. This is to promote and encourage the potential for development of an
31 interconnected system of open space lands.
32 F.) Within areas designated as open space, no building, structure or other improvements shall be
33 constructed, except those improvements that are identified on the site plans approved by the
34 Planning Commission in conjunction with the application for special use permit. Areas
35 designated as open space shall be used only for designated recreation, agriculture or
36 conservation purposes, with the exception that on-site well or wastewater disposal systems
37 serving one or more individual lots or condominium units may be located within designated open
38 space areas if approved by the Lapeer County Health Department and/or MDEQ.
39

40 Section 5.10: STANDARDS FOR APPROVAL
41

42 In addition to the site plan and special approval standards and requirements contained in **ARTICLE**
43 **XVI—SITE PLAN REVIEW** and **ARTICLE XVII—USES PERMITTED AFTER SPECIAL APPROVAL OF**
44 **THE PLANNING COMMISSION**, the following standards for approval shall be considered by the Planning
45 Commission when considering requests for conservation subdivision planned unit developments:

- 46 A.) Do the proposed uses of the open space consider and use to the best advantage the overall size,
47 shape, topography and location of the parcel proposed for the conservation subdivision?
48 B.) Does the open space include any irreplaceable natural features located on the parcel, such as
49 but not limited to significant views, stream beds, threatened or endangered plant species,
50 significant stands of trees, and individual trees of significant size or variety?
51 C.) Will the approval of this development grant a substantial benefit, to both residents of the
52 development and the Township in general, which under more traditional zoning, would not occur?
53 D.) Compatibility with Adjacent Uses: The proposed CSd site plan shall set forth in detail all
54 specifications with respect to height, setbacks, density, parking, circulation, landscaping, views,
55 and other design features that exhibit due regard for the relationship of the development to
56 surrounding properties, the character of the site, and the land uses. In determining whether this
57 requirement has been met, consideration shall be given to:
58 1.) The bulk, placement, and materials of construction of proposed structures.
59 2.) Pedestrian and vehicular circulation.

- 1 3.) The location and screening of vehicular use or parking areas.
2 4.) The provision of landscaping and other site amenities.
3 E.) Impact of Traffic: The CSd project shall be designed to minimize the impact of traffic generated by
4 the proposed development on surrounding uses.
5 F.) Protection of Natural Environment: The proposed project shall be protective of the natural
6 environment and avoid or minimize the pollution, impairment, or destruction of the environment
7 according to the Michigan Environmental Protection Act and any other relevant law or regulation.
8 G.) Access to Open Space: The proposed project shall assure access to the designated open space
9 area by residents within the CSd project site, or by the public if the open space is publicly owned.
10 This requirement may be waived if ownership of the open space is dedicated for agricultural
11 purposes.
12 H.) Compliance with Applicable Regulations: The proposed project shall comply with all applicable
13 federal, state, county and local regulations unless specifically waived in writing or approved under
14 these provisions.
15

16 Section 5.11: UNIFIED CONTROL

17 The proposed development shall be under single ownership or control, such that there is a single person
18 or entity having proprietary responsibility for the full completion of the project. The applicant shall provide
19 sufficient documentation of ownership or control in the form of agreements, contracts, performance
20 guarantees, covenants and/or deed restrictions that indicate that the development will be completed in its
21 entirety, as proposed.
22

23 Section 5.12: COMMON OWNERSHIP OF PRESERVED AREAS

24
25 Any land intended to be used as common area by homeowners shall be set aside for their exclusive
26 use. All such lands shall be designated on the site plan and shall be protected by restrictions running
27 with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to
28 assure the following:

- 29 A.) That title to the open space would be held in common by the owners of all dwelling units in the
30 cluster development.
31 B.) That a permanent organization for maintenance and management of such area would be assured
32 by legal documents prior to the issuance of any building permits or the sale of any property.
33 C.) That the restrictions would be sufficient to assure the permanent preservation of the open space.
34 D.) That the restrictions could be enforced by all property owners and by the Township.
35

36 Section 5.13: PRESERVED AREAS NOT OWNED IN COMMON

37
38 Land areas, which are to be preserved but not held in common ownership, shall be designated on the
39 site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed
40 and approved as to wording by the Township Attorney to assure the following:

- 41 A.) That the proposed manner of holding title to the preserved open land is acceptable to the
42 Township.
43 B.) That the proposed restrictions would adequately preserve the natural features and regulate the
44 use of the open land.
45 C.) That the restrictions could be enforced by all property owners and by the Township.
46

47 Section 5.14: GENERAL ADMINISTRATIVE REQUIREMENTS

- 48
49 A.) Procedures: Application for review and approval of a CSd shall be made in accordance
50 with the provisions of **ARTICLE XVI—SITE PLAN REVIEW**.
51 B.) Effect of Approval:
52 1.) Approval of a CSd proposal shall not require, nor shall it be construed as an
53 amendment to the zoning ordinance. All improvements and uses of the site shall be
54 in conformity with the approved site plan and comply fully with any conditions
55 imposed by the Planning Commission.
56 2.) Any development involving a land division that is not exempted under the State Land
57 Division Act, Act 288 of 1968 shall require subsequent or concurrent review as a
58 platted subdivision or site condominium.

- 1 C.) Recording of Action: The applicant shall record an affidavit with the Lapeer County
2 Register of Deeds containing the full legal description of the project site, specifying the
3 date of final Township approval, and declaring that all improvements will be carried out in
4 accordance with the approved CSd site plan unless an amendment is adopted by the
5 planning Commission. In addition, all deed restrictions and easements shall be duly filed
6 with the Lapeer County Register of Deeds and copies of recorded documents shall be
7 presented to the Township Clerk.
- 8 D.) Continuing Adherence to Plan: Any property owner who fails to conform to an approved
9 CSd plan shall be deemed in violation of the use provisions of the Zoning Ordinance and
10 shall be subject to the penalties for same.
- 11 E.) Performance Guarantee: The Planning Commission shall require that a performance
12 guarantee, in accordance with **ARTICLE XVI—SITE PLAN REVIEW**, be deposited with
13 the Township to insure completion of improvements.

14
15 Section 5.15: SCHEDULED PHASING

16
17 When proposed construction is to be phased, the project shall be designed in a manner that allows each
18 phase to function fully on its own—regarding service, utilities, circulation, facilities, and open space. Each
19 phase shall contain the necessary components to insure protection of natural resources and the health,
20 safety, and welfare of the users of the CSd project and surrounding properties.

21
22 Section 5.16: REVISION OF APPROVED PLAN

- 23
24 A.) General Revisions: Approved plans for CSd/PUD may be revised, under the same
25 procedures required for initial approval.
- 26 B.) Minor Changes: Notwithstanding any provision in the Ordinance to the contrary, minor
27 changes to an approved CSd plan, including changes to the project phasing, may be
28 permitted by the Planning Commission following the site plan review procedures of
29 **ARTICLE XVI—SITE PLAN REVIEW**. Such minor changes may be approved by the
30 Planning Commission without resort to the public notice and hearing procedures set forth
31 in **ARTICLE XVII—USES PERMITTED AFTER SPECIAL APPROVAL OF THE**
32 **PLANNING COMMISSION** if the Planning Commission specifically finds:
- 33 1.) Such changes will not adversely affect the initial basis for granting approval;
 - 34 2.) Such changes shall not result in the increase in density or reduction of open space
35 area or a change in the use of open space use as originally approved.
 - 36 3.) The change is internal and does not have a direct relationship to an adjacent
37 property.
- 38
39

1 **ARTICLE VI—OPEN SPACE PRESERVATION**

2 Section 6.01: STATEMENT OF PURPOSE

3
4 The intent of this Article is to implement provisions as to open space preservation as authorized by
5 Michigan Compiled Law Section 125.3506

6
7 Section 6.02: OPEN SPACE PRESERVATION/CLUSTER HOUSING

- 8
9 A.) Open Space: Land qualifying as open space shall be land set aside for recreational,
10 conservation or agricultural uses and preserved in an undeveloped state. Open space shall not
11 be deemed to include areas within road rights-of-way, county drain easements or residential yard
12 areas. Development of preserved open space lands or their use for other than recreation,
13 conservation or agriculture purposes shall be prohibited.
- 14 B.) Minimum Site Size: The clustering of single-family dwellings may only be permitted on parcels of
15 land containing at least twenty (20) acres.
- 16 C.) Open Space Minimum: A single-family cluster development must preserve open space equal to a
17 minimum of fifty (50) percent of the total area of the parcel on which the cluster housing is
18 constructed.
- 19 D.) Features to be Preserved: In order to approve an open space and cluster-housing proposal, the
20 Planning Commission must determine that the parcel of land contains natural features, which
21 would be preserved by clustered development. Such features must include at least one of the
22 following:
23 1.) Natural stands of large trees
24 2.) Natural habitat for wildlife within the developed portion of the property
25 3.) Unusual topographic features
26 4.) Productive farmland
27 5.) Water or wetland areas
- 28 E.) Maximum Number of Dwelling Units Allowed and Minimum Lot Area: Within an open space
29 preservation development, the Planning Commission may allow a dwelling unit density within the
30 developed area, greater than otherwise would be permitted in the zoning district. The maximum
31 number of dwelling units that may be allowed shall be the number of dwelling units that would
32 ordinarily be allowed, based on the total land area of the parcel, including the area to be
33 preserved. The minimum lot area for each dwelling unit within the development may be reduced
34 by the Planning Commission to no less than one and one half (1 ½) acre.
- 35 F.) Minimum Setbacks and Lot Width: In areas approved for open space preservation development,
36 the required setbacks and lot widths may be reduced by the Planning Commission, subject to the
37 following minimums:
38 1.) The minimum side yard and rear yard setbacks shall be at least fifteen (15) feet
39 2.) The minimum lot width shall be at least one hundred (100) feet.
- 40 G.) Road Access: All dwelling units within an open space preservation development shall enter only
41 onto a private road or a newly constructed public road.
- 42 H.) Common Ownership of Preserved Areas: Any open space land intended to be used as common
43 area by home owners shall be designated on a site plan and shall be set aside for their exclusive
44 use. All such land shall be designated on the site plan and shall be protected by restrictions
45 running with the land. The restrictions shall be reviewed and approved as to wording by the
46 Township Attorney to assure the following:
47 1.) That title to the open space would be held in common by the owners of all dwelling units in
48 the cluster development;
49 2.) That a permanent organization for maintenance and management of such areas would be
50 assured by legal documents prior to the issuance of any building permits or the sale of any
51 property;
52 3.) That the restrictions would be sufficient to assure the permanent preservation of the open
53 space;
54 4.) And that the restrictions could be enforced by all property owners and by the Township.
- 55 I.) Preserved Areas Not Owned in Common: Any open space land areas, which are to be
56 preserved, but not held in common ownership shall be designated on a site plan and shall be
57 protected by restrictions running with the land. The restrictions shall be reviewed and approved
58 as to wording by the Township Attorney to assure the following:

- 1
 - 2
 - 3
 - 4
 - 5
- 1.) That the proposed manner of holding title to the preserved land is acceptable;
 - 2.) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land;
 - 3.) And that the restrictions could be enforced by all property owners and by the Township.

1
2 **ARTICLE VII—R RESIDENTIAL**

3 Section 7.01: STATEMENT OF PURPOSE
4

5 This Residential District is established to provide principally for one and two family dwellings on smaller
6 lots. The specific intent of this district is to allow the construction and continued use of one and two family
7 dwellings and single family density developments; and to discourage the use of the land which would
8 substantially interfere with this objective; and to discourage any land use which, because of its character
9 and size, would create requirements and costs for the public services substantially in excess of those at
10 the specified densities; and to discourage any land use which would generate excessive traffic on local
11 roads.

12 Section 7.02: PRINCIPAL USES PERMITTED
13

- 14 A.) Single-family dwellings;
15 B.) Two family dwellings:
16 1.) Each dwelling unit shall contain the minimum floor area required for single-family dwellings.
17 2.) Each dwelling unit shall have a garage containing at least four hundred (400) square feet.
18 C.) Schools, Churches, Cemeteries, and Publicly owned buildings or facilities;
19 D.) Family day care homes and adult foster care homes (State Licensed Residential Facilities) caring
20 for six (6) or fewer persons;
21 E.) Buildings, structures and uses that are accessory to any of the above permitted uses;
22 F.) Exempt Solar Energy
23 G.) On-Site Wind Energy Systems

24 Section 7.03: USES PERMITTED AFTER SPECIAL APPROVAL
25

- 26 A.) Conservation Subdivision Planned Unit Development
27 B.) Multiple family dwellings:
28 1.) The parcel of land on which the multiple family dwellings are located must contain at least
29 five (5) acres and be at least three hundred and thirty (330) feet in width.
30 2.) No parcel of land may contain more than two (2) dwelling units per acre.
31 3.) Each dwelling unit shall contain at least nine hundred and sixty (960) square feet.
32 4.) Adequate space for outdoor recreation shall be provided.
33 C.) Home occupation: subject to all provisions set forth in Section 12.17: HOME OCCUPATIONS
34 of this ordinance.
35 D.) Rooming houses, boarding houses and tourist homes.
36 E.) Hospitals
37 F.) State licensed residential facilities caring for seven (7) or more residents/nursing homes:
38 1.) Must be able to comply with state regulations for such facilities
39 2.) Must have adequate area for outdoor exercise
40 3.) Must be located so as to minimize danger to residents caused by heavily traveled roads
41 4.) Must be located so as to be reasonably near adequate public and commercial facilities
42 5.) Shall not be located within platted subdivisions
43 G.) Group day care homes—subject to all requirements set forth in Section 4.03: USES
44 PERMITTED AFTER SPECIAL APPROVAL of this ordinance.
45 H.) Sewage treatment plants
46
47

1 **ARTICLE VIII—MHP MANUFACTURED HOUSING PARK**
2

3 Section 8.01: PRINCIPAL USES PERMITTED
4

- 5 A.) Manufactured Housing Parks
6 1.) The minimum size of the park shall be twenty (20) acres.
7 2.) The minimum width of the park property shall be six hundred sixty (660) feet.
8 B.) Single-family dwellings
9 C.) Crop production
10 D.) Family day care homes
11 E.) State licensed residential facilities for six or fewer residents.
12 F.) Buildings, structures and uses, which are accessory to any of the above-permitted uses.
13 G.) Exempt Solar Energy
14 H.) On-Site Wind Energy Systems

15 Section 8.02: USES PERMITTED AFTER SPECIAL APPROVAL
16

- 17 A.) Two family dwellings:
18 1.) Each dwelling unit shall contain the minimum floor area required for single-family dwellings.
19 2.) Each dwelling unit shall have a garage containing at least four hundred (400) square feet.
20 B.) Recreational facilities, campgrounds, and golf courses, subject to the requirements of Section
21 4.03: USES PERMITTED AFTER SPECIAL APPROVAL.
22 C.) Home Occupations (subject to the requirements of Section 12.17: HOME
23 OCCUPATIONS)
24 D.) Group day care homes
25 E.) Governmental buildings, structures, facilities, and parks
26 F.) Schools and churches
27 G.) Convalescent homes
28
29
30

1 **ARTICLE IX—C COMMERCIAL DISTRICT**

2 Section 9.01: STATEMENT OF PURPOSE

3
4 This District is intended to accommodate uses that can provide office, personal services, and
5 commercial goods for visitors to and residents of Goodland Township, including auto-related uses, which
6 would ordinarily be incompatible with the character of residential districts. These uses are principally
7 intended to serve the community and highway traffic and will be restricted to those areas shown on the
8 Goodland Township Master Plan for commercial use. Areas proposed for this District will be reviewed
9 with consideration toward traffic, impact on adjacent areas, size and access to the lot, and whether or not
10 the proposed area helps prevent strip commercial development.

11 Section 9.02: PRINCIPAL PERMITTED USES

12
13 Land and/or buildings in the C Commercial District may be used for the following purposes as Permitted
14 Uses, subject to the approval of a site plan, in accordance with the requirements of **ARTICLE XVI—SITE**
15 **PLAN REVIEW.**

- 16 A.) Malls, shopping centers or outlets having less than 30,000 square feet of gross floor area.
17 B.) Office buildings for any of the following occupations:
18 1.) Executive, administrative, professional, accounting, drafting, and other similar professional
19 activities, as determined by the Zoning Administrator
20 2.) Medical and dental offices and clinics
21 C.) Banks, credit unions, savings and loan associations, and other similar uses including those with
22 drive-through facilities.
23 D.) Personal service establishments conducting services on the premises, including barber and dry-
24 cleaning service outlets, beauty shops, fitness centers, travel agencies, shoe and watch repair,
25 furniture and appliance repair, and other similar uses.
26 E.) Retail stores, providing goods within a completely enclosed building.
27 F.) Drug stores and pharmacies.
28 G.) Restaurants and taverns.
29 H.) Private clubs, fraternal organizations, and lodge halls.
30 I.) Dry-cleaning and laundry establishments performing cleaning operations on the premises,
31 including retail/service operations.
32 J.) Indoor recreational facilities, including bowling alleys, billiard halls and electronic amusement
33 arcades.
34 K.) Commercial childcare centers (non-dwelling).
35 L.) Essential public services such as poles, wires, and underground utility systems, and utility and
36 public service buildings, without storage yards.
37 M.) Accessory buildings, structures, and uses customarily incidental to any of the above permitted
38 uses, or Special Approval Uses.
39 N.) Funeral Homes and Mortuaries.
40 O.) Hotels and Motels.
41 P.) Gas stations and convenience stores.
42 Q.) Muffler, tire, brake and lube shops, excluding body and paint shops.
43 R.) Exempt Solar Energy
44 S.) On-Site Wind Energy Systems

45 Section 9.03: USES PERMITTED AFTER SPECIAL APPROVAL

46
47 Land and/or buildings in the C Commercial District may be used for the following purposes following
48 special approval by the Planning Commission in accordance with **ARTICLE XVI—SITE PLAN REVIEW.**

- 49 A.) Commercial greenhouses and nurseries.
50 B.) Commercial kennels.
51 C.) Vehicle wash establishments, either self-serve or automatic.
52 D.) Veterinary hospitals and animal clinics.
53 E.) Commercial mini or self-storage warehouses.
54 F.) Theaters and auditoriums, public or private.

- 1 G.) Adult entertainment facilities. Adult entertainment facilities may be permitted subject to the
 2 following requirements:
 3 1.) Not more than two (2) adult entertainment facilities shall be permitted within one thousand
 4 (1,000) feet of each other in order to prevent the concentration of these uses in any one area.
 5 2.) None of the facilities shall be permitted within five hundred (500) feet of any agriculturally or
 6 residentially zoned district.
 7 H.) Open-air businesses such as drive-in theaters, nurseries, new and used car sales, fruit markets
 8 and recreational facilities such as miniature golf, skate boarding, rollerblading, racetracks and
 9 bumper cars.
 10 I.) Building trade contractors involving related material and or equipment storage yards.
 11 J.) Lumberyards, building materials sales and storage.
 12 K.) Malls, retail shopping centers or outlets having 30,000 square feet or gross floor area or greater.
 13 L.) Automobile body and paint shops

14 Section 9.04 BUILDING FACADE MATERIALS

15
 16 All principal buildings shall be of masonry, pre-cast concrete, wood or factory finished metal
 17 construction. The first floor wall area of all showroom, retail or office facades facing and visible from a
 18 street shall be constructed of wood, brick, stone, fluted block, glass or similar decorative material. At
 19 least twenty five (25) percent of the surface of balance of any first floor (or its equivalent first floor height
 20 of twelve (12) feet), facing a street, other than a showroom or an office facade, shall be constructed of
 21 brick, stone, fluted block, glass or similar decorative material. Wood may be utilized for decorative and
 22 non-structural porticos, canopies, and other attachments. All metal buildings shall be constructed to the
 23 minimum requirements established by the Metal Building Manufacturers Association.

24 In recognition of developing technologies in building materials, the Planning Commission may approve
 25 other materials in consideration of the following standards:

- 26 A.) Whether or not the finished treatment is compatible with surrounding properties in terms of color
 27 and overall image.
 28 B.) The relative scale of the building in terms of height and area.
 29 C.) The extent to which the building is setback from the street frontage(s) and the amount and quality
 30 of landscaping on the street frontage(s) and along the building.
 31 D.) Appeals of facade determinations may be made to the Zoning Board of Appeals.

32 Section 9.05: ADDITIONAL REGULATIONS

- 33
 34 A.) Site Development Standards in accordance with Table 11.02 .
 35 B.) Parking and lighting shall be provided in accordance with the requirements of **ARTICLE XIV—**
 36 **OFF-STREET PARKING AND LOADING REQUIREMENTS.**
 37 C.) Greenbelts shall be provided as required in **Section 12.10 Landscaping & Greenbelts and**
 38 **Section 14.04: GENERAL REQUIREMENTS.**
 39 D.) Site Plan Review is required for all uses permitted in this Chapter in accordance with the
 40 requirements of **ARTICLE XVI—SITE PLAN REVIEW.**
 41 E.) Signs refer to the Goodland Township Sign Ordinance (a separate ordinance).
 42 F.) Access Management Regulations shall be provided as required in **ARTICLE XV—ACCESS**
 43 **MANAGEMENT REGULATION.**
 44 G.) Solid Waste Receptacles shall be located and screened in accordance with Section 12.18:
 45 _____ **SOLID WASTE RECEPTACLE AREAS.**
 46
 47

1 **ARTICLE X—I INDUSTRIAL DISTRICT**
2

3 Section 10.01: STATEMENT OF PURPOSE
4

5 This zoning district is intended to provide exclusive areas for industrial uses in areas served by highway
6 access and adequate infrastructure. Uses in this zoning district are to provide for various types of light
7 processing and manufacturing uses, wholesale businesses, warehouses and other uses compatible with
8 one another and with surrounding land uses and with an absence of objectionable external effects.
9 These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity,
10 and creative site design. Intensive industrial uses are not encouraged within this district due to the
11 absence of public water and sanitary sewer, the Township’s desire as expressed in the Master Plan is to
12 maintain its rural character, and the fact that nearby communities offer more suitable areas for intensive
13 industrial uses. However, it should be noted that it is not the intent of the Township to exclude such uses
14 either.

15 Section 10.02: PRINCIPAL PERMITTED USES
16

17 Land and or buildings in the I Industrial District may be used for the following purposes as Principal
18 Permitted Uses in accordance with the performance standards outlined herein and subject to the approval
19 of a site plan (refer to **ARTICLE XVI—SITE PLAN REVIEW**).

- 20 A.) Factories, manufacturing, compounding, processing, packaging, treating, or assembling the
21 following:
22 1.) Agricultural products, including but not limited to the production in greenhouses of flowers,
23 plants, shrubs, trees, or other similar living products excluding animals.
24 2.) Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery,
25 confectionery, beverage, and similar products, excluding the slaughtering of animals, or
26 rendering or refining of fats and oils.
27 3.) Furniture and fixtures.
28 4.) Printing and publishing.
29 5.) Electrical machinery, equipment and supplies, electronic components and accessories.
30 6.) Engineering, measuring, optical, medical, scientific, photographic, and similar instruments
31 and goods.
32 7.) Cut stone and stone products.
33 B.) Factories, manufacturing, compounding, processing, packaging, treating or assembling of
34 materials or products from previously prepared materials as the following:
35 1.) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings,
36 yarn and thread, and other similar products.
37 2.) Apparel and other finished products including clothing, leather goods, furnishing, and canvas
38 products.
39 3.) Lumber and wood products including millwork, prefabricated structural wood products and
40 containers.
41 4.) Paper and paperboard containers and products.
42 5.) Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
43 6.) Glass products.
44 7.) Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement,
45 sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials,
46 notions, signs and advertising displays.
47 8.) Pottery, figurines, and other ceramic products using only previously pulverized clay.
48 9.) Fabricated metal products, except heavy machinery.
49 C.) Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel,
50 food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products
51 and lumber.
52 D.) Warehousing and general storage including mini or self-storage warehouses.
53 E.) Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets
54 serving the public.
55 F.) Office buildings for executive, administrative, engineering, design, drafting, and other similar
56 support activities when in association with a permitted or special approval industrial land use.
57 G.) Research and development facilities, including production activities.

- 1 H.) Trade or industrial schools.
- 2 I.) Utilities and communications installations such as electrical receiving or transforming stations,
- 3 microwave towers, and television and radio towers.
- 4 J.) Utility and public service buildings, including storage yards, essential public services such as
- 5 poles, wires, and underground utility systems.
- 6 K.) Buildings, structures, and uses accessory to the Permitted and Special Approval Land Uses.
- 7 L.) Retail sales of goods where such sale is clearly incidental and accessory to the primary use and
- 8 where the area devoted to retail sales does not exceed five (5) percent of the total floor area or
- 9 2,000 square feet (whichever is greater).
- 10 M.) Exempt Solar Energy
- 11 N.) On-Site Wind Energy Systems

12 **Section 10.03: USES PERMITTED AFTER SPECIAL APPROVAL**

13
 14 Land and/or buildings in the I Industrial District may be used for the following purposes following special
 15 use approval by the Planning Commission under **ARTICLE XVII—USES PERMITTED AFTER SPECIAL**
 16 **APPROVAL OF THE PLANNING COMMISSION.**

- 17 A.) Truck and freight terminals.
- 18 B.) Bulk oil, gasoline, and propane distribution.
- 19 C.) Removal and processing of earthen material.
- 20 D.) Composting, materials recovery or recycling operations.
- 21 E.) Airports and Landing Fields.
- 22 F.) Production and/or bulk distribution of cement, cement products or asphalt.
- 23 G.) Lumberyards, building materials sales and storage.
- 24 H.) Building trade contractors involving related material and/or equipment storage yards.
- 25 I.) Open-air businesses such as nurseries, new and used car sales, and fruit markets excluding
- 26 recreation uses, recreational facilities.
- 27 J.) Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm
- 28 machinery, and similar equipment.
- 29 K.) Slaughter houses.
- 30 L.) Junkyards (pursuant to the requirements of the Goodland Township Junkyard Ordinance).
- 31 M.) Sewage treatment plants.
- 32 N.) Sanitary landfills subject to the regulations of the State of Michigan.
- 33 O.) Metal forging, stamping, etc. and other heavy industrial uses.

34 **Section 10.04: PERFORMANCE STANDARDS**

35
 36 Each use permitted in the I Industrial District will be required to meet and maintain the following
 37 standards during its operations. During the process of site plan review and subsequent to approval, the
 38 Planning Commission may request information from the applicant pertaining to the uses ability to meet
 39 the standards. This information may include equipment specifications, professional evaluations, and or
 40 field measurement of impact factors such as noise, air emissions and vibration. Ongoing monitoring of
 41 such factors as necessary to ensure long-term compliance may be required and may be a condition of
 42 site plan approval.

- 43 A.) **Noise.** Noise emanating from a use in this district shall not exceed 65 DNL at the boundaries of
 44 the lot. *(Note: DNL is the abbreviation for the day/night average-sound-level system. The*
 45 *day/night, average is the 24-hour-average sound level, expressed in decibels, obtained after the*
 46 *addition of a 10-decibel penalty for sound levels that occur between 10:00 p.m. and 7:00 a.m.*
 47 *The Department of Housing and Urban Development has selected 65 DNL as the maximum*
 48 *acceptable decibel level for residential developments. 65 DNL is comparable in loudness to*
 49 *typical speech levels, or nearby freeway auto traffic.)*
- 50 B.) **Emissions and Discharges.** Uses in this district shall not create the following conditions at or
 51 beyond their lot or parcel boundary:
 - 52 1.) Obnoxious, toxic, or corrosive fumes or gases, except for those produced by internal
 - 53 combustion engines under design and operation conditions;
 - 54 2.) Odorous gases or other odorous matter in such quantities as to be offensive;
 - 55 3.) Noxious smoke, excluding steam;
 - 56 4.) Dust or other particulate matter emanating from any products stored prior to or subsequent to
 - 57 processing;

- 1 5.) Heat or glare which is humanly perceptible;
2 6.) Physical vibrations which are humanly perceptible; or
3 7.) Electromagnetic radiation or radioactive emission that could be injurious to human beings,
4 animals, or vegetation, or of any intensity that interferes with the lawful use of any other
5 property.
6 C.) Explosives. No use in this district shall produce or store any material designed for use as an
7 explosive, nor use such material in production.

8 Section 10.05: OPEN STORAGE

9
10 Facilities for the outdoor storage of fuel, materials and product for every use enumerated herein or
11 otherwise permitted in this district shall not be located in any yard abutting a street. All open storage
12 located within one hundred (100) feet of a street or any other zoning district, shall be fully screened from
13 view by a masonry or wood wall/fence which is at least two (2) feet taller than the material being stored
14 and no wall or fence shall exceed ten (10) feet in height. Two or more rows of evergreen trees may be
15 substituted for a wall or fence if in the discretion of the Planning Commission such would be of equal
16 opacity as a screening wall or fence. Such screening shall be required in addition to the minimum
17 greenbelt requirements of [Section 12.10 Landscaping & Greenbelts](#).

18 No such storage shall constitute a fire hazard; obstruct on-site vehicle circulation or fire fighting
19 capacities.

20 Section 10.06: BUILDING FACADE MATERIALS

21
22 All principal buildings shall be of masonry, pre-cast concrete, or factory finished metal construction. The
23 first floor wall area of all office facades facing a street shall be constructed of brick, stone, fluted block,
24 glass or similar decorative material. At least twenty five (25) percent of the surface of balance of any first
25 floor (or its equivalent first floor height of twelve (12) feet), facing and visible from a street, other than an
26 office facade, shall be constructed of brick, stone, fluted block, glass or similar decorative material. Wood
27 may be utilized for decorative and non-structural porticos, canopies, and other attachments. All metal
28 buildings shall be constructed to the minimum requirements established by the Metal Building
29 Manufacturers Association and all such buildings shall be adequately protected on the interior and
30 exterior from damage by vehicles and operations. In recognition of developing technologies in building
31 materials, the Planning Commission may approve other materials in consideration of the following factors:

- 32 A.) Whether or not the finished treatment is compatible with surrounding properties in terms of color
33 and overall image.
34 B.) The relative scale of the building in terms of height and area.
35 C.) The extent to which the building is setback from the street frontage(s) and the amount and quality
36 of landscaping on the street frontage(s) and along the building.

37 Appeals of facade determinations may be made to the Zoning Board of Appeals.

38 Section 10.07: ADDITIONAL REGULATIONS

- 39
40 A.) Site Development Standards in accordance with Table 11.02 .
41 B.) Parking and lighting shall be provided in accordance with the requirements of **ARTICLE XIV—**
42 **OFF-STREET PARKING AND LOADING REQUIREMENTS**.
43 C.) Greenbelts shall be provided as required in Section 12.10 Landscaping & Greenbelts and [Section](#)
44 [14.04: GENERAL REQUIREMENTS](#).
45 D.) Site Plan Review is required for all uses permitted in this Chapter in accordance with the
46 requirements of **ARTICLE XVI—SITE PLAN REVIEW**.
47 E.) Signs refer to the Goodland Township Sign Ordinance.
48 F.) Access Management Regulations shall be provided as required in **ARTICLE XV—ACCESS**
49 **MANAGEMENT REGULATION**.
50 G.) Solid Waste Receptacles shall be located and screened in accordance with [Section 12.18:](#)
51 SOLID WASTE RECEPTACLE AREAS.
52
53

1 **ARTICLE XII—GENERAL PROVISIONS**

2 Section 12.01: CONFLICTING REGULATIONS

3
4 Whenever any provisions of this Ordinance imposes more stringent requirements, regulations,
5 restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the
6 provisions of this Ordinance shall govern.

7 Section 12.02: MINIMUM STREET FRONTAGE AND LOT WIDTH

8 Every dwelling or other building shall be located on a single lot or parcel that shall front upon a public
9 road, upon a private road constructed to the specifications of the Township Private Road Ordinance, or
10 upon a private drive that complies with the specifications of the Township Private Drive Ordinance. The
11 frontage shall be continuous and shall meet or exceed the minimum lot width requirements as established
12 in Table 11.02 and unless otherwise permitted by provisions of this section or the PUD provisions of
13 Section 5.05: AREA REGULATIONS D.), lot width (frontage) shall be measured and met along the right
14 of way line or easement line and shall be maintained for the entire depth of the lot or parcel.

15 Exceptions shall be made for lots (parcels) having frontage on a curved street section, turn around, or
16 cul-de-sac. In such instances, the minimum required lot (parcel) width shall be met and measured at the
17 required minimum front-yard setback line and the frontage measurement may be reduced to forty (40)
18 feet. The frontage measurement shall be made along the chord of the arc running between the side
19 property lines intersecting with the street right of way line.

20 In situations of internal curves where the side lot (parcel) lines must converge, the minimum lot (parcel)
21 width shall be maintained behind the required front-yard setback line for a distance of at least thirty (30)
22 feet plus the minimum depth of the required rear yard for the applicable zoning district.

23 Section 12.03: MOVING OF BUILDINGS OR STRUCTURES

24
25 Any permanent building or structure—over 200 square feet—shall not be moved upon any premises in
26 the Township until a zoning compliance permit shall have been secured. Any such building or structure
27 shall fully conform to all the provisions of this Ordinance in the same manner as a new building or
28 structure. No building or structure shall be moved to any site within the Township until the owner has
29 posted a cash deposit in an amount specified by resolution of the Township Board, guaranteeing full
30 compliance with the Township ordinances. The site from which a building or structure has been moved
31 shall be graded level and all debris shall be removed from the premises.

32 Section 12.04: PUBLIC SERVICES

33
34 Facilities provided by any utility company or by the Township government shall be permitted in all zoning
35 districts. Facilities permitted by this section shall include transmission lines, sewers, mains, pumping
36 stations, sub-stations, towers, poles, and related equipment. Any building erected shall be subject to the
37 site plan review requirements of **ARTICLE XVI—SITE PLAN REVIEW**. Any office, warehouse,
38 manufacturing, or sales buildings must be located in a zoning district permitting that use.

39 Section 12.05: OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED DWELLINGS

40
41 Garages, barns, pole barns, accessory buildings, and basements shall not be occupied either
42 temporarily or permanently as dwellings. No commercial or industrial buildings shall be occupied for
43 dwelling purposes.

44
45 Section 12.06: MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MANUFACTURED
46 HOUSING PARKS

47
48 All dwelling units located outside of mobile home parks shall comply with the following requirements:

- 49 A.) All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-
50 half (7 ½) feet; or if a mobile home, it shall meet the requirements of the United States
51 Department of Housing and Urban Development Regulations, entitled Mobile Home Construction
52 and Safety Standards, effective June 15, 1976, as amended.

- 1 B.) The minimum width of any single-family dwelling unit shall be shall be twenty-four (24) feet, prior
2 to any additions or alterations. Such width shall be maintained for at least sixty percent (60%) of
3 its length, measured between the exterior parts of the walls having the greater length.
- 4 C.) All dwellings shall be firmly attached to a permanent foundation constructed on the site in
5 accordance with the building code adopted by the Township, and the area between the grade
6 elevation of the lot and structure shall have a wall of the same perimeter dimensions of the
7 dwelling and constructed of such materials and type as required in the applicable building code
8 for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein,
9 such dwelling shall be installed pursuant to the manufacturer's setup instructions, shall be
10 secured to the premises by an anchoring system or device complying with the rules and
11 regulations of the Michigan Mobile Home Commission, and shall contain a perimeter wall as
12 required in subsection E, below.
- 13 D.) If a dwelling is a mobile home as defined herein, each mobile home shall be installed with the
14 wheels removed. Additionally, no dwelling shall have any exposed towing mechanisms,
15 undercarriage or chassis.
- 16 E.) If a dwelling is a mobile home, as defined herein, each mobile home shall contain skirting along
17 the entire perimeter of the main frame between the ground and the bottom edge of the mobile
18 home body. The skirting shall compliment the appearance of the main walls of the mobile home
19 and consist of the same material or materials of equal or greater durability as those customarily
20 used on the exterior walls of mobile homes. Brick or concrete block wall construction shall be
21 permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body
22 and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals to
23 underneath the mobile home. One (1) access door shall be permitted in the skirting, and
24 adequate screening vents shall be required in the skirting around the entire perimeter at intervals
25 of not more than twenty (20) feet to provide adequate cross-ventilation. All skirting shall be
26 maintained in good condition at all times. Unprotected flammable materials including hay bales
27 or newspaper shall not be allowed as skirting for mobile homes.
- 28 F.) All dwellings shall be connected to a sewer system and water supply system approved by the
29 Lapeer County Health Department.
- 30 G.) All dwellings shall provide steps or porch areas, permanently positioned in the ground or
31 permanently attached to the foundation, where there exists an elevation differential of more than
32 one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum
33 of two points of ingress and egress.
- 34 H.) All additions to dwellings shall meet all of the requirements of this Ordinance.
- 35 I.) All dwellings shall be aesthetically compatible in design and appearance with other residences in
36 the vicinity, with either a roof overhang of not less than twelve (12) inches on all sides, or
37 alternatively with window sills or roof drainage systems concentrating roof drainage at collection
38 points along sides of the dwellings. The compatibility of design and appearance shall be
39 determined in the first instance by the Building Inspector upon review of the plans submitted for a
40 particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of
41 Appeals. Any determination of compatibility shall be based upon the standards set forth in this
42 Section as well as the character, design and appearance of residential dwellings located outside
43 of mobile home parks within seven hundred fifty (750) feet of the subject dwelling. The foregoing
44 shall not be construed to prohibit innovative design concepts involving such matters as solar
45 energy, view, unique land contour, or relief from the common or standard designed home.
- 46 J.) All mobile homes shall meet the standards for mobile home construction contained in the United
47 States Department of Housing and Urban Development Regulations entitled "Mobile Home
48 Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall
49 meet the requirements of the construction code adopted by the Township.
- 50 K.) A minimum of four hundred (400) square feet of enclosed storage space, excluding closets, shall
51 be provided for each dwelling. Said enclosed storage space may consist of a basement, garage,
52 shed or other structure, approved by the Building Inspector.

53 Section 12.07: SWIMMING POOLS

54
55 No swimming pool shall be placed within any required side or rear yard setback, except on non-
56 conforming lots. Any swimming pool placed within a side or rear yard setback on a non-conforming lot
57 shall not be closer than five (5) feet from the lot line and shall be shielded from view by a solid fence at

1 least six (6) feet in height. No swimming pool shall be placed within front yard setback. A building permit
2 shall be required for any pool, which is designed to be non-portable.

3 Section 12.08: SURFACE WATER DRAINAGE

4
5 Any premises upon which a building or structure shall be erected or moved shall be provided with
6 adequate surface drainage. There shall not be filling, excavation, obstruction or diversion of any natural
7 or established waterway, or dedicated underground drain, unless approved by the County Drain
8 Commissioner and is in keeping with all other state and federal regulations—including the Federal Clean
9 Water Act, phases I & II.

10 Section 12.09: FLOOD PLAINS

11
12 It shall be unlawful to fill flood plains with soil or any other material, unless specifically permitted by
13 Michigan Department of Environmental Quality. No new dwellings, buildings or structures shall be
14 erected in any flood plain, unless they meet the requirements of the National Flood Insurance Program for
15 construction in a flood plain.

16
17 Section 12.10: LANDSCAPING AND GREENBELTS

- 18
19 A.) Intent. *General site*, landscaping and greenbelts are necessary for the protection and
20 enhancement of the environment and for the continued vitality of all non-residential land uses as
21 specified in this Ordinance throughout the Township. Landscaping and greenbelts are capable of
22 enhancing the visual environment, preserving natural features, improving property values, and
23 alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The
24 purpose of this section is to set minimum standards for the protection and enhancement of the
25 environment through requirements for the design and use of landscaping, greenbelts and
26 screening.
- 27 B.) Scope of Application. The requirements of this section shall apply to all non-residential uses of
28 the land developed or expanded following the effective date of this Ordinance. No site plan shall
29 be approved for a non-agricultural/non-single-family residential use unless the site plan shows
30 landscaping consistent with these provisions. Furthermore, where landscaping is required, a
31 building permit will not be issued until a landscape plan is submitted and approved. A certificate
32 of occupancy will not be issued unless provisions set forth in this section have been met or a
33 performance bond has been posted in accordance with **ARTICLE XVI—SITE PLAN REVIEW**. In
34 cases where the existing use is expanded and requires site plan review and approval, the
35 standards set forth herein directly applicable to the expansion shall be met. The requirements of
36 this section are minimum requirements, and nothing herein shall preclude a developer and the
37 Township from agreeing to more additional plantings.
- 38 C.) Landscape Standards. Except as otherwise specified in the general requirements for each
39 Zoning District, all landscaping shall conform to the following standards:
- 40 1.) General Landscaping. All developed portions of the lot or parcel area not covered by
41 buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground
42 cover and other ornamental materials:
- 43 a.) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery,
44 or other suitable plant material, except that paved patios, terraces, sidewalks and similar
45 features may be incorporated with Planning Commission approval.
- 46 b.) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree
47 for each 5,000 square feet or portion thereof of un-surfaced yard or open-space area.
- 48 2.) Greenbelts. Front, Side and Rear. The minimum widths for all front-, side- and rear-yard
49 greenbelts—as defined in Article XII—shall be fifteen (15) feet.
- 50 a.) In commercial and industrial zoning districts, no area within the required front yard
51 setbacks shall be used for any permanent or temporary structures other than signs
52 permitted by the Township ordinance and except for the portion developed for parking
53 area or driveways the front yard setback areas shall be planted with grass, shrubs, or
54 other landscaping materials, No less than a fifteen (15) foot wide planted greenbelt shall
55 be provided between the right of way line and the parking lot.

- 1 b.) Whenever any property is developed for any use other than agricultural or residential,
2 and the property borders any property zoned for residential use, a greenbelt at least
3 fifteen (15) feet in width along said borders shall be planted and maintained.
- 4 3.) Detailed landscaping plans shall be provided on the site plan relating to the development and
5 shall be considered as a material part of the site plan. No site plan shall be considered as
6 having been complied with, until the landscaping features have been completed.
- 7 4.) Evergreen Screening:
8 a.) In situations where total or nearly total screening is appropriate, the Planning
9 Commission may require a compact evergreen screen consisting of staggered rows of
10 trees planted eight (8) feet on center.
- 11 5.) Landscaping of Rights- Of-Way and Other Adjacent Public Open-Space Areas.
12 Public rights-of-way and other public open-space areas adjacent to required landscaped
13 areas and greenbelts shall be planted with grass or other suitable groundcover and
14 maintained by the owner of the adjacent property as if they were part of required landscaped
15 areas and greenbelts.
- 16 6.) Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway
17 intersects a public right-of-way or when the subject property abuts the intersection of public
18 rights-of-way, all landscaping within the corner triangular areas described below shall be
19 planted and maintained to permit unobstructed cross-visibility. The triangular areas referred
20 to above are:
21 a.) The area formed at the corner intersection of a public right-of-way and a driveway, two
22 (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way
23 line and driveway line and the third side being a line connecting these two sides.
24 b.) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2)
25 sides of the triangular area being twenty-five (25) feet in length measured along the
26 abutting public rights-of-way lines and the third side being a line connecting these two (2)
27 sides.
- 28 7.) Maintenance of Landscaping:
29 a.) All required landscape areas shall be planted and maintained with living plant materials.
30 b.) Upon completion of the installation of the landscaping, the owner shall implement a
31 seasonal maintenance program to replace all diseased, dead or damaged plants,
32 replenish mulch, control weeds, fertilize and prune all plant materials. Failure to maintain
33 required landscaped areas, including the removal and replacement of dead or diseased
34 plant materials shall constitute a violation of this ordinance.
- 35 8.) Existing Plant Material:
36 In instances where healthy plant material exists on s site prior to its development, the
37 Planning Commission may adjust the application of the above standards to allow credit for
38 such plant material.

39
40 Section 12.11: TEMPORARY MOBILE HOMES
41

- 42 A.) The Planning Commission may grant approval for a temporary mobile home, which does not
43 comply with the single-family dwelling requirements of Section 12.06: MINIMUM
44 REQUIREMENTS FOR DWELLINGS OUTSIDE OF MANUFACTURED
45 HOUSING PARKS to be occupied during the time a permanent dwelling is being
46 constructed. A site scale drawing showing all existing and proposed structures and driveways on
47 the property and on adjoining properties within two hundred (200) feet of the property lines must
48 be submitted to the Planning Commission. A temporary mobile home permit may be issued or
49 renewed for a one (1) year period if there is compliance with the following requirements. The
50 temporary mobile home must meet the State building code requirements for mobile homes.
51 1.) A building permit for the temporary mobile home and for the permanent dwelling must be
52 acquired before the temporary mobile home is placed on the premises.
53 2.) A water well and septic tank shall be installed prior to placement of the mobile home as
54 approved by the Lapeer County Health Department.
55 3.) A smoke detector, fire extinguisher, and carbon monoxide detector shall be installed in the
56 temporary mobile home.
57 4.) The permanent dwelling must be completed and the temporary mobile home removed from
58 the property before the expiration of the temporary mobile home permit.

1 5.) The temporary mobile home permit may be renewed only if reasonable progress has been
2 made on the construction of the permanent dwelling.

3 B.) The Planning Commission may grant approval for a temporary mobile home, which does not
4 comply with the single-family dwelling requirements of Section 12.06: MINIMUM
5 REQUIREMENTS FOR DWELLINGS OUTSIDE OF MANUFACTURED

6 HOUSING PARKS to be occupied for the purpose of housing family members who are
7 unable to reside elsewhere due to age, health, or indigence. A site scale drawing showing all
8 existing and proposed structures and driveways on the property and on adjoining properties
9 within two hundred (200) feet of the property lines shall be submitted to the Planning
10 Commission. A temporary mobile home permit may be issued for one (1) year periods if there is
11 compliance with the following requirements. The mobile home must meet the State building code
12 requirements for a mobile home.

- 13 1.) A building permit for the temporary mobile home must be acquired before the temporary
14 mobile home is placed on the premises.
- 15 2.) A water supply and septic system shall be provided prior to placement of the mobile home as
16 approved by the Lapeer County Health Department.
- 17 3.) A smoke detector, fire extinguisher, and carbon monoxide detector shall be installed in the
18 temporary mobile home.
- 19 4.) The temporary mobile home must be removed from the premises once the purpose for which
20 it was granted has ceased to exist.

21 C.) All temporary mobile homes permitted under this Section shall have a cash bond at a minimum of
22 two thousand (\$2,000.00) dollars deposited with the Township Treasurer, and shall execute an
23 affidavit guaranteeing that the temporary mobile home will be removed from the premises at the
24 expiration of the permit period. The affidavit shall be filed with the Township Clerk.

25 D.) The Zoning Administrator may grant emergency approval for a temporary mobile home in case of
26 fire, flood or other disaster destroying a residence and necessitating an immediate replacement.
27 Such emergency approval shall only be valid until the Planning Commission can take action
28 pursuant to subsections A. and/or B., above.

29 Section 12.12: MULTIPLE SINGLE FAMILY DWELLINGS PER PARCEL

30
31 Except as allowed in Section 12.11 Temporary Mobile Homes and the Goodland Township Farm Labor
32 Housing Ordinance, there shall there be no more than one dwelling constructed on a lot or parcel of land
33 zoned for single-family dwelling purposes.

34 Section 12.13: MINIMUM OPEN AREAS

35
36 No space, yard, setback, or other open area, which has been calculated to comply with the minimum
37 requirements for any single-family dwelling or other main structure on a parcel of land, shall be reduced
38 by subsequent divisions of the property or construction of additional dwellings or main structures.

39 Section 12.14: ACCESSORY BUILDINGS

40
41 In districts zoned A and R, no residential accessory building shall be constructed within any required
42 front yard setback. No detached accessory building shall be closer than ten (10) feet to the dwelling or
43 within any required side or rear setbacks. No accessory building within the R zoning district shall exceed
44 fourteen (14) feet in height.

45 Section 12.15: FILLING OPERATIONS

46
47 No land shall be filled and no material shall be deposited upon any land—beyond normal and
48 reasonable levels for maintenance and construction. Any fill that alters the topography of drain
49 easements or causes an increase in storm water runoff will be subject to Planning Commission review.
50 Fill must meet the standards of the Natural Resources and Environmental Protection Act, PA 451 of 1994,
51 as amended.

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Section 12.16: CONDOMINIUM SUBDIVISION APPROVAL (SITE CONDOMINIUMS)

The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development under Township ordinances.

- A.) Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
 - 1.) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items 1, 2, and 3 of the submission requirements in subsection B below.
 - 2.) Final Plan Review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by items 1-7 of the Submission Requirements outlined herein. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until all applicable review agencies have had an opportunity to comment on the plans and written approval or permits are received from all agencies having an interest in the development.
- B.) Submission Requirements. All condominium subdivision plans shall be submitted for review as required by **ARTICLE XVI—SITE PLAN REVIEW** of this Ordinance (Site Plan Review) and Section 66 of the Condominium Act, and shall include the following information.
 - 1.) A survey of the condominium subdivision site.
 - 2.) A plan prepared by a licensed civil engineer or surveyor delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.
 - 3.) The location, size, shape, area and width of all condominium units, and the location of all proposed streets.
 - 4.) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
 - 5.) A utility plan showing all sanitary sewers, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
 - 6.) A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
 - 7.) Storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
- C.) District Requirements. The development of all condominium subdivisions shall observe the applicable lot/building site, area yard setback and minimum floor area requirements for structures within the zoning district where the project is located. Unless authorized through certain planned unit development procedures contained in this ordinance, the density or intensity of the development project shall be no greater and building spacing no less than would be permitted if the land were subdivided into individual lots created by platting.
- D.) Streets. All streets in a condominium subdivision (public or private) shall conform to Lapeer County Road Commission standards for subdivision streets. Public streets may be required where necessary to provide continuity to the public road system.
- E.) Utility Easements. The condominium subdivision plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and storm-water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- F.) Engineering Reviews. Copies of an “as built” survey shall be provided to the Township demonstrating compliance with applicable Township Ordinance and any conditions of approval.

Section 12.17: HOME OCCUPATIONS

- 1 A.) For purposes of this section, a home occupation is a gainful occupation carried out in the home or
2 on a residential premise, as a use that is incidental to the use of the home and premises as a
3 place of residence. A home occupation may be conducted entirely within a residential dwelling
4 and/or within a garage or other building accessory to the dwelling. A home occupation may
5 however only be permitted to involve an attached garage, detached garage or other detached
6 accessory building as a special approval use (refer to **ARTICLE XVII—USES PERMITTED**
7 **AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION**).
- 8 B.) A home occupation may be permitted in the A or R districts in association with any dwelling in
9 accordance with this Section.
- 10 C.) Type 1 Permitted Home Occupations. Type 1 home occupations are those confined to within the
11 principle dwelling unit and where the maximum floor area devoted to the occupation is limited to
12 500 square feet or 25 percent of the gross floor area of the dwelling unit. Type 1 Home
13 Occupations shall be permitted as a matter of right, subject to the minimum conditions of
14 subsection D., below.
- 15 D.) Minimum Conditions for Permitted Home Occupations. The following minimum conditions shall
16 apply to all permitted home occupations:
- 17 1.) Home occupations involving the use of a detached accessory building or outdoor storage
18 may only be permitted as a special use under the provisions of subsection E.) contained
19 herein.
 - 20 2.) The home occupation shall be carried out only by the residents of the building and not more
21 than one other person.
 - 22 3.) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and
23 premises for residential purposes and the appearance of the structures shall not be altered.
24 The occupation must not be conducted in a manner that will cause the premise to take on a
25 nonresidential character either by the use of colors, materials, or construction, the generation
26 of traffic or waste or by the emission of sounds, vibrations, light, particulates or odors.
 - 27 4.) One double-sided sign, not exceeding thirty-two square feet per side, may be used to identify
28 home occupations therein.
 - 29 5.) The selling of goods, merchandise, supplies or products, produced on site shall be done on
30 an occasional basis only. Sales of goods produced offsite is prohibited except that orders for
31 goods placed by telephone, internet or at a sales event off the premises may be filled on the
32 premises.
 - 33 6.) No storage or display shall be outside the dwelling or other buildings located on the premises.
 - 34 7.) If used, combustible, toxic or hazardous material must be used and stored in a safe manner
35 and in full compliance with all federal, state and other governmental requirements concerning
36 the use, handling, transport, storage and disposal of any such materials.
 - 37 8.) There shall be not be any activity that would interfere with radio or television transmission in
38 the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors,
39 heat or glare noticeable at or beyond the property line.
 - 40 9.) Because of home occupation, there shall not be any appreciably greater motor vehicle or
41 pedestrian traffic than would be normal for residential use in the zoning district in which the
42 use is located.
 - 43 10.) There shall be adequate off-street parking spaces. On street parking, or parking within the
44 street right of way is prohibited.
 - 45 11.) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental
46 basis.
- 47 E.) Type 2 Home Occupations Approved as Special Approval Uses. The following home occupations
48 may be permitted in the A and R districts if approved by the Planning Commission as a special
49 approval use under **ARTICLE XVII—USES PERMITTED AFTER SPECIAL APPROVAL OF THE**
50 **PLANNING COMMISSION** of this Ordinance:
- 51 1.) Any home occupation involving the use of an attached or detached accessory building and or
52 one that would exceed the 500 square foot floor area limitations for Type 1 home
53 occupations.
54 In considering any Type 2 home occupation for approval as a special use, the Planning
55 Commission shall consider and make findings based upon the following standards:
 - 56 a.) Whether the home occupation will be incidental and secondary to the use of the premises
57 as a dwelling.
 - 58 b.) Whether the nature of the home occupation will be substantially in keeping with the
59 residential or other permitted use of the property such as farming.

- c.) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section.
- d.) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- e.) All of the standards of subsection D—above—not withstanding those limits on the use of attached and detached accessory buildings and floor area.

In granting any such special approval use, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:

- a.) The use as located in a dwelling and/or an accessory building.
- b.) The floor area of the use.
- c.) The area, height, bulk, and location of any accessory building.
- d.) The storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building and the screening thereof.
- e.) The storage or use of combustible toxic or hazardous materials on the premises.
- f.) Machinery or electrical activity that will interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- g.) Motor vehicle and/or pedestrian traffic and its circulation on and off site.
- h.) The amount of off-street parking provided, and the location and surfacing and drainage thereof.

Section 12.18: SOLID WASTE RECEPTACLE AREAS

Except as customary for single-family homes use, any outdoor solid waste receptacle shall comply with the following:

- A.) No dumpster shall be placed in front of a building.
- B.) For all commercial, industrial, institutional, governmental and multiple family residential developments, receptacles shall be located a minimum of fifty (50) feet from any residential building, but not to exceed five hundred (500) feet from any building they are intended to serve.
- C.) No receptacle may be placed closer than twenty (20) feet to any single-family residential lot line.
- D.) All receptacles shall be placed on an asphalt or concrete pad.

Section 12.19: TOWERS/COMMUNICATION FACILITIES EXCEEDING 35 FT. IN HEIGHT

A.) **PURPOSE:** It is the general purpose and intent of the Township to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner, which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:

- 1) Facilitate adequate and efficient provision of sites for towers and antennas.
- 2) Ensure that towers and antennas are situated in appropriate locations and relationships to other land uses, structures and buildings.
- 3) Limit overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- 4) Require adequate information about plans for towers and antennas in order to permit the Township to effectively plan for the location of such facilities.
- 5) Minimize adverse impacts of the technological obsolescence of such facilities.
- 6) Minimize the negative visual impact of towers and antennas on neighborhoods, community landmarks, natural beauty areas and public rights-of-way, by reducing the numbers of towers through co-location where feasible.

B.) **DEFINITIONS.**

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

Co-Location. The use of a single support structure, building and/or site by more than one wireless communication provider.

1 Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or
2 more antennas for telephone, radio and similar communication purposes, including self-supporting
3 lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission
4 towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower
5 structures and the like. Tower includes the structure thereof and any support thereto.

6 Height, Tower. The distance measured from the finished grade of the parcel of land to the highest
7 point on the tower or other structure, including the base pad and any antenna.

8 C.) PROCEDURES AND APPLICATION REQUIREMENTS. Antennas and towers exceeding a height of
9 thirty-five (35) feet shall be permitted only if approved as a special land use by the Planning
10 Commission under the terms of this Section and **ARTICLE XVII—USES PERMITTED AFTER**
11 **SPECIAL APPROVAL OF THE PLANNING COMMISSION.**

12 1.) The application for special land use for such antenna or tower shall include the following
13 information, in addition to what is otherwise required by the terms of this Article:

- 14 a) A detailed site development plan prepared to the specifications of ARTICLE XVI—SITE
15 PLAN REVIEW depicting the nature, type, appearance and location of the antenna and
16 tower, any buildings or other structures and all other external features of the special land
17 use, including driveways, fencing, isolation distances, screening and landscaping and other
18 matters.
19 b). Graphic depictions of the anticipated visual appearance of the tower from important
20 vantage points in the surrounding area.
21 c) Justification for the proposed height of the antenna and tower and an evaluation of
22 alternative designs, which might result in lower heights.
23 d) A maintenance plan and applicable maintenance agreements, prepared to ensure long-
24 term, continuous maintenance of the antenna and tower and any supporting structures.
25 e) A list of all properties investigated for placement of the proposed tower and antenna and
26 the rationale and other background material for selecting the proposed location. The
27 applicant shall provide copies of correspondence to and from owners of properties who
28 have been contacted by the applicant and who have refused to allow their property to be
29 utilized, purchased or leased by the applicant.
30 f) A map showing existing and known proposed telecommunications facilities or other
31 structures within and surrounding the Township which could possibly be used by the
32 applicant to co-locate the proposed antenna.
33 g) A list of other tower owners in the vicinity who have been contacted by the applicant
34 regarding co-location of the proposed communications facilities as well as any
35 correspondence to and from the other providers.

36 D.) CO-LOCATION. It is the policy of the Township that all wireless communication providers co-locate
37 on existing towers or structures capable of accommodating antennas to minimize the overall number
38 of newly established towers within the Township and to encourage the use of existing towers and
39 structures for new antennas. Thus, if a party who owns or otherwise controls a tower as defined
40 herein, shall fail or refuse to allow the alteration of a tower so as to accommodate a proposed and
41 otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a non-
42 conforming structure and use, and shall not be altered, expanded or extended in any respect unless
43 it is to provide for co-location by another provider.

44 E.) APPROVAL OF CO-LOCATED ANTENNA AS A PERMITTED ACCESSORY USE. An application for
45 co-location on an existing tower shall require only site plan review in order to obtain approval. The
46 site plan shall be reviewed in accordance with the requirements of **ARTICLE XVI—SITE PLAN**
47 **REVIEW** of this Ordinance. The Planning Commission shall also review the application in
48 accordance with the applicable requirements and standards of this Section.

49 F.) REQUIREMENTS AND STANDARDS. An antenna or tower approved as a special approval land
50 use shall comply with all of the following requirements:

- 51 1.) The general standards for approval of all special approval land use permit applications
52 contained in this ordinance.
53 2.) Preferred locations Prior to authorization of a communications facility in any general location
54 within an agricultural or residential district it must be demonstrated by an applicant that a
55 communication antenna cannot be co-located and may not reasonably be established on a site
56 located in a commercial or industrial district or on one of the following preferred types of
57 locations:
58 a.) Municipal buildings and sites

- 1 b.) Church or other institutional site.
- 2 c.) State, county or other governmentally owned site.
- 3 d.) Public or private school sites.
- 4 3.) No new tower shall be permitted unless the applicant demonstrates to the reasonable
5 satisfaction of the Planning Commission that no existing tower, structures or alternative
6 technology that does not require the use of towers or structures can accommodate the
7 applicant's proposed antenna. An applicant shall submit information requested by the Planning
8 Commission related to the availability of suitable existing towers, other structures or alternative
9 technology. Evidence submitted to demonstrate that no existing tower, structure or alternative
10 technology can accommodate the applicant's proposed antenna may consist of any of the
11 following:
 - 12 a) No existing towers or structures are located within the geographic area, which meets the
13 needs of the applicant.
 - 14 b) Existing towers or structures are not of sufficient height to meet the applicant's needs.
 - 15 c) Existing towers or structures do not have sufficient structural strength to support applicant's
16 proposed antenna and related equipment.
 - 17 d) The proposed antenna would cause electromagnetic interference with the antenna on the
18 existing towers or structures, or the antenna on the existing towers or structures would
19 cause interference with the proposed antenna.
 - 20 e) The fees, costs, or contractual provisions required by the owner in order to share an
21 existing tower or structure or to adapt an existing tower or structure for sharing are
22 unreasonable. Costs exceeding new tower development are presumed to be
23 unreasonable.
 - 24 f) The applicant demonstrates that there are other material limiting factors that render
25 existing towers and structures unsuitable.
 - 26 g) The applicant demonstrates that an alternative technology that does not require the use of
27 towers or structures is unsuitable.
- 28 4.) In addition to the standards for approval of all special land use permit applications contained in
29 Article XV, the Planning Commission shall consider the following factors in determining whether
30 to issue a special use permit for a communications antenna or tower;
 - 31 a) Height of the proposed tower;
 - 32 b) Proximity of the tower to residential structures and residential district boundaries;
 - 33 c) Nature of uses on adjacent and nearby properties;
 - 34 d) Surrounding topography;
 - 35 e) Surrounding tree coverage and foliage;
 - 36 f) Design of the tower, with particular reference to design characteristics that have the effect
37 of reducing or eliminating visual obtrusiveness;
 - 38 g) Proposed ingress and egress; and
 - 39 h) Availability of suitable existing towers, or other structures for co-location, or alternative
40 technologies not requiring the use of towers or structures, as discussed in subsection C.,
41 below.
- 42 5.) Site Location. Towers shall not be closer to a property line than its height, unless a lesser
43 setback is permitted by the Planning Commission based on documentation from the applicant
44 that a closer setback will not create a hazard to adjoining properties or roadways. Where it is
45 determined by the Planning Commission that the minimum lot size, lot width, lot frontage, lot
46 access or other general or district dimensional requirement is not reasonably necessary to
47 support the facility and that strict adherence to those standards is not warranted for the
48 protection of health safety and welfare, the Planning Commission may waive or modify one or
49 more of such requirements. Any antenna or tower shall be located only in a rear yard or side
50 yard, unless otherwise permitted by the Planning Commission.
- 51 6.) The maximum height of the antenna and tower shall be the minimum height necessary for
52 reasonable communications by the applicant, and by other entities, which may co-locate on the
53 structure.
- 54 7.) There shall be unobstructed access to the support structure, for operation, maintenance, repair
55 and inspection purposes.
- 56 8.) The support system shall be constructed in accordance with all applicable building codes.
- 57 9.) A proposed tower for commercial telecommunications services shall be required to be
58 designed, constructed and placed to accommodate both the applicant's equipment and

1 comparable equipment for at least three or more additional users. The Planning Commission
2 may permit a tower design, which would allow fewer than three other users if the Commission
3 finds that three additional users would not be consistent with the intent and purposes of this
4 section.

5 10.) The Planning Commission may require that such towers be designed and constructed to allow
6 for the future rearrangement of equipment upon the tower, and to accept equipment mounted at
7 varying heights on the tower.

8 11.) The Planning Commission may require that telecommunications towers, or other related
9 structures or buildings, be screened with landscaping, berms, walls or a combination of any of
10 them. The Commission may require plantings to be placed on properties adjacent to the tower
11 site in order to provide a more effective visual screen.

12 12.) A condition of every approval of a tower and associated facilities shall be the posting of
13 adequate performance surety for removal of all or part of the facility by the users and owners
14 when the facility has not been used for 180 days or more. For purposes of this section, the
15 removal of antennas or other equipment from the facility, or the cessation of operations
16 (transmission and/or reception of radio signals) shall be considered as the beginning of a
17 period of non-use.

18 Facilities that are abandoned or unused shall be removed by the owner or operator along with
19 any associated buildings, structures or equipment within 180 days of a written notice from the
20 Township that such is required, unless a time extension is granted by the Zoning Administrator.
21 One time extension, of up to six months, shall be permitted if the Zoning Administrator
22 determines that the owner or former operator of the facility is taking active steps to insure its
23 removal.

24 If the required removal of a facility or a portion thereof has not been lawfully completed by the
25 applicable deadline, and after at least thirty (30) days written notice that the Township intends
26 proceed to with removal, the Township may remove or secure the removal of the facility or
27 required portions thereof. The actual cost and reasonable administrative charge for the
28 removal may be drawn, collected and/or enforced from or under security posted at the time of
29 the approval establishing the facility.

30 13.) High Intensity Strobe lighting shall not be permitted unless required by federal or state
31 agencies.

32 14.) Ancillary buildings housing equipment needed for the operation of the antenna or tower, or any
33 other appurtenance, shall be of a size, type, color and exterior materials, which are aesthetically
34 compatible with existing principal buildings within the surrounding area.

35 15.) Where a tower or antenna is proposed for the roof a building or for the top of another existing
36 structure, the tower shall be designed, constructed and maintained to be reasonably
37 architecturally compatible with the principal building or structure.

38 16.) The requirements of the Federal Aviation Administration, the Federal Communications
39 Commission and the Michigan Aeronautics Commission shall be complied with fully.

40 17.) The Planning Commission may impose additional terms and conditions regulating the
41 construction, installation, use, repair, maintenance and removal of an antenna or tower in order
42 to achieve the intent and purposes of this section.

43 G.) **REVOCAION OF PERMIT.** Failure to comply with conditions of approval stipulated for a tower or
44 antenna under this section may result in the revocation of the Special Approval Use Permit. In
45 considering whether to revoke a Special Approval Use Permit, a hearing shall be held by the
46 Planning Commission in accordance with the procedures of **ARTICLE XVII—USES PERMITTED**
47 **AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION.**

48
49 **Section 12.20: SOLAR ENERGY**

50
51 A. Exempt Solar Energy. Solar Energy panels located on the premises of a farm, home, or business
52 and which do not primarily involve the sale of electricity off the premises shall be exempt from the
53 requirements of Subsection "B". Such units shall be allowed as a permitted accessory use in all
54 zoning districts, providing the electricity is primarily used on site for a farm, home, or business
55 and these exempt solar energy panels shall comply with all other restrictions and regulations for
56 structures in the relevant district where they are located.

57 B. Solar Energy Facilities.
58

- 1 1. ADDITIONAL SPECIAL LAND USE REQUIREMENTS. Solar Energy Facilities shall only be
2 allowed as a special land use in the AR (Agricultural-Residential), C (Commercial) and I
3 (Industrial) Districts, pursuant to Article XVII as to Special Land Use approvals and the following
4 requirements:
- 5 (a) Applicant Identification. Applicant name and address in full, a statement that the applicant is the
6 owner involved or is acting on the owner's behalf, the address of the property involved in the
7 application (substitution may include a legal description or parcel identifications number(s)), and
8 any additional contact information. Each application for a Solar Energy Facility shall also be dated
9 to indicate the date the application is submitted to Goodland Township;
 - 10 (b) Project Description. A general description of the proposed project including a legal description of
11 the property or properties on which the project would be located and an anticipated construction
12 schedule;
 - 13 (c) Procedure. The Planning Commission review of a Special Land Use Permit application for a solar
14 energy facility is a two-step process. The first step is the public hearing and decision by the
15 Planning Commission, per the procedures for review in Article XVII. The second step, which may
16 occur at a separate meeting for a solar energy system, is the site plan review process by the
17 Planning Commission as described in Article 16. A decision on the Special Land Use Permit
18 application by the Planning Commission is inclusive of all proposed solar energy facilities,
19 underground electrical lines, sub- station(s), junction boxes, laydown yard(s), concrete batch
20 plant(s), and any operations/maintenance building(s);
 - 21 (d) Certification. Certifications that applicant has complied or will comply with all applicable county,
22 state, and federal laws, regulations, and ordinances.
 - 23 (e) Manufacturers' Material Safety Data Sheet(s). Documentation shall include the type and quantity
24 of all materials used in the operation of all equipment including;
 - 25 (f) Decommissioning. Copy of the decommissioning plans and a description of how any surety bond
26 is applied to the decommissioning process;
 - 27 (g) Complaint Resolution. Description of the complaint resolution process;
 - 28 (h) An applicant shall remit an application fee and an escrow deposit, in the amount established from
29 time to time by the Township Board. If professional review of plans is required, those costs shall
30 be borne by the applicant.
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- 40 2. ADDITIONAL SITE PLAN REQUIREMENTS. The applicant shall submit a site plan in full
41 compliance with Article XVI of this Ordinance for each Solar Energy Facility and other solar
42 energy equipment. Additional requirements for a Solar Energy site plan are as follows:
- 43 (a) the project area boundaries,
 - 44 (b) the location, height, and dimensions of all existing and proposed structures and fencing,
 - 45 (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads
46 from the nearest county or state maintained road,
 - 47 (d) existing topography,
 - 48 (e) water bodies, waterways, wetlands, drainage channels, and drain easements,
 - 49 (f) all new infrastructure, both above and below ground, related to the project, and
 - 50 (g) site plan must be prepared, signed, and sealed by a qualified State of Michigan licensed
51 engineer.
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- 1 3. STANDARDS AND REQUIREMENTS. Solar Energy Facilities shall meet the following standards
2 and requirements:
3 (a) Location of Solar Energy Facilities.
4
5 i. All solar energy facilities must comply with the requirements established in the Goodland
6 Township Zoning Ordinance.
7
8 ii. All fences and improved areas located on the site shall comply with the applicable setback for the
9 district in which it is located. Furthermore, any structures or other improved areas located within
10 the fence shall be at located least 130 feet from property line.
11
12 iii. All solar energy facilities shall have a minimum landscape buffer of 30 feet. A glare study to
13 determine planting area is to be provided, followed up with an arborist recommendation. The
14 buffer shall contain evergreen trees or bushes planted no more than 20 feet apart and at least 8
15 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons.
16 The trees or bushes may be trimmed but no lower than a height of 10 feet.
17
18 (b) Site Security. Solar energy facilities shall be surrounded by an eight (8) foot tall chain link fence.
19 The fence shall be designed to restrict unauthorized access.
20
21 (c) The manufacturer's or installer's identification and appropriate warning sign shall be posted on or
22 near the panels in a clearly visible manner; furthermore, an information sign shall be posted and
23 maintained at the entrance(s), which shall, at minimum, list the name and phone number of the
24 operator.
25
26 (d) All electrical connection systems and lines from the Solar Energy Facility to the electrical grid
27 connection shall be located and maintained at a minimum of six (6) feet underground (both on the
28 property where the Solar Energy Facility will be located and off-site).
29
30 (e) An affidavit or evidence of an agreement between the lot owner and the facility's owner or
31 operator confirming the owner or operator has permission of the property owner to apply for the
32 necessary permits for construction and operation of the solar energy facility.
33

34
35 5. DECOMMISSIONING.

36
37 Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the
38 landowner addressing the following shall be submitted prior to the issuance of the zoning permit,
39 which shall include:
40

- 41 i. the anticipated life of the project;
42
43 ii. the estimated decommissioning costs net of salvage value in current dollars;
44
45 iii. the method of ensuring that funds will be available for decommissioning and restoration, to
46 include but not limited to:
47
48 • Complete removal Complete removal of all non-utility owned equipment, conduit, structures,
49 fencing, roads, solar panels and foundations, and
50
51 • Complete restoration of property to condition prior to development of the Solar Energy Facility;
52
53 iv. the anticipated manner in which the project will be decommissioned and the site restored;
54
55 v. A provision to give notice to the Township one year in advance of decommissioning. A surety
56 bond to assure payment of the cost of decommissioning shall be required. To ensure proper
57 removal of the structure when it ceases to be used for a period of one (1) year or more, any
58 application for a new solar energy facility shall include a description of the financial security
59 guaranteeing removal of the solar energy facility which will be posted at the time of receiving a

1 building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of
2 credit; or 3) performance bond in a form approved by the Township. The amount of such
3 guarantee shall be no less than the estimated cost of removal and may include a provision for
4 inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer
5 and shall be approved by the Township. Every five (5) years, the PC shall review and, if
6 necessary, update the Decommissioning Bond. The applicant shall be responsible for the
7 payment of any costs or attorney fees incurred by the Township in securing removal; and
8

9 vi. The timeframe for completion of decommissioning activities.

10
11
12 6. COMPLAINT RESOLUTION.

13
14 a. The Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process
15 developed by the Solar Energy Facility Applicant to resolve complaints from the Township Board
16 or the Property owners or residents concerning the construction or operation of the Solar Energy
17 Facility. The complaint resolution process must be approved by the Planning Commission as a
18 condition of approval of the special land use permit application.

19
20 b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee
21 and participate in all complaint resolution discussions or meetings between the Township
22 property owner or resident and the Solar Energy Facility Applicant.

23
24 c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board,
25 one (1) member of the Township Planning Commission, and one (1) elector chosen from the
26 community.

27
28 d. The Solar Energy Facility Applicant shall provide not less than forty-eight (48) hour notice to the
29 Complaint Resolution Committee and shall provide the opportunity for the Committee to attend
30 any and all complaint resolution discussions and meetings.

31
32 e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining
33 the issues, the progress, and the resolution of each such complaint. Such report shall be
34 presented monthly by the Complaint Resolution Committee.

35
36
37 Section 1.7 Article XII (General Provisions) of the Goodland Township Zoning Ordinance is hereby
38 amended to add the following Section 12.21 (On-Site Wind Energy Systems and Anemometer
39 Towers):
40

41 **Section 12.21: ON-SITE WIND ENERGY and ANEMOMETER TOWERS.**

42
43
44 **A. ON-SITE WIND ENERGY SYSTEMS and ANEMOMETER TOWERS.**

45 An on-site Wind Energy System shall not be subject to review and approval of the Planning Commission
46 as specified in the requirements of Section 1600, Review and Approval of Site Plans and Section 1601.

47 1. **On-Site Energy Systems:** On-site energy systems are designed primarily to serve the
48 needs of a home, farm, or small business.

49 2. **Tower Height:** The maximum tower height shall be governed by setback requirements
50 as noted below, but in no case shall a tower exceed 120 feet above grade which is
51 measures from grade to the tip of the blade in its vertical position.

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53 3. **Towers:** Wind Energy System Towers may include mono-pole, lattice and guy tower
54 designs.
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4. **Location Requirements:** Freestanding On-Site Energy Systems shall be expressly prohibited from locating in a front or side yard and are permitted only in a rear yard. Roof top and/or structure installations may be allowed providing the applicant can demonstrate that such an installation meets building code requirements for wind loads and weight. Furthermore, the integrity of the structure for such an installation needs to be verified by having documentation from a licensed architect or engineer as to the suitability for a roof and/or structure installation.
5. **Property Setback:** The Distance between freestanding On-Site Wind Energy System and the owner's property lines and the owner's residential dwelling shall be equal to one (1) times its height with its height being the distance measures from grade to the tip of the rotor blade in its vertical position.
6. **Sound Pressure Level:** On-Site Wind Energy Systems shall not exceed 45dB(A) LEQ within 100ft of a nearest wall of an inhabited structure. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms.
7. **Construction Codes and Others Regulations:** On-Site Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. On-site wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
8. **Safety:** An On-Site Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Mono-pole tower on-site wind energy systems shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. Lattice type towers, including guy towers, shall have the base of the tower enclosed by a six (6) foot high security fence. Guy wires for guy towers shall be well marked and provided with protective devices on the guy wires to a height of eight (8) feet above the ground.
9. **System Maintenance:** The applicant shall maintain the on-site energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
10. **Permit Process and Requirements:** Upon gaining Site Plan Approval pursuant to Section 1600 of this Ordinance, the owners shall obtain the applicable zoning, building and electrical permits which shall be required prior to the installation of an on-site energy system. The building permit application shall be accompanied by deliverables including the following:
 - A. An approved site plan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
 - B. Wind energy systems specifications, including manufacture and model, rotor diameter, tower type, height and manufacturer.

- 1 C. Tower foundation blueprints or drawings prepared and signed by a professional
2 engineer licensed to practice in the State of Michigan or by the manufacturer's
3 foundation specifications for the tower being proposed for installation.
4

5 **B. UTILITY GRID WIND ENERGY SYSTEM AND ANEMOMETER TOWERS:**
6

7 A Utility Grid Wind Energy System shall be subject to the review and approval of the Planning
8 Commission as specified in the requirements of Section 1600, Review and Approval of Site Plans and
9 Section 1601. In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereafter
10 required and to any and all reasonable conditions which may be imposed in accordance with Section 504
11 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended:
12

- 13 1. **Utility Grid Energy Systems:** Utility Grid Energy Systems are designed primarily to
14 provide power to wholesale or retail customers using the electric utility transmission and
15 distribution grid to transport and deliver the wind generated electricity.
16
17 2. **Tower Height:** The maximum tower shall not exceed 500 feet above grade which is
18 measures from grade to the tip of a blade vertical position.
19
20 3. **Towers:** Wind Energy System Towers shall be limited to a mono-pole design.
21
22 4. **Location Requirements:** Utility Grid Energy Systems shall be located on parcels of land
23 (owned or leased) that at a minimum, meets the required setbacks for all towers on the
24 site, which also includes any other structures located on the site, i.e. Operations and/or
25 maintenance buildings, substations, etc. Said locations shall be limited to areas zoned
26 Agricultural District.
27
28 5. **Property Setback:** Setbacks from Inhabited Structures: Each wind turbine, as measures
29 from the centerline of its tower base shall be set back from the nearest wall of an
30 inhabited structure by a distance of no less than 1,020 feet.
31

32 A. Setbacks from Property Lines:
33

- 34 a. **Non-Participating Parcel:** The distance between a wind turbine from the
35 property lines of adjacent non-participating properties shall be at least
36 one hundred fifty (150%) percent its total structure height, measured with
37 the windmill blade at its highest point.
38
39 b. A signed waiver must be signed to waive setback to property line by
40 Non-Participating Parcel owner.
41
42 I. **Participating Parcel:** A setback for a wind turbine from the property lines of
43 adjacent participating property is not required.
44

- 45 B. **Public roads:** Each wind turbine shall be set back from the nearest public road a
46 distance no less than one hundred fifty (150%) percent of the total height of the
47 structure (measures with the windmill blade at its highest point) determined at the
48 nearest centerline for such public road.
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- C. **Other Setbacks:** An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.

- D. **Sound Pressure Level:** Utility Grid Energy Systems shall not exceed 45dB(A) LEQ within 100ft of an inhabited structure or at the property line or leased boundary line closest to the wind energy system. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day.

- E. **Construction Codes and Other Regulations:** Utility Grid Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. Utility grid wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Utility Grid Wind Energy System shall comply with applicable utility, Michigan Public Service, and Federal Energy Regulatory Commission interconnection standards.

- F. **Safety:** A Utility Grid Wind Energy System shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Utility grid wind energy systems (towers) shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. A Utility Grid Wind Energy System site shall be designed to prevent unauthorized access to electrical and mechanical components. All buildings on the site are to be kept secured and locked at all times when service personnel are not present. Collection lines must be buried by jack boring, 6(six) feet below bottom of ditch line, installed in a steel encasement with concrete flow fill at all crossroads and/or any road right away. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. A sign(s) shall be posted near the tower(s) or operations and/or maintenance building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about potential danger from electrical equipment and falling ice.

- G. **System Maintenance:** The applicant shall maintain the Utility Grid Wind Energy System in good condition. Maintenance shall include, but not be limited to, painting, structure repairs, and security.

- H. **Abandonment/Removal Requirements:** Any Utility Grid Wind Energy System which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to operate for a period of one (1) year.
 - a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site at least four (4) feet below ground level. Land owner may provide in writing a waiver to not decommission access roads or collection lines.

- b. Disposal of solid and hazardous waste in accordance with local and state waste disposal regulations.
- c. Stabilization or re-vegetation of the site necessary to minimize erosion.

I. **Permit Process and Requirements:** Upon gaining Site Plan Approval (pursuant to Section 1601 of this Ordinance) and Special Use Approval (pursuant to Section 4.03 of this Ordinance) the owner/operator shall obtain the applicable zoning, building and electrical permits which shall be required for the installation of a utility grid energy system. The building permit application shall be accompanied by deliverables including the following:

- a. An approved site plan prepared and signed by a professional engineer licensed to practice in the State of Michigan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
- b. Wind energy systems specifications, including manufacturer and model, rotor diameter, tower type, height and manufacturer.
- c. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- d. Sound Pressure Level: Copy of the modeling and analysis report.
- e. Shadow Flicker: A copy of the Shadow Flicker Analysis. The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours maximum per year shadow flicker generated by the modeling software used in the report. A residence will have no more than 30 hours in a year from a shadow flicker study. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

J. **Decommissioning:** The applicant shall submit a plan describing the intended disposition of the Wind Energy System at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site, restoration, etc. The bond shall be in favor of Goodland Township

1 provided that any such instrument shall be in an amount of the full cost of
2 decommissioning, not including salvage and shall contain a replenishment
3 obligation.

4 **ARTICLE XIII—NON-CONFORMING LOTS, USES, AND STRUCTURES**

5 Section 13.01: CONTINUED USE PERMITTED

6
7 Within the districts established by this Ordinance, there exist lots, structures, and uses of land and
8 structures, which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to
9 permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance
10 that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for
11 adding other structures or uses prohibited elsewhere in the same district.

12 Section 13.02: NON-CONFORMING LOTS OF RECORD

13
14 In any district in which single-family dwellings are permitted, a single family dwelling and customary
15 accessory buildings may be erected on any single lot or parcel of record at the effective date of adoption
16 or amendment of this Ordinance, or on a lot or parcel of land that would have been recorded on the date
17 of its execution, provided the width and/or depth is not less than sixty-six and two-thirds (66 2/3%)
18 percent of that required by this Ordinance. The purpose of this provision is to permit utilization of
19 recorded lots that lack adequate width and/or depth, as long as reasonable living standards can be
20 provided.

21 Section 13.03: NON-CONFORMING STRUCTURES

22
23 Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built
24 under the terms of this Ordinance, such structure may be continued so long as it remains otherwise
25 lawful, subject to the following provisions:

- 26 A.) No such non-conforming structure may be enlarged or altered in a way, which increases its non-
27 conformity.
28 B.) Should such non-conforming structure be destroyed by any means to the extent of more than one
29 hundred fifty (150) percent of its state equalized value, it shall not be reconstructed except in
30 conformity with the provisions of this Ordinance.
31 C.) Should such structure be moved for any reason whatever, it shall thereafter conform to the
32 regulations for the district in which it is located after it is moved.

33 Section 13.04: NON-CONFORMING USES OF LAND OR STRUCTURES

34
35 Where at the time of passage of this Ordinance lawful use of land or structures exists which would not
36 be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it
37 remains otherwise lawful, provided:

- 38 A.) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater
39 area of land or additional structures than that occupied at the effective date of adoption or
40 amendment of this Ordinance.
41 B.) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel
42 other than that occupied by such use at the effective date of adoption or amendment of this
43 Ordinance.
44 C.) If any such non-conforming use ceases for any reason for a period of more than six (6) months
45 any subsequent use shall conform to the regulations specified by this Ordinance.
46 D.) No additional structure not conforming to the requirements of this Ordinance shall be erected in
47 connection with such non-conforming use of land.
48 E.) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is
49 located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered
50 except in changing the use of the structure to a use permitted in the district in which it is located.
51 F.) Any non-conforming use may be extended throughout any parts of a building, which were
52 manifestly arranged or designed for such use at the time of adoption or amendment of this
53 Ordinance, but no such use shall be extended to occupy any land outside such building.
54

1 **ARTICLE XIV—OFF-STREET PARKING AND LOADING REQUIREMENTS**

2 Section 14.01: PARKING REQUIREMENTS

3
4 In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor
5 vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended
6 after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be
7 maintained and shall not be encroached upon so long as said main building or structure remains, unless
8 an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- 9 A.) Required Spaces. The minimum parking space requirements for all uses shall be those identified
10 in
11 B.) Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS. For uses not
12 specifically listed, the requirements for off-street parking shall be determined by the Zoning
13 Administrator who may establish the parking requirement by making the determination that the
14 proposed use is similar in parking requirements to a use which is in
15 C.) Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS. The Zoning
16 Administrator may also consult references such as the "Parking Generation Manual" published by
17 the Institute of Transportation Engineers as amended, and/or the zoning ordinances of other
18 municipalities. If such use is specifically indicated in such reference of references, the Zoning
19 Administrator may utilize any single requirement or an average of such requirements as the
20 required number of spaces for the use in question. If the proposed use is not similar to a use
21 listed in
22 D.) Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS and is not listed in
23 available references, then the Zoning Administrator shall refer the question to the Zoning Board of
24 Appeals to make a determination.
25 E.) Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities
26 required for one and two family dwelling shall be located on the same lot as the building they are
27 intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
28 F.) Location of Parking Space for Other Land Uses. The off-street parking facilities required for all
29 other uses shall be located on the lot or within five hundred (500) feet of the permitted uses
30 requiring such off-street parking, such distance to be measured along lines of public access to the
31 property between the nearest point of the parking facility to the building to be served.
32 G.) Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that
33 each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that
34 where specifications and plans filed with the Building Inspector specify a certain seating capacity
35 for a particular building, such specified seating capacity shall be used as the basis for required
36 parking space.
37 H.) Existing Off-street Parking at Effective Date of Ordinance. Off-street parking existing at the
38 effective date of this Ordinance, which serves an existing building or use, shall not be reduced in
39 size less than that required under the terms of this Ordinance.
40 I.) Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions
41 of off-street parking facilities for two or more buildings or uses, provided such facilities collectively
42 shall not be less than the sum of the requirements for the various individual uses computed
43 separately.
44 J.) General Use Condition. Except when land is used as storage space in connection with the
45 business of a repair or service garage, a twenty-four (24) hour time limit for parking in off-street
46 parking areas shall prevail, it being the purpose and intention of the foregoing that the
47 requirements of maintaining vehicle storage or parking space is to provide for the public safety in
48 keeping parked cars off the streets, but such requirement is not designed to provide storage or
49 parking on such open land of wrecked, junked or inoperable vehicles. The storage of
50 merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within the
51 required off-street parking.
52 K.) Mixed Uses. In the case of mixed uses in the same building or on the same premises, the total
53 requirements for off-street parking and loading shall be the sum of the requirements for each
54 individual use computed separately.
55 L.) Fractional Space. When units of measurement determining the number of required parking
56 spaces result in requirement of a fractional space, the fraction shall represent one (1) required
57 parking space.

- 1 M.) Right-of-Way Excluded. Public and private street right-of-ways shall not be used for meeting off-
 2 street parking requirements.
 3 N.) Required Spaces. Outdoor parking spaces that are required for vehicles related to a business
 4 (e.g. services or delivery vehicles or trucks) must be provided in addition to the parking spaces
 5 required in
 6 O.) Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS.
 7 P.) Increase or Change of Use. Additional parking shall be provided and maintained in proper ratio
 8 to any increase in floor area or building use capacity.
 9

10 Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS

11
 12 The amount of required off-street parking space for new uses of buildings, additions thereto, and
 13 additions to existing buildings as specified above shall be determined in accordance with the following
 14 table, and the space so required shall be stated in the application for a building permit and shall be
 15 irrevocably reserved for such.
 16

Unit of Use Follows:	Required # Spaces	Per Each Measure As
Auditoriums, Assembly Halls, Theaters, Churches, Private Clubs, Lodge Halls.	1	Two (2) seats based upon maximum seating capacity in the main place of assembly therein, plus one (1) space for every two (2) employees.
Automobile Service Stations	2	Each gasoline pump and lubrication stall.
Banks, Business or Professional Office, Libraries, Museums.	1	Two hundred (200) square feet of usable floor area.
Barber Shops and Beauty Parlors.	3	Each barber or beauty operator.
Drive-in Banks.	4	Each teller window.
Bowling Alleys, Golf Courses.	1	Each two (2) employees plus one (1) space for every five-hundred (500) square feet of usable floor area in the Club house, plus a minimum of five (5) parking spaces per hole on the golf course and five (5) parking spaces per bowling lane.
Furniture, appliances, and household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, clothing and shoe repair, hardware stores, wholesale stores and machinery sales.	2	Six hundred (600) square feet usable floor area, plus one (1) space for each two (2) employees.
Hotels, Tourist Homes, Motels.	1	Each guest bedroom and each two (2) employees.
Hospitals, Convalescent Homes.	1	Every two (2) beds, plus one (1) for every two (2) employees.

Unit of Use Follows:	Required # Spaces	Per Each Measure As
Clinics and similar establishments	1	For every one hundred (100) square feet, plus one (1) space for every two (2) employees.
Industrial Establishments.	1.5	Spaces per 1,000 square feet of gross floor area or one space per employee, based on the maximum number of employees to be on the premises at one time, whichever is greater. Please refer to <u>Section 14.05: _____ DEFERRED PARKING SPACE – OFFICE AND INDUSTRIAL USES</u> as an option to providing the full amount of improved square footage based parking areas.
Dry Cleaning Outlet and Laundromats.	1	For every one hundred (100) square feet.
Residential Single, Two-Family, or Multiple dwelling or Mobile Home.	1	Each dwelling unit.
Restaurant or establishments in which is conducted the sale and consumption on the premises of beverages, food, or refreshments.	1	Fifty (50) square feet of usable dining area, plus one (1) space for each two (2) employees. Minimum of forty (40) spaces for drive-in restaurants.
Retail establishments and businesses, except as otherwise specified herein.	1	One hundred (100) square feet of usable floor space.
Schools.	1	Two (2) teachers, employees, or administrators in addition to the requirements of the auditorium or assembly hall therein.
Warehouse and Storage buildings.	1	Each employee, one (1) space for every seventeen hundred (1700) square feet of floor space, whichever is greater.

1
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Section 14.03: PARKING REQUIREMENTS FOR OFF-STREET LOADING

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, and unloading services in order to avoid undue interference with public use of the streets, roads, alleys or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet wide by seventy-five (75) feet long, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square feet of Gross Floor.
0 to 20,000	One (1) space.
20,001 to 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet.
100,001 to 500,000	Five spaces plus one (1) space for each 40,000 square feet.
Over 500,001	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet.

Section 14.04: GENERAL REQUIREMENTS

A.) Dimensional Standards. The following minimum parking space and maneuvering lane standards shall apply:

MINIMUM PARKING SPACE AND AISLE STANDARDS						
Parking Pattern (Degrees)	One-way Aisle Width	Two-way Aisle Width	Parking Space Width (1)	Parking Space Length (2)	Total Width Of Two Tiers Plus Maneuvering Lane	
					One-way	Two-way
Parallel	12 feet	20 feet	9½ feet	25 feet	30 feet	36 feet
30 to 75	12 feet	24 feet	9½ feet	21 feet	48 feet	60 feet
76 to 90	15 feet	24 feet	9½ feet	20 feet	55 feet	64 feet

(1) Parking space width measured perpendicular to the space centerline.
 (2) Parking space length measured along the space centerline.

B.) Surface and Drainage Requirements. All parking areas in support of a multi-family, two family, commercial, industrial, church, institutional or governmental use shall be hard surfaced (paved with durable concrete or bituminous asphalt surface) and shall be graded and provided with adequate drainage. The requirement for paving may be waived in total or in part by the Planning Commission at the time of site plan approval. Such waiver may only be granted if it is

1 demonstrated that the use of the parking area will be characterized as low volume, infrequent and
2 intermittent. In granting such waivers, the Planning Commission shall stipulate an appropriate
3 substitute surface material. Regardless of any such waiver for the parking surface, that portion of
4 any driveway between the right of way and the edge of the roadway shall be hard surfaced if the
5 roadway is hard surfaced.

- 6 C.) Surface Striping. All parking spaces, aisles, and unloading zones that are required to be hard
7 surfaced shall be striped or marked, using a durable exterior paint. The striping or other required
8 demarcation shall be maintained in a condition such that easy interpretation of the markings by
9 intended users is possible. In those cases where it is determined by the Planning Commission or
10 Zoning Administrator that striping of spaces and the definitions of aisle space would not be
11 appropriate, 300 square feet of area shall be deemed a parking space for one (1) vehicle,
12 including access isle.
- 13 D.) Lighting Requirements. All parking lot or outdoor display lighting shall be designed, located,
14 and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit
15 adverse effects on motorist visibility on adjacent public roadways. The maximum height of
16 parking lot light fixtures shall be 15 feet for any fixture to be located within 300 feet of a
17 residential, district or use, and a maximum height of 30 feet for all other locations.
- 18 E.) Side and Rear Lot Line Buffer. To prevent vehicle overhang and encroachment on adjacent
19 property, no parking space shall be closer than five (5) feet from any side or rear property line
20 unless the parking lot is developed to the lot line and integrated with the parking layout and
21 arrangement on the adjoining lot and there exists a recorded joint parking use and cross access
22 agreement between the owners of the adjacent properties. Such buffers shall be appropriately
23 landscaped and maintained.
- 24 F.) Greenbelts. Off-street parking facilities as required under this Article shall be effectively screened
25 on any side or rear yard which adjoins or faces property in any R Residential District by a
26 decorative wall or wood fence or a landscaped equivalent, located within a greenbelt area that
27 shall be a minimum of 15 feet in width. Within the front yard of any use permitted in the C
28 Commercial or I Industrial Districts and any non-residential use permitted in a residential or
29 agricultural district off-street parking shall be setback a minimum of ten (10) feet from the street
30 right-of-way (refer to Section 12.10: LANDSCAPING AND GREENBELTS).

31
32 Section 14.05: DEFERRED PARKING SPACE – OFFICE AND INDUSTRIAL USES
33

34 To avoid unnecessary parking space construction while still ensuring site adequacy for potential
35 changes in the use of a building or premises, the Planning Commission may, at the time of site plan
36 approval, defer construction of the required number of parking spaces for industrial or office uses located
37 within the LI District. Deferred parking may be granted if the following conditions are satisfied:

- 38 A.) An application is filed with the site plan of the entire project showing the design and
39 layout of all required parking areas including areas proposed for deferred parking. The
40 design of the parking area, as indicated on the development plan shall include sufficient
41 space to provide for the total parking area as required by
- 42 B.) Section 14.02: TABLE OF OFF-STREET PARKING REQUIREMENTS.
- 43 C.) The area designated for deferred parking shall not include areas required for front, side
44 or rear yards, buffer yards or land otherwise unsuitable for parking due to environmental
45 or physical conditions.

46 The Planning Commission may impose reasonably necessary conditions to protect the public interest
47 and may require the posting of security to assure completion of related or future improvements required
48 as conditions of deferred parking plan approval. Subsequent to the implementation of a deferred parking
49 plan, the Planning Commission may, based on review of parking needs and a recommendation by the
50 Zoning Administrator, require the construction of additional parking spaces as otherwise required in this
51 Article.
52
53

1 **ARTICLE XV—ACCESS MANAGEMENT REGULATION**

2
3 Section 15.01: INTENT AND APPLICABILITY

4
5 The provisions of this Article are intended to promote safe and efficient travel along the major roadways
6 within Goodland Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe
7 access by emergency vehicles; protect the substantial public investment in the street system by
8 preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts
9 business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe
10 spacing standards between driveways, and between driveways and intersections; provide for shared
11 access between abutting properties; to implement the Township Master Plan recommendations; ensure
12 reasonable access to properties, though not always by the most direct access; and to coordinate access
13 decisions with Michigan Department Of Transportation (“MDOT”) and/or Lapeer County Road
14 Commission (“LCRC”), as applicable. These provisions shall apply to all lands that abut the highway
15 right-of-way of all state highways and Class A and Class B roadways within Goodland Township as
16 defined and classified by the LCRC.

17
18 Section 15.02: ONE ACCESS PER NON-AGRICULTURAL PARCEL

- 19
20 A.) Unless otherwise limited or permitted at the time of development review under the provisions of
21 Sections 15.03, 15.04 or 15.05, all land in a parent parcel or lot having a single tax code number,
22 as of the effective date of this ordinance having frontage of 450 feet or less of a state highway, or
23 330 feet or less along the right-of-way of a Class A or Class B road is authorized to have one (1)
24 driveway or road egress/ingress point. Furthermore:
25 1.) No subsequent land divisions of a parent parcel may increase the number of driveways or
26 road accesses beyond those authorized to the parent parcel on the effective date of this
27 amendment, unless approved by the Township under the provisions of this Article.
28 2.) Parcels subsequently divided from the parent parcel, either by metes and bounds
29 descriptions, or by platting under the applicable provisions of the Land Division Act, Public
30 Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium
31 Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by
32 another dedicated public road, by a private road that meets the requirements of the Township
33 Private Road Ordinance, or a private drive that meets the requirements of the Township
34 Private Drive Ordinance or by a shared driveway or by a service drive meeting the
35 requirements of Section 15.04: _____ SERVICE DRIVES AND OTHER SHARED ACCESS
36 STANDARDS.
37 B.) Parent parcels with more than 330 feet of frontage on a public road or highway shall also meet
38 the requirements of 15.02A.1 and 15.02A.2 above, except that whether subsequently divided or
39 not, the parent parcel or lot may be granted one (1) additional driveway for each 330 feet
40 increment of public road frontage, if a registered traffic engineer as employed by the responsible
41 road authority or experienced transportation planner determines that topographic conditions on
42 or near the site, curvature of the road, or sight distance limitations demonstrate a second
43 driveway within a lesser distance is safer or the nature of the land use to be served requires a
44 second driveway for safety and such is approved by the Township under provisions of this
45 Article. If the parcel is a corner lot and a second driveway is warranted, the second driveway
46 shall have access from the abutting street unless that street is of a higher functional classification.
47 C.) At the time of the approval of any land division, plat or site condominium development project by
48 the Township, there shall be recorded appropriate covenants, shared access easements, cross
49 easements and shared construction and maintenance provisions running with the land and
50 providing street access to each lot, parcel or building site as limited and regulated herein. The
51 Township official or Board given authority to approve such division, plat or site condominium
52 development shall review the documents for completeness and consistency with these
53 provisions. Approved provisions need not specify precise access designs and easement
54 locations but shall be worded so as to provide flexibility in the application of the access control
55 standards and management techniques contained or referenced herein in the event that such
56 standards and techniques are required by the Township, LCRC and/or MDOT at the time of any
57 subsequent site plan, development plan or driveway permit approval.
58

1 Section 15.03: APPLICATION REVIEW, APPROVAL AND COORDINATION PROCESS

2
3 A.) Standards of Road Authorities Apply

4 All standards of the applicable road authority (either MDOT or LCRC, or both) shall be met prior
5 to approval of an access application (driveway permit) under this Article.

6 B.) Applications, Review and Approval Process -Single-family residences, farm buildings, or
7 buildings that are accessory to single-family residences.

8 Applications for driveway permits for single-family residences, farm buildings, or buildings, which
9 are access to single-family residences, shall be made on a form prescribed by LCRC and/or
10 MDOT as applicable and as available at Construction Code Authority and LCRC.

11 C.) Applications for Uses and Development Requiring Township Planning Commission and/or
12 Township Board Approval (Refer to **ARTICLE XVI—SITE PLAN REVIEW**).

13 Applications for driveway permits or access approval shall be made on a form prescribed by
14 LCRC and/or MDOT as applicable and as available at Construction Code Authority and LCRC.

15 For any land use or developments required to undergo site plan review and approval, site
16 condominium subdivision approval, or private road approval under this Ordinance, separate
17 driveway permits and access applications are required. Access applications required by this
18 subsection shall be processed concurrently with the application for site plan review. Conditions
19 applied to any driveway permit/access application authorized by the LCRC and/or MDOT shall be
20 incorporated as conditions of site plan approval issued by the Township.

21 1.) Each driveway permit/access application required to be submitted under this subsection shall
22 be accompanied with ten (10) sets of clear and accurate scaled drawings (minimum of 1" = 20')
23 showing the following items:

- 24 a.) Location and size of all structures proposed on the site.
- 25 b.) Size and arrangement of parking stalls on aisles.
- 26 c.) Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are
27 to be separated from delivery trucks indicate such on drawing).
- 28 d.) Driveway placement.
- 29 e.) Property lines.
- 30 f.) Right-of-way lines.
- 31 g.) Intersecting roads, streets, and driveways within 500' on either side of the property on both
32 sides of the street.
- 33 h.) Width of right-of-way.
- 34 i.) Width of road surface.
- 35 j.) Type of surface and dimensions of driveways.
- 36 k.) Proposed inside and outside turning radii.
- 37 l.) Show all existing and proposed landscaping, signs, and other structures or treatments
38 within and adjacent to the right-of-way.
- 39 m.) Professional traffic analysis and trip generation survey results, obtained by a registered
40 traffic engineer (P.E.) or an experienced transportation planner for all uses or
41 developments estimated to generate over 100 directional vehicle trips per peak hour as
42 determined utilizing actual data from comparable developments, the Trip Generation
43 Manual, Institute of Traffic Engineers or other published and nationally accepted sources
44 (See APPENDIX I—Examples of Proposed Land Uses That May Require Professional
45 Traffic Analysis for examples).
- 46 n.) Design dimensions and justification for any alternative or innovative access design.

47 2.) Applications are strongly encouraged to rely on the following sources for access designs, the
48 National Access Management Manual, TRB, 2002; National Cooperative Highway Research
49 Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and
50 "Impacts of Access Management Techniques" Report 420; and the AASHTO "Green Book" A
51 Policy on Geometric Design of Highways and Streets. The following techniques are addressed
52 in these guidebooks and are strongly encouraged to be used when designing access:

- 53 a.) Not more than one driveway access per abutting road.
- 54 b.) Shared driveways.
- 55 c.) Service drives—front, rear and perpendicular.
- 56 d.) Parking lot connections with adjacent property.
- 57 e.) Other appropriate designs to limit access points on an arterial or collector road.

58 Applications shall be accompanied by a fixed fee or an escrow fee for professional review as
59 may be established by the Township Board by resolution.

1 D.) Review and Approval Process:

2 Driveways and access serving all uses other than single-family homes, farm buildings and
3 residential accessory buildings.

4 The following process shall be completed to obtain access approval:

- 5 1.) An Access Application or site plan meeting the requirements of Section 15.03.B.1 shall be
6 submitted to the Zoning Administrator and on or near the same day to LCRC and/or MDOT, as
7 applicable.
- 8 2.) The completed application must be received by the Goodland Township Zoning Administrator at
9 least 45 days prior to the Planning Commission meeting where the application will be reviewed.
- 10 3.) The applicant, the Zoning Administrator and representatives of LCRC, MDOT and the Planning
11 Commission may meet prior to the Planning Commission meeting to review the application and
12 proposed access design.
- 13 4.) The Planning Commission shall review and recommend approval, or denial, or request
14 additional information. They shall also forward the Access Application (and other relevant
15 project information) to LCRC and/or MDOT for their review as applicable.
- 16 5.) LCRC and/or MDOT, as applicable, shall review the access application and any comments,
17 conclusions or recommendations of the Planning Commission. One of three actions may
18 result:
- 19 a.) If the Planning Commission and the LCRC, and/or MDOT, as applicable, approve the
20 application as submitted, the access application shall be approved.
- 21 b.) If either the Planning Commission, LCRC, and/or MDOT, as applicable, table the requests
22 for additional information, grants approval with conditions, or does not concur with the
23 approval or denial of the other agency, there shall be a joint meeting of the Zoning
24 Administrator, a representative of the Planning Commission and staff of LCRC, and/or
25 MDOT, as applicable, and the applicants. The purpose of this meeting will be to review the
26 application to obtain concurrence between the Planning Commission and the applicable
27 road authorities regarding approval or denial and the terms and conditions of any permit
28 approval.
- 29 c.) No application will be considered approved, nor will any permit be considered valid unless
30 each of the above-mentioned agencies has indicated approval. Conditions may be
31 imposed by the Planning Commission to ensure conformance with the terms of any
32 driveway permit approved by a road authority.
- 33 6.) The Zoning Administrator and Township Clerk shall keep records of each application that has
34 been submitted, including the disposition of each one. This record shall be a public record.
- 35 7.) Approval of an application remains valid for a period of one year from the date it was
36 authorized. If authorized construction is not initiated by the end of one (1) year, and an
37 extension as provided in paragraph 8, below, has not been granted, the authorization is
38 automatically null and void.
- 39 8.) An approval may be extended for a period not to exceed 12 months. The extension must be
40 requested, in writing by the applicant before the expiration of the initial approval. The Planning
41 Commission may approve extension of an authorization provided there are not deviations from
42 the original approval present on the site or planned, and there are no violations of applicable
43 ordinances and no development on abutting property or property across the roadway has
44 occurred with a driveway location that creates an unsafe condition. If there is any deviation or
45 cause for question, the Planning Commission shall consult a representative of LCRC and/or
46 MDOT, as applicable, for input.
- 47 9.) Re-issuance of an authorization that has expired requires a new Access Application form to be
48 filled out and processed independently of previous action.
- 49 10.) The applicant shall assume all responsibility for all maintenance of such driveway approaches
50 from the right-of-way line to the edge of the traveled roadway.
- 51 11.) Where authorization has been granted for entrances to a parking facility, said facility shall not
52 be altered or the plan of operation changed until a revised Access Application has been
53 submitted and approved as specified in this Section.
- 54 12.) Application to construct or reconstruct any driveway entrance and approach to a site shall also
55 cover the reconstruction or closing of all nonconforming or unused entrances and approaches
56 to the same site at the expense of the property owner.
- 57 13.) When a building permit is sought for the reconstruction, rehabilitation or expansion of an
58 existing site or a zoning or occupancy certificate is sought for use or change of use for any
59 land, buildings, or structures, all of the existing, as well as proposed driveway approaches and

1 parking facilities shall comply, or be brought into compliance, with all design standards as set
2 forth in this Ordinance prior to the issuance of a zoning or occupancy certificate, and pursuant
3 to the procedures of this section.

- 4 14.) Goodland Township and LCRC and/or MDOT, as applicable, may require a performance
5 bond, cash deposit, or bank letter of credit in the amount of \$10,000 for each driveway
6 approach, or a greater amount when deceleration lanes are required to insure compliance with
7 an approved application. Such surety shall terminate and any unused portion of the deposit will
8 be returned to the applicant when the terms of the approval have been met or when the
9 authorization is canceled or terminated.

10
11 Section 15.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS

- 12
13 A.) The use of shared access, parking lot connections and service drives, in conjunction with
14 driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize
15 traffic conflicts, while retaining reasonable access to the property. At the time of development
16 plan review the Planning Commission or Township Board, as appropriate may determine that
17 restricting new access points or reducing the number of existing access points may have a
18 beneficial impact on traffic operations and safety while preserving the property owner's right to
19 reasonable access, then access from a side street, a shared driveway, a parking lot connection,
20 or service drive connecting two or more properties or uses may be required instead of more direct
21 connection to the street. Where traffic safety would be improved and the driveway spacing
22 requirements of this ordinance can be met, direct connection to the street may be allowed in
23 addition to a required service drive.
- 24 1.) Shared access, service drives or at least a connection between abutting land uses may be
25 required in the following cases:
26 a.) Where the driveway spacing standards of this section cannot be met.
27 b.) Where recommended in an adopted Access Management Plan or other corridor or sub-
28 area master plans of Goodland Township.
29 c.) When the driveway could potentially interfere with traffic operations at an existing or
30 planned traffic signal location.
31 d.) The site is along a state highway or other main road having high traffic volumes, or on a
32 street segment experiencing congestion or a relatively high number of traffic accidents.
33 e.) The property frontage has limited sight distance.
34 f.) The fire department recommends a second means of emergency access.
- 35 2.) In areas where frontage roads or rear service drives are recommended, but adjacent
36 properties have not yet developed, the site shall be designed to accommodate a future
37 road/service drive facility. The Planning Commission may approve temporary access points
38 where a continuous service drive is not yet available and a performance bond or escrow is
39 accepted to assure elimination of temporary access when the service road is constructed.
40 (See Section 15.05: TEMPORARY ACCESS PERMITS).
- 41 B.) Notwithstanding the requirements of the State of Michigan Land Division Act, the standards for all
42 service drives shall be as follows:
43 1.) Site Plan Review - The Planning Commission shall review and approve all service drives to
44 ensure safe and adequate continuity of the service drive between contiguous parcels as part
45 of the site plan review process in **ARTICLE XVI—SITE PLAN REVIEW**.
46 2.) Front and Rear Service Drives - A front or rear service drive may be established on property
47 that abuts only one public road. The design of a service road shall conform with national
48 design guidelines such as those identified in the National Access Management Manual by
49 TRB, the AASHTO "Green Book", and National Cooperative Highway Research Program
50 (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and "Impacts of
51 Access Management Techniques" Report 420.
52 3.) Location - Service roads shall generally be parallel to the front property line, may be located
53 either in front of, or behind, principal buildings, and may be placed in required yards. In
54 considering the most appropriate alignment for a service road, the Planning Commission
55 shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow
56 for the site.
57 4.) Width and Construction Materials - A service drive shall be within an access easement
58 permitting traffic circulation between properties. The easement shall be recorded with the
59 County Register of Deeds. This easement shall be at least forty (40) feet wide. A service

drive shall have a minimum pavement width of 26 feet measured face to face of curb with a minimum approach width of 36 feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Lapeer County Road Commission standards for base and thickness of asphalt or concrete, unless the community has standards that are more restrictive.

- 5.) Snow Storage and Landscaping Area - A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge. The minimum setback distance at the intersection shall be increased to 115 feet as measured from the edge of the pavement when involving a state highway.
- 6.) Driveway Entrance - The Planning Commission shall approve the location of all driveways having access to the service drive, or other shared access.
- 7.) Driveway Spacing - This will be determined based upon posted speed limits as listed below:

<u>Posted Speed Limit (MPH)</u>	<u>Desired Access Spacing (in feet) between Adjacent Access Points</u>
25	130
30	185
35	245
40	300
45	350
50	455
55	455+

Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.

- 8.) Driveway Radii - All driveway radii shall be concrete curbs and conform to the commercial driveway requirements of LCRC or MDOT administrative rules regulating driveways, as applicable.
- 9.) Acceleration Lanes and Tapers - The design of the driveway, acceleration, deceleration or taper shall conform to the requirements of LCRC or MDOT administrative rules regulating driveways, as applicable.
- 10.) Elevation - The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
- 11.) Service Drive Maintenance - No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the Township shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to maintain a service drive properly.
- 12.) Parking - The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road. As a condition to site plan approval, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, if the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted with the service drive shall be in excess of the minimum required under **ARTICLE**

1 **XIV—OFF-STREET PARKING AND LOADING REQUIREMENTS.** Directional Signs and
2 Pavement Markings - Pavement markings may be required to help promote safety and
3 efficient circulation. The property owner shall be required to maintain all pavement markings.
4 All directional signs and pavement markings along the service drive shall conform to the
5 current Michigan Manual of Uniform Traffic Control Devices.

- 6 14.) Pedestrian and Bicycle Access - Separate, safe access for pedestrians and bicycles shall be
7 provided on a sidewalk or paved path that generally parallels the service drive unless
8 alternate and comparable facilities are approved by the Planning Commission.
9 15.) Service Drive Signs - All new public and private service drives shall have a designated name
10 on a sign meeting the standards on file in the office of the Zoning Administrator.
11 16.) In the case of expansion, alteration or redesign of existing development where it can be
12 demonstrated that pre-existing conditions prohibit installation of a frontage road or service
13 drive in accordance with the aforementioned standards, the Planning Commission shall have
14 the authority to allow and/or require alternative cross access between adjacent parking areas
15 through the interconnection of main circulation aisles. Under these conditions, the aisles
16 serving the parking stalls shall be aligned perpendicularly to the access aisle, with islands,
17 curbing and/or signage to delineate further the edges of the route to be used by through
18 traffic.
19

20 Section 15.05: TEMPORARY ACCESS PERMITS
21

- 22 A.) A temporary access permit may be conditionally issued to a property included in an adopted
23 corridor or access management plan that programs road improvements and installation of service
24 drives and shared driveways that would eliminate the need for the temporary driveway.
25 B.) Conditions may be included in the temporary access permit including but not limited to, a
26 limitation on development intensity on the site until adjoining parcels develop which can provide a
27 shared driveway, shared access via a service drive, and/or cross parking lot connection
28 consistent with the requirements of this Article.
29 C.) A temporary access permit shall expire when the use of the site for which the temporary access
30 permit was granted has ceased for twelve (12) months or more, or the use of the site or the
31 driveway has changed such that the use of the driveway has increased significantly.
32 D.) A site plan for property that cannot meet the access requirements of Article has no alternative
33 means of reasonable access to the public road system may be issued a temporary access permit.
34 When adjoining parcels develop which can provide a shared driveway, shared access via a
35 service drive or a cross parking lot connection, the temporary access permit shall be rescinded
36 and an application for an access permit consistent with the requirements of this article shall be
37 required.
38

39 Section 15.06: NON-CONFORMING DRIVEWAYS
40

- 41 A.) Driveways that do not conform to the regulations in this Article and were constructed before the
42 effective date of this Article shall be considered legal nonconforming driveways. Existing
43 driveways granted temporary access permits are legal nonconforming driveways until the
44 temporary access permit expires.
45 B.) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for
46 its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve
47 (12) months or more. Any reuse of the driveway may only take place after the driveway conforms
48 to all aspects of this Article.
49 C.) When the owner of a property with an existing, nonconforming driveway or driveways, applies for
50 a permit to upgrade or change the use of the property, the Planning Commission will determine
51 whether it is necessary and appropriate to retrofit the existing driveway or driveways.
52 1.) The property owner may be required to establish a retrofit plan. The objectives of the retrofit
53 plan will be to minimize the traffic and safety impacts of development by bringing the number,
54 spacing, location, and design of driveways into conformance with the standards and
55 requirements of this Article, to the extent possible without imposing unnecessary hardship on
56 the property owner. The retrofit plan may include:
57 a.) Elimination of driveways,
58 b.) Realignment or relocation of driveways,
59 c.) Provision of shared driveways and/or cross parking lot connection,

- 1 d.) Access by means of a service drive,
2 e.) Restriction of vehicle movements (e.g. elimination of left-turns in and out),
3 f.) Relocation of parking,
4 g.) Traffic demand management (e.g. a reduction in peak hour trips),
5 h.) Signalization, or such other changes as may enhance traffic safety.
- 6 2.) The requirements of the retrofit plan shall be incorporated as conditions to the permit for the
7 change or upgrade of use and the property owner shall be responsible for the retrofit.
- 8 3.) If an applicant is required to retrofit an existing non-conforming driveway with a shared driveway
9 or driveways with an adjoining property, the applicant shall bear the full cost of retrofitting the
10 driveway or driveways even if the improvements are located on the adjoining property unless
- 11 D.) Driveways that do not conform to the regulations in this Ordinance and have been constructed
12 after adoption of this Ordinance shall be considered illegal nonconforming driveways.
- 13 E.) Illegal nonconforming driveways are a violation of this Ordinance. If constructed, the property
14 owner shall be issued a notice of the violation and an explanation of the driveways non-
15 conforming aspects. Upon subsequent review of the driveway by the Planning Commission and
16 a formal finding of non-compliance with the standards contained or referenced herein, the
17 driveway may be required to be closed and driveways constructed in illegal locations shall be
18 immediately closed upon detection and all evidence of the driveway removed from the right-of-
19 way and site on which it is located. In addition to any fines imposed for the violation pursuant to
20 **ARTICLE XXI—VIOLATIONS**, the costs of such removal shall be borne by the property owner.
- 21 F.) Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful
22 nonconforming driveways, provided it is done consistent with the requirements of this Article.
23

1 **ARTICLE XVI—SITE PLAN REVIEW**

2 Section 16.01: SITE PLAN REVIEW REQUIRED

3
4 A site plan shall be submitted for review according to the provisions of this Article for all permitted and
5 special approval land uses **except** the following:

- 6 A.) Single family and two family dwelling units on individual lots.
- 7 B.) Farm buildings and residential and accessory buildings, if not otherwise listed or in support of a
8 Special Approval Use.
- 9 C.) Non-residential accessory buildings less than eight hundred (800) square feet in area.
- 10 D.) Single and two family homes, Type 1 and Type 2 home occupations and temporary dwellings
11 requiring approval as a special use. For such uses requiring a special approval use permit, a
12 sketch plan drawn to scale shall be provided. The sketch plan shall include the location,
13 dimensions and area of all structures, parking areas and driveways, the approximate location of
14 buildings located on adjacent property and proposed future additions or future buildings if
15 contemplated. The sketch shall include a scale, north arrow, and date of drawing; the property
16 owner's name and address; and description of the proposed use of each building if for other than
17 residential purposes.
- 18 E.) Ponds

19 Section 16.02: PROCEDURE

20
21 All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for
22 compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the
23 site plan to the Planning Commission for review and decision. Once the Planning Commission approves
24 a site plan, it shall not be altered without the consent of the Planning Commission.

25 Section 16.03: CONTENT

26 Unless exempted under 16.01 D) above or unless specifically waived by the Planning Commission
27 during its review, each site plan shall include the following:

- 28 A.) Area of the site in acres.
- 29 B.) Date, north point, and scale.
- 30 C.) Dimensions of all property lines.
- 31 D.) Location and dimensions of all existing and proposed structures on the property or on adjacent
32 properties within one hundred (100) feet of the property lines.
- 33 E.) Location and dimensions of all existing and proposed roads (including rights of way), driveways,
34 sidewalks, and parking areas (See **ARTICLE XIV—OFF-STREET PARKING AND LOADING**
35 **REQUIREMENTS**).
- 36 F.) Location of all existing and proposed utility lines, wells, septic systems, ponds and storm
37 drainage.
- 38 G.) Location, dimensions and details of proposed plantings, greenbelts, and landscaped areas.
- 39 H.) Exterior drawings of proposed new buildings or existing buildings to which major additions are
40 proposed.
- 41 I.) Location, dimensions, and drawings of existing and proposed signs. (See Goodland Township
42 Sign Ordinance)
- 43 J.) Name, address, and telephone number of the person who prepared the site plan.
- 44 K.) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a
45 distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing
46 buildings, drives and parking lots, and any unusual surface conditions shall be provided. The
47 physical extent of proposed clearing and grading shall be clearly indicated.
- 48 L.) Proposed parking areas and access drives, showing the number and size of spaces, aisles,
49 loading areas, and handicapped access ramps. The method of surfacing such areas shall be
50 noted.
- 51 M.) Landscape plan indicating type and size of all plant material, including all areas to be sod or
52 seeded for grass.
- 53 N.) Location and type of significant existing vegetation, water courses, and water bodies including
54 county drains and manmade surface drainage ways, floodplains and wetlands.

- 1 O.) Building floor plans and the height of all buildings or structures shall be indicated; as well as
- 2 building elevations, proposed construction materials and proposed colors.
- 3 P.) Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles,
- 4 storage sheds, transformers, dumpsters or trash removal areas or devices, existing and proposed
- 5 utility poles. Indicate screening for trash receptacles.
- 6 Q.) Location of all outdoor storage areas for materials and the manner in which materials shall be
- 7 screened or covered.
- 8 R.) If phased construction is to be used, each phase must be noted and each phase must stand on
- 9 its own.
- 10 S.) Notation of any variances or special approval permits which are required, any legal non-
- 11 conforming uses or structures, and any State or Federal permits which have been secured or
- 12 may be necessary to secure.
- 13 T.) The property owner's written approval or signature on the application submitted.

14 Section 16.04: STANDARDS

15 In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider
16 the following:

- 17 A.) Adequacy of traffic ingress, egress, circulation, and parking.
- 18 B.) Adequacy of landscaping to protect adjoining properties and enhance the environment of the
- 19 community.
- 20 C.) Location and design of proposed structures to ensure that detrimental effects on adjacent
- 21 properties will be minimized.
- 22 D.) Adequacy of storm drainage.
- 23 E.) Location and design of signs to prevent highway visibility obstructions, driver distractions,
- 24 encroachments, and adverse impacts on the community environment.
- 25 F.) Access Control Standards (Reference **ARTICLE XV—ACCESS MANAGEMENT**
- 26 **REGULATION**).
- 27 G.) Whether or not the proposed use and site plan will meet all of the applicable requirements of the
- 28 zoning district in which it is located, all other applicable provisions of this ordinance and
- 29 applicable county, state and federal law.

30 Section 16.05: PERFORMANCE GUARANTEE

31
32 The Planning Commission shall require a performance bond (cash, certified check, surety bond, or
33 irrevocable bank letter of credit) in an amount equal to the estimated cost of road, lighting, utility,
34 sidewalk, landscaping, drainage, and other required improvements associated with the project. The
35 estimated amount shall be determined by the Zoning Administrator and approved by the Township Board.
36 Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of
37 the permit authorizing the activity or project to ensure faithful completion of the improvements indicated
38 with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall
39 rebate a proportional share of the performance bond only when requested by the depositor, based on the
40 percent of improvements completed, as attested to by the depositor and verified by the Zoning
41 Administrator. In cases where the provisions of this Article have not been met, the amount of the
42 aforementioned performance guarantee shall be used by the Township to complete the required
43 improvements and the balance, if any, shall be returned to the applicant.

44 Section 16.06: TIME FOR COMPLETION

45
46 Each site plan shall be fully complied with and all construction completed within twenty-four (24) months
47 of the date of the final approval of the site plan. A longer completion time may be permitted if deemed
48 necessary by the Planning Commission.

49
50 Section 16.07: MODIFICATION OF PLAN DURING CONSTRUCTION

51
52 All site improvements shall conform to the approved site plan. If the applicant makes any changes in the
53 development in relation to the approved site plan during construction, such changes shall be made at the
54 applicant's risk, without any assurances that the Planning Commission will approve the changes. It shall

1 be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of
2 any changes. The Zoning Administrator and the Planning Commission, whichever is applicable, shall
3 have the authority to require the applicant to correct the changes to conform to the approved site plan.
4

5 Section 16.08: FEES

6
7 Fees for the review of site plans and inspections as required by this Article shall be established and may
8 be amended by resolution of the Township Board.
9

10 Section 16.09: VIOLATIONS

11
12 An approved site plan shall become part of the record of approval, and subsequent action relating to a
13 site in question shall be consistent with the approved site plan, unless the Planning Commission agrees
14 to such changes as provided in this Article. Any violation of the provisions of this Article, including any
15 improvement not in conformance with the approved final site plan, shall be deemed a violation of this
16 Ordinance and shall be subject to all penalties therein.
17
18
19

1 **ARTICLE XVII—USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION**

2 Section 17.01: APPLICATION

3 For all uses permitted after special approval, a written application shall be submitted to the Planning
4 Commission. Such application shall contain a description of the proposed use, a legal description and
5 road or street location of the property on which the proposed use would be located, the signature of the
6 property owner, the signature of the petitioner (if different from the property owner), and a scale drawing
7 of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress
8 and egress, parking areas, fencing, landscaping, signs, and road right of ways.

9 Section 17.02: PUBLIC NOTICES AND PUBLIC HEARINGS

- 10 A.) Upon receipt of an application for a special approval, one (1) notice that a request for a special
11 approval land use has been received shall be published within a newspaper, which circulates
12 within the township. An additional notice shall be sent by mail or by personal delivery to the
13 owner of the property for which approval is being considered, all owners of property to whom real
14 property is assessed and to all occupants of all structures within 300 feet of the boundary of the
15 property that is the subject of the application and to the petitioner.
- 16 B.) Notice Timing – Such notice must be given not less than fifteen (15) days before the date the
17 application will be considered.
- 18 C.) Notification Items – The notice shall include the following:
19 1.) Describe the nature of the special use requested.
20 2.) Indicate the property that is subject of the special land use request.
21 3.) State the time, date and place where the public hearing will be held for the purpose of taking
22 public comment and for considering the special approval land use request.
23 4.) Indicate when and where written comments will be received concerning the request.

24 Section 17.03: STANDARDS

- 25 Requests for uses permitted after special approval shall be granted based on the following standards:
26 A.) The location, size and character of the proposed use shall be in harmony with and appropriate to
27 the surrounding neighborhood.
28 B.) The proposed use shall not result in the creation of a hazardous traffic condition.
29 C.) The site layout, intensity of use, and periods of use shall not be such as to create a nuisance due
30 to dust, noise, smell, vibration, smoke, or lighting.
31 D.) The proposed use must comply with all specific requirements of the zoning district where the
32 proposed use would be located.
33

34 Section 17.04: DECISION

- 35 The Planning Commission may deny, approve, or approve with conditions any request for a Use
36 Permitted After Special Approval. The decision of the Planning Commission shall be incorporated in a
37 statement containing the findings of fact and conclusion on which the decision is based and any
38 conditions imposed. Any condition imposed shall meet all of the following requirements:
39 A.) Be designed to protect natural resources, the health, safety, and welfare and the social and
40 economic well-being of those who will use the land use or activity under consideration, residents
41 and landowners immediately adjacent to the proposed land use or activity, and community as a
42 whole.
43 B.) Be related to the valid exercise of the police power, and purposes that are affected by the
44 proposed use or activity.
45 C.) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards
46 established in the ordinance for the land use or activity under consideration, and be necessary to
47 insure compliance with those standards.
48

49

50

1 Section 17.05: EXPIRATION

2

3 Planning Commission permission for a Use Permitted After Special Approval shall expire one (1) year
4 from the date of the meeting at which permission is granted unless the premises has actually been
5 occupied by the use permitted or unless construction has been undertaken to prepare the premises for
6 the use permitted within the one (1) year period.

7 Section 17.06: REVOCATION

8

9 In the event that the requirements of this Ordinance or any conditions are not complied with, the
10 Planning Commission may revoke any use granted after special approval. Prior to any revocation, the
11 Planning Commission shall conduct a public hearing pursuant to Section 17.02.

12

13

1 **ARTICLE XVIII—ZONING BOARD OF APPEALS**

2 Section 18.01: ESTABLISHMENT

3
4 There is hereby established a Zoning Board of Appeals as authorized by Public Act 110 of 2006, as
5 amended. The Zoning Board of appeals shall consist of five (5) members appointed by the Township
6 Board. One member shall be a member of the Township Board. One member shall be a member of the
7 Planning Commission. The remaining three (3) members shall be electors who are neither employees
8 nor contractors of the Township. Each member shall be appointed for a term of three years, except that
9 the term of office of the members who are also members of the Township Board or Planning Commission
10 shall terminate if their membership on the Township Board or Planning Commission terminates. The
11 Zoning Board of Appeals shall elect a chairperson, vice-chairman, and secretary. The Township Board
12 member may not serve as chairperson. The Township Board may appoint two alternate members of the
13 Zoning Board of Appeals for three-year terms. An alternate member may sit as a member of the Zoning
14 Board of Appeals whenever a regular member is unable to attend. An alternate member may also be
15 called to serve as a regular member for the purpose of reaching a decision on a case in which the regular
16 member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in
17 the case until a final decision has been made. The alternate member has the same voting rights as a
18 regular member of the Zoning Board of Appeals

19 Section 18.02: NOTICE OF APPEALS

- 20
21 A.) Any person wishing to appeal any Zoning Ordinance provision or any final decision of the Zoning
22 Administrator or the Planning Commission may take an appeal to the Zoning Board of Appeals.
23 All appeals must be applied for in writing on forms provided by the Township. Upon receipt of an
24 application for an appeal, one (1) notice that a request for an appeal has been received shall be
25 published within a newspaper, which circulates within the township. Additional notice shall be
26 sent by mail or by personal delivery to the owner of the property for which appeal is being
27 considered, all owners of property to whom real property is assessed and to all occupants of all
28 structures within 300 feet of the boundary of the property that is the subject of the application and
29 to the petitioner.
30 B.) Notice Timing – Such notice must be given not less than fifteen (15) days before the date the
31 application will be considered.
32 C.) Notification Items – The notice shall include the following:
33 1.) Describe the nature of the appeal.
34 2.) Indicate the property that is subject of the special land use request. The notice shall include a
35 listing of all existing street addresses within the property. Street addresses will not be
36 created where no such addresses currently exist within the property. If there are no street
37 addresses, other means of identification will be used.
38 3.) Indicate the property that is the subject of the appeal. State when and where the appeal will
39 be considered.
40 4.) Indicate where and when written comments will be received concerning the appeal.

41 Section 18.03: POWERS

42 The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement,
43 decision, or determination and may issue or direct the issuance of a permit. If there are practical
44 difficulties for nonuse variances or unnecessary hardships for use variances in the way of carrying out the
45 strict letter of the zoning ordinance, the Zoning Board of Appeals shall decide appeals in such a manner
46 that the spirit of the ordinance is observed, public safety secured, and substantial justice done. The
47 decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to
48 the Lapeer County Circuit Court within 30 days after the Zoning Board of Appeals certifies its decision in
49 writing or approves the minutes of its decision.

50 Section 18.04: STANDARDS AND DECISIONS

51
52 The Zoning Board of Appeals may require the appellant to provide such additional information as is
53 necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such

1 conditions, as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any
2 variance shall expire one (1) year from the date it is granted unless use of the property has begun or
3 construction has been undertaken pursuant to the variance. The Zoning Board of Appeals shall state the
4 grounds of each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the
5 following requirements:

- 6 1.) Be designed to protect natural resources, the health, safety, and welfare and the social and
7 economic well-being of those who will use the land use or activity under consideration,
8 residents and landowners immediately adjacent to the proposed land use or activity, and the
9 community as a whole.
- 10 2.) Be related to the valid exercise of the police power, and purposes that are affected by the
11 proposed use or activity.
- 12 3.) Be necessary to meet the intent and purpose of the Goodland Township Zoning Ordinance,
13 be related to the standards established in the Ordinance for the land use or activity under
14 consideration, and be necessary to insure compliance with those standards.

15 A.) Nonuse/Dimensional Variance Standards

- 16 1.) An appellant must show and the ZBA must determine that a practical difficulty exists to justify
17 a nonuse variance.
- 18 2.) A majority (at least 3) of the regular members must be present.
- 19 3.) No variance may be granted or decision overruled unless a majority—at least three (3)—
20 members vote in favor thereof.

21 B.) Use Variance Standards

- 22 1.) An appellant must show and the ZBA must determine that an unnecessary hardship exists to
23 justify the variance.
- 24 2.) A majority (at least 3) of the regular members must be present.
- 25 3.) No variance may be granted or decision overruled unless at 2/3—at least four (4)—of the
26 total number of members must vote in favor thereof.

1 **ARTICLE XIX—DEFINITIONS**

2 Section 19.01: DEFINITIONS

3
4 For the purpose of this Ordinance, certain terms are herewith defined. The word "shall" is always
5 mandatory and not merely directory. Terms not herein defined shall have the meanings customarily
6 assigned to them.

7 AASHTO: Abbreviation of the American Association of State Highway and Transportation Officials, which
8 conducts research and publishes many national road and non-motorized standards

9 ACCELERATION LANE: A speed-changing lane, including taper, for the purpose of enabling a vehicle
10 entering the roadway to increase its speed to a rate at which it can safely merge with through
11 traffic.

12 ACCESS: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property
13 from an abutting property or a public roadway.

14 ACCESS MANAGEMENT: The process of providing and managing reasonable access to land
15 development while preserving the flow of traffic in terms of safety, capacity, and speed on the
16 abutting roadway system.

17 ACCESS MANAGEMENT PLAN: A plan establishing the preferred location and design of access for
18 properties along a roadway or the roadways in a community. It may be a freestanding document,
19 or a part of a community master or comprehensive plan, or a part of a corridor management plan.

20 ACCESS POINT: 1) The connection of a driveway at the right-of-way line to a road, 2) A new road,
21 driveway, shared access, or service drive.

22 ACCESSORY BUILDING: A building related to and secondary to the intended, main use of the premises.

23 ACCESSORY USE: A use naturally and normally incidental and subordinate to the main use of the
24 premises.

25 ADT: The annual average two-way daily traffic volume. It represents the total annual traffic for the
26 year, divided by 365. (Where annual data is not available, data from a shorter period may
27 sometimes be used).

28 ADULT ENTERTAINMENT FACILITIES: Adult bookstores, being establishments having as a substantial
29 or significant portion of their stock in trade, books, magazines, videos, and other items that are
30 characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual
31 Activities" or "Anatomical Areas". In addition, adult motion picture theaters either enclosed or
32 open air, used for presenting motion pictures characterized by an emphasis on matters depicting,
33 describing or relating to "Specified Sexual Activities" or "Anatomical areas" for observation by
34 patrons. "Specified Sexual Activities," for the purpose of this section, are defined as including:

- 35 1) human genitals in a state of sexual stimulation or arousal;
- 36 2) acts of human masturbation, sexual intercourse or sodomy; and/or
- 37 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female
38 breast. "Anatomical Areas" are defined as less than completely covered:
- 39 4) human genitals or pubic region;
- 40 5) buttocks; and/or
- 41 6) female breasts below a point immediately above the top of the areola.

42 AGRICULTURE: The production, keeping, or maintenance, for sale, lease, or personal use, of plats and
43 animals useful to man, including but not limited to:

- 44 1) forages and sod crops;
- 45 2) grains and seed crops;
- 46 3) dairy animals and dairy products;
- 47 4) poultry and poultry products;
- 48 5) livestock, including:
 - 49 a) beef cattle,
 - 50 b) sheep,
 - 51 c) swine,
 - 52 d) horses, ponies, mules, or
 - 53 e) goats or
 - 54 f) any hybrids thereof, including their breeding and grazing;
- 55 6) bees and apiary products;
- 56 7) fur animals;
- 57 8) trees and forest products;
- 58 9) fruits, including grapes, nuts and berries;

1 10) vegetables;
2 11) nursery, floral, ornamental, and greenhouse products;
3 12) aqua-culture;
4 13) or lands devoted to a soil conservation or forestry management program.
5 ALTERATIONS: Any change, addition or modification in construction of the structural members of a
6 building, such as walls, partitions, columns, beams, girders, etc.
7 ALTERNATIVE MEANS OF ACCESS: A shared driveway, frontage road, rear service drive or connected
8 parking lot.
9 ANEMOMETER TOWER: A freestanding tower containing instrumentation such as anemometers that are
10 designed to provide present moment wind data (wind speeds and direction) for use by the supervisory
11 control and data acquisition (SCADA) systems which is a temporary use to determine how much wind
12 power a site can be expected to generate.

13 ANSI: ANSI means the American National Standards Institute.

14 BUILDABLE AREA: The buildable area of a lot is the space remaining after compliance with the
15 minimum setback requirements of this Ordinance.

16 BUILDING: A structure, either temporary or permanent, having a roof supported by columns, ribs or walls
17 for the shelter or enclosure of persons, animals or personal property. This shall include vehicles,
18 trailers, manufactured homes or similar units situated on private property and used for purposes
19 of a building.

20 COMMERCIAL VEHICLE: Any vehicle bearing or required to bear commercial license plates and which
21 falls into one or more of the categories listed below:
22 1.) Truck tractor;
23 2.) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker
24 bodies, dump bodies, and full or partial box-type enclosures;
25 3.) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread,
26 fruit or similar vending supply or delivery trucks. This category shall include vehicles
27 of a similar nature which are also of a type commonly used by electrical, plumbing,
28 heating and cooling, and other construction oriented contractors;
29 4.) Tow trucks, and vehicle repair service trucks;
30 5.) Commercial hauling trucks;
31 6.) Snow plowing trucks;
32 7.) Alternatively, any other vehicle with a commercial license plate having a gross
33 vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess
34 of 22 feet.

35 CONDOMINIUM ACT: Michigan Public Act 59 of 1978, as amended.

36 CONDOMINIUM SUBDIVISION PLAN: The site plan illustrating the existing site features and all
37 proposed improvements pursuant to the requirements for site plan review and pursuant to the
38 requirements of Section 66 of the Condominium Act.

39 CONDOMINIUM UNIT: That portion of the condominium project designed and intended for the separate
40 ownership and use, as described in the master deed.

41 CONDOMINIUM MASTER DEED: The condominium document recording the condominium project as
42 approved by the Township, to which is attached as exhibits and incorporated by reference the
43 approved by-laws for the project and the approved condominium subdivision plan for the site.

44 CONNECTED PARKING LOT: Two or more parking lots that are connected by cross access.

45 CONSERVATION AREA: An area set-aside for official care, protection, or management of natural
46 resources.

47 CORNER CLEARANCE: The distance from an intersection of a public or private road or street to the
48 nearest access connection, measured from the closest edge of the driveway pavement to the
49 closest edge of the road pavement.

50 CROSS ACCESS: A service road or driveway providing vehicular access between two or more
51 contiguous sites so the driver need not enter the public road system.

52 DECELERATION LANE: A speed-change lane, including taper, for the purpose of enabling a vehicle to
53 leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the
54 through lane and to decelerate to a stop or to execute a slow speed turn.

55 dB (A): The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A
56 method for weighting the frequency spectrum to mimic the human ear.

1 DECIBEL: The unit for measure used to express the magnitude of sound pressure and sound intensity.

2 DECOMMISSION: To remove or retire from active service.

3 DECOMMISSIONING PLAN: A document that details the planned shut down or removal of a solar
4 energy facility or structure from operation or usage.

5

6 DITCHES, PRIVATE AGRICULTURAL—a private ditch shall mean any long, narrow furrow or trench
7 excavated in the ground for the purposes of irrigation or drainage by a private, agricultural entity
8 (e.g. that which is not under the jurisdiction of the Lapeer County Drain Commission or other
9 public agency or governmental authority) and which is not created for the express purpose of
10 earth material removal as regulated herein. The excavation of ditches for the purpose of irrigation
11 or drainage and in a manner that meets the construction and permitting requirements of the Earth
12 Material Removal Ordinance No. 801, as amended.

13 DRIVEWAY: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

14 DRIVEWAY FLARE: A triangular pavement surface at the intersection of a driveway with a public street or
15 road that facilitates turning movements and is used to replicate the turning radius in areas with
16 curb and gutter construction.

17 DRIVEWAY OFFSET: The distance between the inside edges of two driveways on opposite sides of an
18 undivided roadway.

19 DRIVEWAY RETURN RADIUS: A circular pavement transition at the intersection of a driveway with a
20 street or road that facilitates turning movements to and from the driveway.

21 DRIVEWAY, SHARED: A driveway connecting two or more contiguous properties to the public road
22 system.

23 DRIVEWAY SPACING: The distance between driveways as measured from the centerline of one
24 driveway to the centerline of the second driveway along the same side of the street or road.

25 DRIVEWAY WIDTH: Narrowest width of driveway measured perpendicular to the centerline of the
26 driveway.

27 DWELLING, MULTIPLE FAMILY: A building used or designed as a residence for three (3) or more
28 families.

29 DWELLING, SINGLE FAMILY: A building used or designed exclusively as a residence for one (1) family.

30 DWELLING, TWO FAMILY: A building used or designed as a residence for two (2) families.

31 DWELLING UNIT: Any house, building, mobile home, or portion thereof, which is designed for or
32 occupied as a residence or sleeping, quarters for a person, persons, or family as a single unit.

33 DWELLING UNIT, FARM: A dwelling unit located on a farm, which is used or intended for use by the
34 farm's owner, operator, or person employed thereon. Only one farm dwelling shall be permitted
35 on each parcel.

36 DWELLING UNIT—SINGLE FAMILY NON-FARM: A dwelling unit located which is not a farm dwelling
37 unit and which is designed for occupancy by a single family.

38 EGRESS: The exit of vehicular traffic from abutting properties to a street or road.

39 ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical
40 operations on the premises required to construct a building. Excavations, fill, or drainage relating
41 to the construction or placement of a structure shall be considered a part of erecting.

42 EXCAVATING: The removal of sand, stone, gravel or dirt from its natural location.

43 FAMILY DAY CARE HOME: A private home in which at least one (1) but less than seven (7) minor
44 children are received for care and supervision for periods of less than twenty-four (24) hours a
45 day, unattended by a parent or legal guardian, except children related to an adult member of the
46 family by blood, marriage or adoption; and as regulated by the State of Michigan. A family day
47 care home includes a home that gives care to unrelated minor children for more than four (4)
48 weeks during a calendar year.

49 FARM: A farm is real property used for commercial agriculture and which meets the Farm Services
50 Agency definition.

51 FARM/AGRICULTURAL PRODUCTS: Those plants and animals useful to man and includes, but not
52 limited to:

53 1) forages and sod crops,
54 2) grains, and feed crops,
55 3) dairy and dairy products,
56 4) poultry and poultry products;
57 5) livestock, including breeding and grazing,

1 6) fruits, vegetables, flowers, seeds, grasses, trees,
2 7) fish apiaries,
3 8) equine and other similar products; or
4 9) any other product that incorporates the use of food, feed, fiber, fur or flora.
5 FARM BUILDING: Any building or structure, other than a dwelling, which is customarily used on farms for
6 the pursuit of their agricultural activities.
7 FARM OPERATION: A condition or activity that occurs on a farm in connection with the commercial
8 production or agricultural products and includes, but is not limited to:
9 1) marketed produce at roadside stands or farm markets,
10 2) noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial
11 spraying and seeding, the application of chemical fertilizers, conditions, insecticides,
12 pesticides, and herbicides and
13 3) the employment of and use of labor.
14 FARM PARCEL OR TRACT: Any parcel of substantially undeveloped land or tillable land contiguous,
15 neighboring or associated with a farm, which may or may not be used for, or in support of,
16 commercial or non-commercial agricultural production.
17 FENCE: A continuous barrier extending from the surface of the ground to a uniform height constructed of
18 wood, stone, steel, or other metal, or any substance of a similar nature and strength.
19
20 FILLING: The depositing or dumping of any matter onto or into the ground.
21 FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from
22 the exterior faces of the exterior walls or from the centerline of a wall separating two individual
23 units within one building. The "floor area" of a building shall include the basement floor area
24 when more than one-half (1/2) of the basement height is above the finished lot grade.
25 FRONTAGE ROAD OR FRONT SERVICE DRIVE: A local street/road or private road typically located in
26 front of principal buildings and parallel to an arterial for service to abutting properties for
27 controlling access to the arterial.
28 GRADE: The rate or percent of change in slope, in either ascending or descending, from or along the
29 roadway. It is to be measured along the centerline of the roadway or access.
30 GREENBELT: A strip of land adjacent to the property line and within the required front, side, and rear
31 yard areas of all non-residential uses and certain residential developments that is reserved for
32 planted materials, berms, walls, screens or fencing to serve as a visual and environmental
33 enhancement and/or visual barrier.
34 GROUND LEVEL: The level of a building with the floor that lays closest to the finished lot grade.
35 GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12)
36 minor children are given care and supervision for periods of less than twenty-four (24) hours a
37 day unattended by a parent or legal guardian, except children related to an adult member of the
38 family by blood, marriage or adoption; and as regulated by the State of Michigan. A group day
39 care home includes a home that gives care to unrelated minor children for more than four (4)
40 weeks during a calendar year.
41 HEAVY EQUIPMENT: Construction equipment weighing 10,000 pounds or more.
42 HEIGHT (TOWER): the height of a wind turbine is measures from the natural grade to the tip of the rotor
43 blade at its highest point.
44 HOME OCCUPATIONS: A home occupation is a gainful occupation carried out in the home or on a
45 residential premise, as a use that is incidental to the use of the home and premises as a place of
46 residence. A home occupation may be conducted entirely within a residential dwelling and/or
47 within a garage or other building accessory to the dwelling. A home occupation may however
48 only be permitted to involve an attached garage, detached garage or other detached accessory
49 building as a special approval use.
50 IEC: The International Electrotechnical Commission. The IEC is the leading global organization that
51 prepares and publishes international standards for all electrical, electronic and related technologies.
52 IMPROVED AREA: Area containing solar panels, electrical inverters, storage buildings and access road.
53 INGRESS: The entrance of vehicular traffic to abutting properties from a roadway
54 INHABITED STRUCTURE: Any existing structure usable for living or non-agricultural commercial
55 purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office
56 storage, or any combination thereof. An area used only for storage incidental to a residential use,
57 including agricultural barns, is not included in this definition.

1 .

2 INTERSECTION: The location where two or more roadways cross at grade without a bridge.

3 INTERSECTION SIGHT DISTANCE: The sight distance provided at intersections to allow the drivers of

4 stopped vehicles a sufficient view of the intersecting roadways to decide when to enter the

5 intersecting roadway or to cross it. The time required is the sum of the perception reaction time

6 plus the time to accelerate and cross or enter the major roadway traffic stream.

7 ISO: The International Organization for Standardization. ISO is a network of the national standards

8 institutes of 156 countries.

9 ITE: Abbreviation of the Institute of Transportation Engineers, which conducts research and publishes

10 many national road standards.

11 JUNK: Any motor vehicles, machinery, appliances, product, merchandise, scrap metals or other scrap

12 materials that are deteriorated, or are in a condition, which cannot be used for the purpose that

13 the product was manufactured.

14 JUNK YARD: Any property used for the storage, keeping, dismantling, or abandonment of junk outside of

15 an enclosed building.

16 KENNEL: Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept

17 permanently or temporarily and as per the State of Michigan Law and Lapeer County Ordinance:

18 for sale, boarding, breeding, or training purposes, for compensation.

19 LAND DIVISION ACT: The Subdivision Control Act of the State of Michigan, as amended.

20 LANE: The portion of a roadway for the movement of a single line of vehicles that does not include the

21 gutter or shoulder of the roadway.

22 LIVESTOCK: Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

23 LOT LINES: The lines bounding a lot as follows:

24 1) Front Lot Line—in the case of a lot not located on a corner, the line separating said lot from

25 public or private road right-of-way. In the case of a corner lot or double frontage lot, the Front

26 Lot line shall be that line that separates said lot from the right-of-way for the road which is

27 designated as the front on the plat, or which is designated as the front on the site plan review

28 application or request for a building permit, subject to approval by the Planning Commission

29 or Building Official.

30 2) Rear Lot Line—ordinarily, that lot line, which is opposite and most distant from the front lot

31 line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear,

32 the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10)

33 feet in length, lying farthest from the front lot line and wholly within the lot.

34 3) Side Lot Line—any lot line other than the front or rear lot lines. A side lot line separating a lot

35 from a road right-of-way is a side street lot line. A side lot line separating a lot from another

36 lot or lots is an interior side lot line.

37 LOT OF RECORD: Any parcel of land that is separately described in a deed, land contract, or similar

38 legal document evidencing a conveyance of ownership and recorded with the Lapeer County

39 Register of Deeds.

40 LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the

41 minimum front yard setback line intersects the side lot lines.

42 MOBILE HOME (including house trailer, trailer coach, and doublewide mobile homes): A dwelling unit

43 designed for long-term occupancy and designed to be transported after fabrication on its own

44 wheels as one or more units. This includes all units that could be licensed under the provisions of

45 Act 300 of the Public Acts of 1949, as amended.

46 MOBILE HOME PARK: Any parcel of land, which has been designed, improved or used for the

47 placement of three or more mobile homes for dwelling purposes.

48 NON-CONFORMING ACCESS: Features of the access system of a property that existed prior to the

49 effective date of Article XVII and that do not conform with the requirements of this Ordinance; or

50 in some cases, elements of approved access that are allowed by means of a temporary permit or

51 on a conditional basis, until alternative access meeting the terms of this Ordinance becomes

52 available.

53 NON-CONFORMING BUILDING: A non-conforming building is a building or portion thereof lawfully

54 existing at the effective date of this Ordinance, or amendments thereto, and which does not

55 conform to the provisions of the Ordinance in the zoning district in which it is located.

56 NON-CONFORMING USE: A non-conforming use is a use which lawfully occupied a building or land at

57 the effective date of this Ordinance, or amendments thereto, and that does not conform to the use

58 regulations of the zoning district in which it is located.

1 NON-FARM: A parcel or tract of land, or a structure, building, dwelling or other use which is not intended
2 for farm related purposes or which does not meet the definition of farm as defined herein.

3 NON-PARTICIPATING PARCEL: A property that is not subject to a wind turbine lease or easement
4 agreement at the time an application is submitted for a Special Land Use for the purposes of constructing
5 a commercial wind energy conversation system or wind energy system.

6 ON-SITE WIND ENERGY SYSTEM: A wind project used for generating electric power from the wind
7 which is intended to primarily serve the needs of the consumer at the site, i.e., agriculture, residential,
8 commercial, industrial and public land uses.

9 PARCEL: A continuous area or acreage of land, which has a legal description.

10 PARENT PARCEL or PARENT TRACT: A parcel or tract, respectively, lawfully in existence on the
11 effective date of this Ordinance.

12 PARKING SPACE: An area of not less than nine and one-half (9-1/2) feet wide by twenty (20) feet long,
13 designed for the parking of a motor vehicle, such space being exclusive of necessary drives,
14 aisles, entrances, or exits and being fully accessible for the storage or parking of permitted
15 vehicles.

16 PARTICIPATING PARCEL: A property that participates in a lease or easement agreement, or other
17 contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes
18 of developing of a commercial wind energy conversion system/utility wind energy system.

19 PLANNING COMMISSION: The duly appointed Planning Commission of Goodland Township, as
20 authorized by Michigan Public Act 168 of 1959.

21 POND, FARM OR RESIDENTIAL—a small body of water formed naturally or artificially, used for
22 aesthetics, recreation, irrigation, storm water management, and/or agricultural aquaculture; and
23 which under normal circumstances can hold water to a depth of three (3) feet or more. The
24 excavation of ponds is subject to regulations under the Goodland Township Earth Material
25 Removal Ordinance No. 801, as amended.

26 PUBLIC ROAD: Any road or highway which is now or hereafter designated and maintained by the
27 Lapeer County Road Commission and/or the Michigan Department of Transportation (MDOT), whether
28 primary or secondary, hard surfaced or other dependable roads.

29 QUARRYING: The removal of sand, clay, gravel, soil or similar material from its natural location for sale
30 or use on a parcel of land other than the parcel on which the material was originally located.

31 REAR SERVICE DRIVE: A local street/road or private road typically located behind principal buildings
32 and parallel to an arterial for service to abutting properties for the purpose of controlling access to
33 the arterial.

34 REASONABLE ACCESS: The minimum number of access connections, direct or indirect, necessary to
35 provide safe access to and from a public road consistent with the purpose and intent of this
36 Ordinance, with any other applicable plans of the Township with Act 200 of 1969, or with other
37 applicable law of the State of Michigan. Reasonable access does not necessarily mean direct
38 access.

39 RECREATIONAL VEHICLES: Travel trailers, motor homes, truck campers and similar vehicles not
40 exceeding forty (40) feet in length. Mobile homes shall not be deemed recreational vehicles.

41 REPAIR: The maintenance of existing structures, such as painting, re-roofing, window replacement, and
42 similar activities. Building additions or expansions shall not be considered “repairs”.

43 RESIDENCE: A building used as a dwelling for one or more families or persons.

44 RIGHT-OF-WAY: A general term denoting land, property or interest therein, usually in a strip, acquired for
45 or devoted to transportation purposes.

46 ROAD: The public or private thoroughfare which affords traffic circulation and principal means to abutting
47 property, including avenue, place, way, lane, boulevard, highway, street and other thoroughfare,
48 except any alley.

49 ROADSIDE STAND: A small open-air structure for operating a small seasonal business. The structure
50 shall be open to the outside on at least one side when open for business. The structure shall not
51 enclose more than three hundred (300) square feet.\

52 ROTOR: An element of a wind energy system that acts as a multi-blade airfoil assembly, thereby
53 extracting through rotation, kinetic energy directly from the wind.

54 SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed
55 to provide present moment wind data for use by the supervisory control and data acquisition (SCADA)
56 system.

57 SHADOW FLICKER: The alternating changes in light caused by the moving blade of a wind energy
58 system casting shadows on the ground and stationary object, such as but not limited to a window at a
59 dwelling.

1 SCHOOL: A structure specifically established for use as an institution of learning.
2 SETBACK: The distance between a building and the road right-of-way or a property line.
3 SIGN: Any device designed to inform, advertise or attract attention.
4 SINGLE-FAMILY DETACHED CONDOMINIUM: A condominium unit which is physically separated from
5 any other condominium unit and which is designed and intended for occupancy by a single family.
6 STRUCTURE: Anything constructed, erected or placed on a parcel of land, which is located on the
7 ground or attached to something having a permanent location. SUBSOIL: The layer of soil
8 between the topsoil and bedrock.
9 SOLAR ENERGY FACILITY. An energy facility, an area of land, or a structural rooftop principally used to
10 convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar
11 energy systems. This definition shall only include those facilities that primarily sell electricity to be used
12 off site. (See Section 12.20(B))
13 SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels
14 (dB).
15 SWIMMING POOL: Any structure or container intended for swimming, located either above or below
16 grade designed to hold water to a depth of greater than twenty-four (24) inches. Ponds shall not
17 be deemed swimming pools.
18 TAPER: A triangular pavement surface that transitions the roadway pavement to accommodate an
19 auxiliary lane.
20 TEMPORARY ACCESS: Provision of direct access to a road until that time when adjacent properties
21 develop in accordance with a joint access agreement, service road, or other shared access
22 arrangement.
23 THROAT WIDTH: The distance edge-to-edge of a driveway measured at the right-of-way line.
24 TOPSOIL: The top layer of soil, which is comprised of mostly organic materials and is therefore capable
25 of sustaining vegetation.
26 TOWNSHIP BOARD: The duly elected or appointed Township Board of the Township of Goodland.
27 TRACT: Two or more parcels that share a common property line and are under the same ownership.
28 TRAFFIC CONFLICT: A traffic event that causes evasive action by a driver to avoid collision with another
29 vehicle, bicycle or pedestrian.
30 TRAFFIC CONFLICT POINT: An area where intersecting traffic merges, diverges, or crosses.
31 TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes):
32 Vehicular-type portable structures, primarily designed as temporary living accommodations for
33 recreational, camping or travel use. These vehicles can be towed, hauled or affixed to another
34 vehicle and driven from one site to another without requiring a Special Transportation Permit for
35 Travel.
36 TRAVEL TRAILER PARK: Any parcel of land designed, improved, or used for the placement of three (3)
37 or more travel trailers or tents (used for recreation, camping or travel use) for overnight
38 accommodations.
39 TRIP GENERATION: The estimated total number of vehicle trip ends produced by a specific land use or
40 activity. A trip end is the total number of trips entering or leaving a specific land use or site over a
41 designated period. Trip generation is estimated using trip rates that are based upon the type and
42 intensity of development.
43 TRUCK TERMINAL: Any lot/parcel used for the parking and/or storage of any number of commercial
44 vehicles rated over one (1) ton except:
45 1) Parking is allowed when a resident of the lot/parcel is also the commercial vehicle operator,
46 and the commercial vehicle is used as personal transportation to and from work. When out
47 on business, the entire commercial vehicle must be absent from the premises.
48 2) The vehicles are temporarily parked while in use for approved construction on such lot/parcel,
49 (i.e., active building permit).
50 USE: The purpose for which a parcel of land or a building is designed, arranged, or intended or the
51 purpose for which it is occupied, maintained, or leased.
52 UTILITY GRID WIND ENERGY SYSTEM: A commercial wind facility used for generating power by the
53 use of wind at multiple tower locations in a community and includes accessory energy used such as but
54 not limited to electric substations and SCADA towers. A Utility Grid Wind Energy System is designed and
55 built to provide electricity to the electric utility transmission and distribution grid.
56 WIND ENERGY SYSTEM: A system for generating electrical power by the use of the wind; utilizing use of
57 a wind turbine generator and includes the turbine, blades, and tower as well as related electrical
58 equipment. This does not include wiring to connect the wind energy system to the grid.

- 1 WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific site and the
- 2 feasibility of using the site for construction of a wind energy system.
- 3 YARD: An open space of prescribed width or depth on the same land with a building or group of
- 4 buildings, which open space lies between the building or group of buildings, and the nearest lot
- 5 line and is unoccupied and unobstructed from the ground upward.
- 6 ZONING ADMINISTRATOR: An individual or organization appointed by the Township Board with the
- 7 responsibility of enforcing this Ordinance and carrying out the duties specified in the Ordinance.
- 8 ZONING BOARD OF APPEALS (ZBA): The duly appointed Board of Zoning Appeals for the Township of
- 9 Goodland.
- 10
- 11

1 **ARTICLE XX—AMENDMENTS AND REZONING**

2 Section 20.01: APPLICATION

3 The Township Board may, after a public hearing by the Township Planning Commission, amend the
4 regulations or the district boundaries of this Ordinance pursuant to the authority and according to the
5 procedure set forth in Public Act 110 of 2006, as amended. Proposed amendments to the regulations or
6 district boundaries of the Ordinance may be initiated by the Township Planning Commission, the
7 Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning
8 amendment, he or she shall be the fee owner of the premises concerned or else have the fee owner also
9 subscribe to the petition. A petition for rezoning shall be submitted to the Township Clerk along with a
10 rezoning fee, as established by the Township Board.

11 Section 20.02: NOTICE OF HEARING

- 12 A.) Any person wishing to apply for a rezoning must be applied for in writing on forms provided by
13 the Township. Upon receipt of an application for a rezoning, one (1) notice that a request for a
14 rezoning has been received shall be published within a newspaper, which circulates within the
15 township. Additional notice shall be sent by mail or by personal delivery to the owner of the
16 property for which the rezoning is being considered, all owners of property to whom real property
17 is assessed and to all occupants of all structures within 300 feet of the boundary of the property
18 that is the subject of the application and to the petitioner.
- 19 B.) Notice Timing – Such notice must be given not less than fifteen (15) days before the date the
20 application will be considered.
- 21 C.) Notification Items – The notice shall include the following:
22 1.) Describe the nature of the action.
23 2.) Indicate the property/properties subject to the request. The notice shall include a listing of all
24 existing street addresses within the area. Street addresses will not be created where no such
25 addresses currently exist within the property. If there are no street addresses, other means
26 of identification will be used.
27 3.) Indicate the property that is the subject of the appeal. State when and where the appeal will
28 be considered.
29 4.) Indicate where and when written comments will be received concerning the appeal.

30 Section 20.03: PLANNING COMMISSION HEARING AND RECOMMENDATION

31 After conducting the public hearing, the Township Planning Commission shall adopt recommendations
32 as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance
33 regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or
34 amendment shall be submitted to the Lapeer County Planning Commission for review and
35 recommendation.

36 Section 20.04: TOWNSHIP BOARD

37 Upon receipt of the recommendation of the Township Planning Commission and the County Planning
38 Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment.
39 If no recommendation is received from the County Planning Commission within thirty (30) days after it
40 received the proposed rezoning or amendment, the Township Board shall conclusively presume that the
41 County has waived its right for review and recommendation. Any decision by the Township Board, which
42 results in rezoning of property or the amendment of the Ordinance, shall be incorporated in an ordinance
43 duly adopted and published by the Township Board.
44
45
46

ARTICLE XXI—VIOLATIONS

1

2 Section 21.01: PENALTY

3 Any person, persons, firm, or corporation, or anyone acting in behalf of said person, persons, firm or
4 corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any
5 of the regulatory measures or conditions of the Zoning Board of Appeals or Planning Commission,
6 adopted pursuant hereto, is responsible for a municipal civil infraction, subject to payment of a civil fine of
7 not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this
8 Ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance.

9 Section 21.02: NUISANCE PER SE

10 Any building or structure, which is used, erected, altered, razed, or converted or any use of any
11 premises which is begun or changed subsequent to the passage of this Ordinance and in violation of any
12 provision of this Ordinance, is hereby declared to be a nuisance per se.
13
14

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ARTICLE XXII—SEVERABILITY

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Section 22.01: SEVERABILITY

3

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

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1 **ARTICLE XXIII—ENACTMENT AND REPEAL**

2 Section 23.01: ORDINANCE ENACTED

3 The provisions of this Ordinance are hereby enacted and declared immediately necessary for
4 preservation of the public peace, health, safety, and welfare of the people of the Township of Goodland.

5 Section 23.02: EFFECTIVE DATE

6 This ordinance is therefore ordered to be given immediate effect upon the 1st day of August 2007,
7 pursuant to Public Act 110 of 2006, as amended.

8 Section 23.03: REPEAL

9 The former Goodland Township Zoning Ordinance Number 100 adopted on 26th day of April 1982 and
10 all amendments thereto, are hereby repealed.

11 Section 23.04: CERTIFICATION

12
13 The undersigned Supervisor and Clerk of the Township of Goodland hereby certify that this Ordinance is
14 a true copy of the Ordinance duly adopted by the Goodland Township Board, at a meeting held on the
15 12th day of June, 2007. We further certify that a notice of adoption of this Ordinance was duly published
16 in the Tri-City times on the 20th day of June, 2007.
17

18
19
20 _____
21 Ronald Cischke, Supervisor

_____ Mavis Roy, Clerk

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APPENDIX I—Examples of Proposed Land Uses That May Require Professional Traffic Analysis

LAND USE	100 PEAK HOUR DIRECTIONAL TRIPS
Single Family	150 Units
Apartments	245 Units
Condos/Townhouses	295 Units
Mobile Home Park	305 Units
Shopping Center	15,500 square feet
Fast Food Drive-thru Restaurant	5,200 square feet
Convenience Store w/gas	1,300 square feet + 5 pumps
Hotel/Motel	250 Rooms
General Office	55,000 square feet
Industrial	115,000 square feet

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TOWNSHIP OF GOODLAND
ZONING ORDINANCE AMENDMENT
ROOF PITCH REQUIREMENT
ORDINANCE 101-07

An ordinance to amend the Goodland Township Zoning Ordinance No. 100-07, to establish a roof pitch requirement for single-family dwelling units.

THE TOWNSHIP OF GOODLAND ORDAINS:

The following section of the Goodland Township Zoning Ordinance is hereby amended as follows:

Section 12.06: MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MANUFACTURED HOUSING PARKS

L.) Each single-family dwelling unit shall have a roof pitch with no less than a 4-12 pitch.

The undersigned Supervisor and Clerk of the Township of Goodland, Lapeer County, Michigan, do hereby certify that this Ordinance Amendment was duly adopted by the Goodland Township Board on the 11th day of December, 2007 and was published in the Tri-City Times on the 19th day of December, 2007. This Zoning Ordinance Amendment become effective seven (7) days after said date of publication.

Ron Cischke, Supervisor

Mavis Roy, Clerk

ORDINANCE NO. 400

An Ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 2,500 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent herewith.

The Townships of Almont, Attica, Burlington, Burnside, Deerfield, Dryden, Elba, Goodland, Hadley, Lapeer, Marathon, Mayfield, Metamora, North Branch, Oregon and Rich do ordain:

Section 1. PREAMBLE

The Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of the Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportations, utility and other public services regularly provided in this Township.

Section 2. DEFINITIONS

- A. "Outdoor Assembly," hereinafter referred to as "assembly" means any event, attended by more than 2,500 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:
1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U. S. C. § 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or
 3. an event held entirely within the confines of a permanently enclosed and covered structure.
- B. "Person," means any natural person, partnership, corporation, association or organization.
- C. "Sponsor," means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- D. "Attendant," means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services
- E. "Licensee," means any person to whom a license is issued pursuant to this ordinance.

Section 3.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

Section 4. APPLICATION FOR LICENSE

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least sixty (60) days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- A. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00).
- B. A statement of the kind, character, and type of proposed assembly.
- C. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where the ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to use of the site for the proposed assembly.
- D. The date or dates and hours during which the proposed assembly is to be conducted.
- E. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method, which will be used for accounting purposes.

Section 5.

Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plan to provide for the following:

- A. Police and fire protection
- B. Food and water supply and facilities
- C. Unreadable
- D. Medical facilities and services including emergency vehicles and equipment.
- E. Vehicle access and parking facilities
- F. Camping and trailer facilities.
- G. Illumination facilities
- H. Communication facilities
- I. Noise control and abatement
- J. Facilities for clean up and waste disposal
- K. Insurance and bonding arrangements

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

Section 6.

On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the County, the State Fire Marshall, and to such other appropriate public officials, as the Clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof shall report their findings and recommendations to the Township Board.

Section 7.

Within thirty (30) days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice.

Section 8.

A license may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of State or Local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 9.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section 10.

In processing an application, the Township Board, at a minimum, shall require the following:

- A. Security Personnel. The licensee shall employ, at his own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the County, in cooperation with the Director of State Police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- B. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located and approved in accordance with Act 294, Public Act of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or Local law, or from a source and delivered and stored in a manner approved by the Thumb District Health Department Health Officer.
- C. Restroom Facilities. The licensee shall provide separate, enclosed, flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable State or Local law. If such flush-type facilities are not available, the Thumb District Health Department Health Officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or Local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or Local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	N/A
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

Where the assembly is to continue for more than twelve (12) hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Thumb District Health Department Health Officer.

- D. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State and Local law. If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.
- E. Medical Facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the Thumb District Health Department Health Officer.
- F. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Thumb District Health Department Health Officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependant upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or Local law, and _____ (unreadable, cut off copy)... the Thumb District Health Department Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
- G. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to the issuance of any license, the licensee shall provide the Thumb District Health Department Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
- The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches or other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.
- H. Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of State or Local law.
- I. Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of State or Local law.
- J. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of State Highways must approve the licensee's plan for access and traffic control.

- K. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one (1) automobile space for every four (4) attendants.
- L. Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of State or Local law. While Act 171 does not become effective until January 1, 1971, for purposes of this Ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.
- M. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Electrical Administrative Board of the State of Michigan.
- N. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with limits of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least ten (10) days before the expiration or cancellation of said insurance.
- O. Bonding. Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the Township Attorney, conditioned upon the licensee's faithful compliance with all the terms and provisions of this Ordinance and all applicable provisions of State or local law, and which shall indemnify the Township, its agents, officers and employees and the Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property _____(unreadable, cut off).
- P. Fire Protection. The licensee, at his own expense, shall take adequate steps as determined by the State Fire Marshall, to ensure fire protection.
- Q. Sound Producing Equipment. Including, but not limited to public address systems, radios, phonographs, musical instruments and other recording devices shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- R. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
- S. Communications. The licensee shall provide public telephone equipment for general use based on at least one unit for each 1,000 attendants.
- T. Miscellaneous. Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or citizens of the Township.

Section 11. REVOCATION

The Township Board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to comply fully with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

Section 12. VIOLATIONS

It shall be unlawful for a licensee, his employee or agent to knowingly:

- A. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- B. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- C. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- D. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- E. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
- F. Permit any person to unlawfully use, sell, or possess any narcotics, _____(unreadable, cut off)\

Any of the above-enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the Circuit Courts, and is punishable by imprisonment in the County Jail for not more than ninety (90) days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the Circuit Court of the assembly.

Section 13. SEVERABILITY

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 14. EFFECTIVE DATE

This Ordinance shall be effective from and after November 10, 1970.

Willard J. Wilbur, Clerk

******This ordinance became effective November 10, 1970******

ORDINANCE NO. 700

An Ordinance to regulate the excessive noise, which creates a nuisance or disturbs the public peace within the Township and to provide penalties for violation thereof.

THE TOWNSHIP OF GOODLAND ORDAINS:

Section 1. GENERAL NOISE PROHIBITION

No person shall at any time cause a noise to be created, which by its loud or continuous nature is a nuisance to persons occupying nearby properties.

Section 2. MOTOR VEHICLES

No motor vehicle, which creates excessive noise, shall be operated upon the public roads or other public property located within the Township. For purposes of this section, the term "excessive noise" shall be deemed to mean noise louder than that, which would be created if the motor vehicle were equipped with a standard muffler system in good working order.

Section 3. OFF-ROAD VEHICLES

- A. The term "off-road vehicle" shall include any trail bike, snowmobile, all-terrain vehicle, or other vehicle, which is not licensed for regular use upon the public roads as a motor vehicle. The term "off-road vehicle" shall not include tractors. For the purposes of this section, the term "tractor" shall be deemed to mean a four-wheeled or track-laying, rider-controlled, self-propelled vehicle used especially for drawing implements (as agricultural) or for bearing and propelling such implements.
- B. No off-road vehicle shall be operated within the Township unless it is equipped with a muffler, which effectively prevents excessive noise therefrom. Also, the vehicle is to be equipped with a spark arrester type United States Forest Service approved muffler, in good working order and in constant operation. For purposes of this section, the term "excessive noise" shall be deemed to mean noise louder than that, which would be created if the off-road vehicle were equipped with an approved muffler system in good working order.
- C. No off-road vehicle shall be operated within 500 feet of a residence, unless such residence is occupied by the operator of the off-road vehicle.
- D. No off-road vehicle shall be operated in such a manner as to cause noise audible beyond the property lines of the property on which the noise originates for more than one (1) hour per day.
- E. No person under 18 years of age shall operate an off-road vehicle within the Township unless the person is operating the vehicle on the property on which the person's residence is located or unless the person is accompanied by an adult.

Section 4. NIGHT DISTURBANCES

No excessive noise shall be made on any private property within the Township of Goodland between the hours of 8:00 p.m. and 8:00 a.m. This section shall include noises created by phonographs, radios, stereo equipment, musical instruments, loud parties, and other causes. For purposes of this section, the term "excessive noise" shall be deemed to mean any noise, which is audible beyond the property lines of the property on which the noise originates and which is audible beyond such property lines at a level louder than noise caused by ordinary conversation.

Section 5. DOGS

No person shall permit any dog, which is harbored on his premises to create a nuisance by loud, frequent, or habitual barking, howling, or other noise.

Section 6. AGRICULTURE AND BUSINESS EXEMPTION

This Ordinance shall not apply to noises caused by farm or business operations, which are carried on in an area properly zoned for that activity, provided that the activity causing the noise is necessary to the farm or business operation.

Section 7. WAIVER

Permission to waive particular provisions of this Ordinance may be granted by the Township Board for specific events or social occasions.

Section 8. PENALTY

Any person who shall violate this Ordinance shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than \$500.00

Section 9. SEVERABILITY

This Ordinance and the various sections and provisions thereof are hereby declared to be severable. If any section or sub-section is adjudged unconstitutional or invalid, the same shall not affect the validity of the remainder of this Ordinance.

Section 10. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication in a newspaper of general circulation within the Township.

The undersigned Supervisor and Clerk of the Township of Goodland hereby certifies that this Ordinance was duly adopted by the Goodland Township Board at a meeting held on the 28th day of November 1995 and was published in the Tri-City Times on the 20th day of December 1995.

Ronald Cischke, Supervisor
Anna Maria Calianno, Clerk

******This ordinance became effective January 19, 1996******

SUBDIVISION ORDINANCE

ORDINANCE NO. 1100

An Ordinance enacted under Act 288, Public Acts of 1967, as amended, and Act 168, Public Acts of 1959, as amended, of the State of Michigan, establishing regulations governing the subdivision of land providing standards, procedures and rules for the preparation and filing of plats, and to provide for the approval or rejection of such plats by the Township of Goodland, Lapeer County, Michigan.

THE TOWNSHIP OF GOODLAND ORDAINS:

Article I. GENERAL

Section 100 SHORT TITLE

This Ordinance shall be known and may be designated as the “Goodland Township Subdivision Regulations.”

Section 101 PURPOSE

The purposes of this Ordinance are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; to provide a reasonable and proper basis for the design and construction of residential, commercial or industrial projects having site improvements including sanitary sewer, storm drainage, water main, site grading and paving; and, to provide logical procedures for the achievement of these purposes.

Section 102 SCOPE

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Where this Ordinance imposes a greater restriction upon land than is imposed or required by existing provisions of any other Ordinance of this Township, the provisions of this Ordinance shall control.

Section 103 FURTHER DIVISION OF LOTS

Pursuant to the provision of Section 263 of Act 288 of P. A. of 1967, as amended, any lot, out lot, or other parcel in a recorded plat may be further partitioned or divided so long as it shall meet the following minimum requirements:

1. The minimum lot size of any lot, out lot or other parcel of land in a recorded plat shall be in accordance with the applicable requirements as set forth in Article 7, Section 702,

except when the partitioning or dividing of such land is for the development and/or use of such divided or partitioned land in conjunction with the adjoining lot, out lot or other parcel. In that event, any portion of said lot, out lot or other parcel, which does not meet the minimum requirements of said Zoning Ordinance after division or partition, shall not be developed or used except in conjunction with the lot, out lot or other parcel immediately adjoining the same. Division of lots shall not result in any parcel of less than our minimum lot size.

2. The petitioner shall submit three (3) drawings of the proposed lot split prepared by a Registered Civil Engineer or Registered Land Surveyor. The Survey must show all existing structures on the lot. The petitioner shall also provide the Township Clerk with proof of ownership of the lot or lots to be split.
3. The applicant shall present a written instrument fully executed in form legally sufficient for recording with the Lapeer County Register of Deeds to the Township Board for its written approval thereon prior to recording. Such instrument shall contain the legal description of the partition or division of the parcel described therein. If the division or partition of the parcel will result in a minimum lot size less than the requirements as set forth in Article 7, Section 702, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Lapeer County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land.
4. Any such division shall be permitted only after a resolution permitting such has been passed by the Township Board. The Township Board may request the opinion or recommendation of the Township Planning Commission and may hold a public hearing where it is felt that such would be desirable or necessary.

Article II. Definitions

Section 200 DEFINITIONS

For the purpose of this Ordinance, certain words, terms and phrases shall be defined as follows. All terms as defined in Subdivision Control Act of 1967 shall control in this Ordinance unless specifically defined hereinafter in this Article II.

BLOCK—property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream; or between any of the foregoing and any other barrier to be continuity of development.

BUILDING LINE OR SETBACK LINE—a line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.

CLERK—the Clerk of the Township of Goodland

COMMISSION—the Planning Commission of the Township of Goodland

TOWNSHIP LAND USE AND DEVELOPMENT PLAN—also known as the Master Plan. The comprehensive land use plan for the municipality, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, and all physical developments of the municipality, and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof approved and/or adopted by the Planning Commission and governing body.

EASEMENT—a grant by the owner of the use of land by the public, a corporation, or persons for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

FLOODPLAIN—that area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can be reasonably be expected in Lapeer County.

GOVERNING BODY—the Township Board of the Township of Goodland.

IMPROVEMENTS—grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility or habitability.

LOT—a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

MAJOR STREETS OR THOROUGHFARE PLAN—that part of the Township Land Use and Development Plan or Master Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

MUNICIPALITY—the Township of Goodland, Lapeer County, Michigan.

MUNICIPAL ENGINEER OR TOWNSHIP ENGINEER—the staff engineer or consulting engineer of the Municipality.

MUNICIPAL PLANNER OR TOWNSHIP PLANNER—the staff planner or consulting planner of the Municipality.

PERFORMANCE GUARANTEE—any security including performance bond, escrow agreements, and other similar collateral or surety agreements, which may be accepted by the Township Board as a guarantee that required subdivision improvements will be made by the developer.

PLAT—a map or chart of a subdivision of land.

- a. Preliminary Plat—a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Subdivision Control Act.
- b. Final Plat—a map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision prepared in conformance with the requirements of the Subdivision Control Act and this Ordinance, and suitable for recording by the County Register of Deeds.

PARCEL (or Tract)—a continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PROPRIETOR—a natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land, whether recorded or not.

SECRETARY—the Secretary of the Goodland Township Planning Commission.

SHALL and MAY—the word “shall” and “will” are mandatory and the word “may” is permissive.

STREET—any avenue, boulevard, road, lane, parkway, viaduct, alley or other way that is an existing state, county, or municipal roadway or way shown in a plat heretofore approved pursuant to law. A street, as defined above, includes the land between the right-of-way lines, whether improved or unimproved and may compromise pavement, shoulders, gutters, sidewalks, parking areas and lawns.

- a. Major Thoroughfare—an arterial street with continuity which is intended to serve as a large volume traffic way for both the immediate Municipality area and region beyond.
- b. Collector Street—a street intended to serve as a major means of access from minor streets to major thoroughfares, including principal entrance streets to large-scale developments.
- c. Minor Street—a street of limited continuity used primarily for access to abutting residential properties.

- d. Marginal Access Street—a minor street paralleling and adjacent to a major thoroughfare which provides access along one side to abutting properties and protection from through traffic.
- e. Boulevard Street—a street developed in two one-way pavements separated by a median.
- f. Cul-de-Sac Street—a short minor street having one end permanently terminated by a vehicular turn-around.
- g. Alley—a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

SUBDIVISION CONTROL ACT—the Subdivision Control Act, Michigan Public Act No. 288 of 1967, as amended.

SUBDIVISION OR SUBDIVIDING—the partitioning or dividing of a parcel or tract of land by the proprietor thereof by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area, created by successive divisions within a period of ten (10) years.

Article III. Initial Investigation

1. Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet informally with the Township Planning Commission to investigate the procedures and standards of the Municipality with reference to this Subdivision Ordinance and with the proposals of the Comprehensive Development Plan as they may affect the area in which the proposed subdivision is located. The meeting may include discussion of the following:
 - a. Availability of copies of the Township Zoning Ordinance, Township Land Use and Development Plan, Subdivision Regulations, engineering specifications, procedures guide to plat land and other similar ordinances or controls relative to the subdivision and improvement of land.
 - b. The relationship of the proposed subdivision with respect to adjacent land uses and to major thoroughfares and plans for widening of thoroughfares.
 - c. Adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision.
 - d. Availability, standards and adequacy of sewage disposal, water supply and drainage within the Township.
2. The developer may submit a plan showing the proposed development of the subdivision in schematic form, including the area of first development. Such a sketch plan should include: general layout of streets and lots; existing characteristics and conditions of the site, and general area set aside for schools, parks and other community facilities.
3. Nothing in this section, however, shall be so construed as to require any pre-application contract and review at this stage shall not constitute any approval of the proposed preliminary plat but shall serve primarily as guidance to the proprietor and the municipality.

Article IV. Preliminary Plat Tentative Approval

The preparation of a Preliminary Plat shall be carried out through two phases: Tentative and Final Preliminary Plat approval, all in accordance with the procedure in Article IV and Article V.

Section 400 FILING

1. The proprietor shall submit ten (10) copies of the preliminary plat and other data concerning the proposed subdivision, together with a copy of proof of ownership to the Township Clerk or Planning Commission Secretary at least ten (10) days before a meeting of the Planning Commission. The Planning Commission Secretary or Clerk shall place the preliminary plat on the next agenda of the Planning Commission for the establishment of a review date.
2. The Clerk or Planning Commission Secretary shall check the proposed plat and other data for completeness. Should any of the data required in the Subdivision Control Act or in this Ordinance be omitted from the proposed plat, the Clerk or Secretary shall inform the proprietor of the data required and suggest that the application not be filed until the required data is received.
3. The preliminary plat shall be prepared in accordance with Section 111 and 112 of the Subdivision Control Act and in accordance with the requirements of this Ordinance. The Planning Commission shall act on the Tentative Approval—Preliminary Plat within ninety (90) days after the first meeting of the Planning Commission after the proposed Preliminary Plat has been deposited with the Township.
4. The appropriate School Board or School Board Superintendent shall be informed of the proposed preliminary plat by the proprietor. The proprietor shall submit evidence that a copy of the preliminary plat has been delivered to the appropriate school district for its information.
5. The proprietor shall deposit the sum required in Article XIII to cover costs of reviewing all plans and layouts, said deposit to be made at the time the preliminary plat is submitted to the Clerk or Planning Commission Secretary.

Section 401 IDENTIFICATION AND DESCRIPTION

1. Proposed name of Subdivision.
2. Location by Section, Town and Range or by other legal description.
3. Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
4. Date, North point and scale of plat, 1" = 100' as minimum acceptable scale.

Section 402 EXISTING CONDITIONS

1. An over-all area map at scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings such as section lines and/or major thoroughfare or collector streets shall be provided.
2. Boundary lines of proposed subdivision, section or corporation lines within adjacent to the tract and over-all property dimensions.
3. Property lines of contiguous adjacent tracts of subdivided and un-subdivided land up to 300 feet are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.
4. Location, width, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
5. Location and water levels of lakes and swamps, and the direction or flow of streams and surface drainage ways.

6. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
7. Topography drawn as contours with an interval of at least two (2) feet in elevation, except if grade exceeds five (5) percent, the contour interval shall be five (5) feet. Topography should be based on United States Geological Survey Datum.
8. Soil types and characteristics as made available by the United States Department of Agriculture Soil Conservation Service shall be sketched and submitted indication the suitability of the proposed site for the proposed development. (See Soil Survey, Lapeer County, Michigan, January 1972).
9. Vegetation on the site shall be carefully inventoried and sketched as to type and location. In particular, existing trees by type and size shall be recorded.

Section 403 PROPOSED CONDITIONS

1. A design or concept sketch shall be submitted showing the layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, existing easements and public walkways.
2. Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
3. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
4. An indication of the status of the petitioner's ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted," the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
5. An indication of the required utilities including sanitary sewage disposal, water supply and storm drainage.
6. Statement of intended use of the proposed plat, such as, residential single family, two-family and multiple housing; commercial; industrial, recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses of exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
7. In the case where the proprietor wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part, which is proposed to be subdivided first, shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development, which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

Section 404 REVIEW BY PLANNING COMMISSION

1. The Planning Commission shall act on the preliminary plat within ninety (90) days after the date of filing, unless the proprietor agrees to an extension, in writing, of the time required for approval by the governing body and Planning Commission.
2. The Planning Commission Secretary shall send a notice to the owners of land immediately adjoining the property to be plated of the presentment of the preliminary plat and the time and place of the meeting of the Planning Commission to consider said

preliminary plat; said notice shall be sent not less than five (5) days before the date fixed thereof. At their discretion, the Planning Commission in lieu of a separate notice may advertise that a public meeting will be held at which time the proposed plat will be discussed.

3. The Commission shall review the preliminary plat for compliance with the following:
 - a. Applicable ordinances and regulations.
 - b. Availability and adequacy of utilities.
 - c. Availability of school and recreation facilities.
 - d. Comprehensive Development Plan.
 - e. Street and Lot Layout and Orientation.
 - f. Environmental Effects.
 - g. Objective and policies of the Township.
4. The Commission shall recommend conditional approval, disapproval, or approval of the preliminary plat.
 - a. Should the approval be a conditional approval, the preliminary plat may be forwarded to the governing body.
 - b. Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the meeting. The proprietor shall be notified of the action of the Commission and may request copies of the recommendation for the purposes of revision and re-submittal.
 - c. Should the Commission find that all conditions have been satisfactorily met, it shall give approval to the preliminary plat. The Secretary shall make a notation to the effect on each copy of the preliminary plat and distribute copies of the same as follows:
 - (1) Retain one (1) copy that shall become a matter permanent record in the Commission files.
 - (2) Forward one (1) copy to the School Board or School Board Superintendent of the School District having jurisdiction in the area concerned;
 - (3) Forward the remaining copies to the governing body via the Clerk's office, with recommendations for approval.

Section 405 PLAT REVIEW BY GOVERNING BODY

1. The governing body will not review the tentative preliminary plat until it has received the review and recommendations of the Commission. Following the receipt of such tentative approval recommendations, the governing body shall consider the preliminary plat and shall take action on the preliminary plat within ninety (90) days of the date of filing.
2. Should the governing body give tentative approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the preliminary plat for final approval.
3. The tentative approval of the preliminary plat by the Township Board shall be effective for a period of twelve (12) months. Should the preliminary plat in whole or in part not be submitted for final approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the governing body. The one (1) year period may be extended if applied for by the proprietor and granted by the governing body in writing.
4. No land balancing, installation or construction of any improvements shall be made or begun at this time.

Article V. Preliminary Plat Final Approval

Within one year after having received tentative approval of the preliminary plat as prescribed in Article IV of this Ordinance, the proprietor shall submit the Preliminary Plat for Final Approval.

Section 500 FILING

1. The proprietor shall submit to the Township Clerk ten (10) copies of the preliminary plat and other data concerning the proposed subdivision at the time he files copies with the authorities as required in Sections 113 to 119 of the Subdivision Control Act. At this filing, he shall include a certified list of all authorities to which he has submitted preliminary plats for review.
2. In the case where the proprietor wishes to subdivide only a given area, but has submitted the entire area to be platted during the Tentative Approval, the proprietor may elect to start with the procedures of Article V, Section 500. However, if substantial changes have been made to the overall plat then it shall be necessary to resubmit the plat according to the procedures of Article IV.
3. The Clerk shall check the proposed plat and other data for completeness. Should any of the data required in the Subdivision Control Act or in this Ordinance be omitted from the proposed plat, the Clerk shall inform the proprietor of the data required and suggest that the application not be filed until the required data is received.
4. The proprietor shall submit as evidence of title a policy of title insurance, or a legal opinion with reference to ownership, for examination in order to ascertain as to whether or not the proper names appear on the plat.
5. The Planning Commission Secretary shall place the preliminary plat on the agenda of the Planning Commission within forty-five (45) days of the filing date. The proprietor shall be requested to appear.
6. The preliminary plat shall be prepared in accordance with Section 120 of the Subdivision Control Act and in accordance with the requirements of this Ordinance. The Planning Commission shall act on the preliminary plat within sixty (60) days after the proposed preliminary plat has been deposited with the Township Clerk.

Section 501 IDENTIFICATION AND DESCRIPTION

1. Same as Section 401.

Section 502 EXISTING CONDITIONS

1. Same as Section 402.

Section 503 PROPOSED CONDITIONS

1. Same as Section 403.
2. An indication of the required underground utilities.
3. Proposed utility installations to the standards adopted by the Township and appropriate County agencies and as required by the Township Engineer.
4. Water areas: plan of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; methods of controlling insects, water growths and vegetation.
5. Proposed topography: superimposed on the preliminary plat shall be the proposed contours at a minimum of two feet of the area including the area at least 100 feet outside of the project.

Section 504 REVIEW BY THE PLANNING COMMISSION

1. The preliminary plat documents shall be reviewed by the Planning Commission as to compliance with the previous tentative approved plat.
 - a. Should the Planning Commission find that the submitted plat documents are in close agreement with the tentatively approved preliminary plat, it shall recommend approval, notify the Township Board of this action in its official minutes, and forward same together with all accompanying data to the Township Board for their action.
 - b. Should the Planning Commission find that the submitted plat documents do not conform substantially to the tentatively approved preliminary plat and that it is not acceptable, they shall record the reasons in their official minutes and forward the same to the Township Board together with all accompanying data, for their review and action.

Section 505 REVIEW BY THE TOWNSHIP BOARD

1. The Township Board will not review the preliminary plat until all of the requirements of the Subdivision Control Act and this Ordinance have been complied forthwith. The Township Board shall consider the preliminary plat and shall take action thereon at its next meeting or within sixty (60) days of the date of submission as qualified in Section 120 (1) (c) of the Subdivision Control Act.
2. Should the Township Board give approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.
3. The approval of the Preliminary Plat by the Township Board is effective for two (2) years. Should the final plat in whole or in part not be submitted for approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the Township Board. The two (2) year period may be extended if applied for by the proprietor and granted by the Township Board in writing.
4. The Township Clerk shall promptly notify the proprietor of approval or rejection in writing and if rejected to give the reasons.
5. No installation or construction of any improvements shall be made before the preliminary plat has been approved by the governing body and any deposits required have been received by the municipality.

Article VI. Final Plat

Section 600 PREPARATION

1. The final plat shall comply with the provisions of the Subdivision Control Act.
2. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat, which the proprietor proposed to record and develop at the time; provided, however, that such portion conforms to this Subdivision Ordinance.

Section 602 FINAL PLAT REVIEW

1. The proprietor shall file five (5) mylar copies and three (3) paper prints of the final plat with the required deposits of money with the Township Clerk.
2. The final plat at the discretion of the Board may be reviewed by an Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
3. The governing body shall require the following:
 - a. Conformance to the Township Land Use and Development Plan of Goodland Township.

- b. Proper drainage, grading and construction of approved materials of a thickness and width provided for in this Ordinance and those adopted by the municipality.
- c. Installation of bridges and culverts where deemed necessary by the municipal engineer or the County.
- d. Submission of complete plans for grading, drainage and construction as required in Articles VII, VIII, IX and X of this Ordinance.
4. The governing body shall review all recommendations and take action on the final plat within sixty (60) days of its date of filing.
5. Upon approval of the final plat by the governing body, the subsequent approvals shall follow the procedure set forth in the Subdivision Act. The three (3) prints of the final plat shall be forwarded: one (1) to the Clerk, one (1) to the Planning Commission, and one (1) to the Building Inspector. The five (5) mylar copies shall be forwarded to the County Plat Board.
6. Placing of required monuments and lot corner markers may be waived by the governing body for a period of one (1) year from the date of approval of the final plat by the governing body, provided:
 - a. That monuments or other markers adequately witnessed, shall be in place at all angles and at all ends of curves in the boundaries of the subdivision; and
 - b. that the proprietor shall have delivered to the Clerk cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount equal to \$35.00 per monument remaining to be placed plus \$15.00 per lot corner marker remaining to be placed. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor or engineer that the monuments and markers have been placed as required. If the proprietor defaults, the governing body shall engage a surveyor to locate the monuments and markers called for on the plat and on completion of the work shall return any unexpended balance of the deposit to the party from whom it was received.
7. The Township Board shall require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check or irrevocable bank letter of credit running to the municipality for the full cost, as estimated by the municipal engineer, of the improvement of public places, other than roads and streets, and the installation of any required public sewer, water supply and drainage facilities, to ensure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the governing body. The municipality shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project, provided at least ten percent (10%) shall be retained pro-rata from each payment until one year after completion of the improvements to ensure against any repairs that may be necessary.
8. A copy of a proposed Subdivision Deed Restrictions or Protective covenants or a statement in writing that none are proposed shall be furnished to the governing body to be filed with the Township copy of the final plat.

Article VII. Subdivision Design Standards

The subdivision design layout standards set forth under this section are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Township Board in accordance with this Subdivision Regulations Ordinance.

Section 700 STREETS

Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other requirements of the County Road Commission or the Township Engineer.

1. Location and Arrangement
 - A. The proposed subdivision shall conform to the various elements of the Township Land Use and Development Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such street shall be platted in the location and width indicated on such plan. The proposed subdivision shall also conform to any state or county right-of-way plan that may be applicable to that location.
 - B. The street layout shall provide for continuation of local or collector streets in the adjoining subdivisions or where the adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
 - C. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - D. Should a proposed subdivision border or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - E. Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks and residential districts. Such distances shall be determined with due consideration of the minimum distance required for such approach grades to future grade separation.
 - F. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.
 - G. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable gradients.
 - H. Except where justified by extreme conditions, alleys and private streets will not be permitted in areas of single or two-family residences.

2. Right of Way Widths

The street right-of-way widths shall conform to the requirements of the County Road Commission or at least the following requirements, whichever is greater:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTHS</u>
A. Major Thoroughfares	In conformance with the requirements of the Lapeer County Road Commission and the Township.
B. Collector Streets	86'
C. Industrial Service Streets	66'
D. Multiple-Family Residential Streets, where platted	66'
E. Minor (Single-Family)	

- Residential Streets 66'
- F. Marginal Access Streets 40'
- G. Boulevard Streets 86'
- H. Alleys 20'
- I. Cul-de-Sac Streets 66' Right-of-Way terminating with 70' radius
- Turn Aounds
 - I. Maximum length for cul-de-sac streets shall generally be 600 feet. This may be exceeded where necessary subject to the approval of the Commission.
- 3. Street Geometrics

Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by the Lapeer County Road Commission.
- 4. Street Intersections

Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
- 5. Street Jogs

Street jogs with centerline offsets of less than 125 feet shall be avoided.
- 6. Truck Wells

Truck wells, and receiving and shipping depots will be so located as to provide adequate vehicular movement on the site, and shall not face directly onto a public right-of-way unless at least 100 feet from the right-of-way, and shall be subject to the review of the Lapeer County Road Commission.
- 7. Driveways

All driveway locations shall be subject to the regulations, recommendations and/or review of the Lapeer County Road Commission. Wherever possible driveways onto a State highway or County primary road shall be minimized.

Section 701 BLOCKS

Blocks within subdivisions shall conform to the following standards:

- 1. Sizes
 - A. Maximum length for blocks shall not exceed 1,400 feet in length, except where in the opinion of the Commission, conditions may justify a greater distance.
 - B. Widths of blocks shall be determined by the condition of the layout and shall be suited to the Intended Layout.
- 2. Public Walkways
 - A. Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian circulation within the subdivision and to public or private facilities such as, but not limited to, schools and parks.
 - B. Right-of-Way widths of public walkways when not adjacent to or part of street rights-of-way shall be at least 8 feet and shall be dedicated to the use of the public.
- 3. Easements
 - A. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than ten (10) feet wide.
 - B. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
 - C. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision. A statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat

indicating, “The side lot lines between lots [indicating lot numbers] are subject to street light dropout rights granted to the Detroit Edison Company.”

D. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width, construction, or both as will be adequate for the purpose. Such easements shall meet the approval of the County Drain Commissioner and/or County Road Commissioner.

Section 702 LOTS

Lots within subdivisions shall conform to the following standards:

1. Sizes and Shapes
 - A. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
 - B. Minimum lot size shall be one (1) acre per single dwelling or two (2) acres for two-family dwelling.
 - C. Lot widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is located.
 - D. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.
 - E. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 2 ½ to 1 shall be desirable.
 - F. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
 - G. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance.
2. Arrangement
 - A. Every lot shall front or abut on a public dedicated street.
 - B. Side lot line shall be essentially at right angles to straight streets and radial to curved streets, and must exhibit satisfactory rear and side yard relationships to provide for privacy and drainage.
 - C. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distances between building and such traffic way.
 - D. Lots shall have a front-to-front relationship across all streets, where possible.
 - E. Where lots border upon bodies of water, the front yard shall be designated as that site fronting on the street.
 - F. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.

G. Where parcels of land are subdivided into unusually larger lots (such as where large lots are required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for re-subdivision into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

Section 703 NATURAL FEATURES

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all nature 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, (dams, bulkheads, retaining walls, etc.) where appropriate shall be required.

Section 704 FLOOD PLAINS

Any areas of land within the proposed subdivision which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or in any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Water Resources Commission of the Department of Natural Resources.

Section 705 TOPSOIL

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the final plat and shall be approved prior to receiving of approval of the final plat.

Section 706 PUBLIC SITES AND OPEN SPACES

When consideration is given by the proprietor to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks and recreation facilities, as indicated in the Township Land Use and Development Plan, said areas shall be provided by one of the following methods:

1. Dedication to the Township
2. Reservation of land for use of property owners by deed or covenants.
3. Reservation for acquisition by the Township or School Board within a period of two (2) years after development is completed. Said reservations shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Township or School Board does not proceed with the purchase.

Due regard shall be shown by the Board for preserving outstanding natural features such as scenic spots, watercourses or exceptionally fine groves of trees.

Section 707 PLANTING STRIPS

Planting strips may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a

minimum of fifteen (15) feet wide. Where mature trees are present, they shall be preserved. In all other instances, the proprietor shall furnish a satisfactory landscape plan to the Planning Commission.

Article VIII. Improvements

The improvements set forth under this Article are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall have said standards set by Ordinance or by published rules of the Municipality. All improvements must meet the approval of the governing body.

Section 800 STREETS

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission and governing body. In addition, the following standards shall apply:

1. Street Pavement Width Standards

<u>STREET TYPE</u>	<u>MINIMUM PAVEMENT WIDTH (measured from back of curb to back of curb)</u>
A. Major Thoroughfare	In conformance with the standard specifications established by Lapeer County Road and the
the Commission Township.	
B. Collector Streets	24'
C. Boulevard Streets	20'
D. Industrial Streets	24'
E. Multiple-Family Residential Streets	24'
F. Residential Streets	24'
G. Marginal Access Streets	20'
H. Alleys	20'
I. Cul-de-Sac Streets—Turn Arouds	24' to 25' radius at centerline.

Section 801 UTILITIES

1. Requirements for Underground Wiring

The proprietor shall make arrangements for all local distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area; and except for surface facilities related to underground service, such as above ground closures or terminals. Such wires, conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways, provided that overhead local distribution lines within such residential areas may be permitted upon written recommendation from the Planning Commission and the approval of the governing body at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities.

All such shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which transverse privately owned property shall be protected by easements granted by the proprietor.

2. Sewage Disposal

A sanitary sewer system including all appurtenances shall be required in all subdivisions. When a proposed subdivision is located within, adjacent to or reasonable near the service area of a municipal public sewer system, sanitary sewers and other required appurtenances thereto, shall be installed in such a manner as to adequately serve all lots from the municipal system. Public sewer systems shall be approved by the Michigan Department of Health, the County Health Department and the governing body. Septic tank systems must be approved by the County Health Department.

3. Water Supply

When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal water supply system, water mains fire hydrants and required water system, water mains, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a municipal water supply system, a subdivision water supply system may be installed by the proprietor, if it meets the approval of the Lapeer County Health Department and the governing body. Private wells shall meet the approval of the Lapeer County Health Department and the governing body.

3. Storm Drainage System

An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot. Retention facilities may be required if off-site drainage is not available. Curb and gutter and enclosed storm drainage shall be required in subdivisions.

Section 802 OTHER IMPROVEMENTS

1. Sidewalks for Residential Use

- A. A four (4) foot wide concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision shall be provided by the proprietor. In those instances where no good purpose would be served by the provision of sidewalks, the governing body may waive this requirement.
- B. The surface of the walkways shall be developed in concrete. Planting pockets may be provided along public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission.

2. Trees

Trees shall be provided at least one tree for every fifty (50) feet of street frontage. A minimum of twenty-five (25) feet from the side lot line shall be maintained and a minimum of twenty-five (25) feet between the trees. Trees shall be set on street frontage lot line except where sidewalks are required.

3. Street Signs

An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and location thereof shall be subject to the approval and direction of the Lapeer County Road Commission.

Article IX. Engineering Design Standards

Section 900 General Requirements

1. Plans submitted shall be on 24" x 36" or 22" x 36" white prints having blue or black lines, and shall be neatly and accurately prepared. Judgment shall be exercised in the design, layout, and presentation of proposed improvements.
2. All sewers shall be shown in plan and profile. Profiles of sewers shall indicate the size, invert and slope of the sewer and shall indicate the existing ground and proposed grade along the route of the sewer.
3. Elevations shall be on U. S. G. S. datum. If in a street right-of-way, show the profile the adjacent top of curb or edge of pavement grade (existing or proposed). Two benchmarks for the work shall be indicated on each street of the plans.
4. Finished grades of structures shall be indicated on the plan or profile for all structures.
5. All engineering plans submitted shall bear the seal of the Registered Professional Engineer.
6. One mylar copy of As-Built plans of water, sanitary sewer, roads and storm sewer system and certification from a Registered Professional Engineer that all surface grades, roads and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the municipality.
7. Complete project improvement plans shall be submitted prior to review and approval of any portion thereof.

Section 901 Submittal Procedure

For Township approval of sanitary sewer system, storm sewers or water mains, the applicant shall furnish, to the Township, a detailed estimate of the cost and two sets of the plans including the general plan, for the system on which he desires approval. The Township shall collect the review fee and refer the plans to the Municipal Engineers, who shall check the estimate and review plans for conformity to the standards of the Municipality and certify that they are consistent with the overall utility plans of the Municipality, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit the revised plans to the Municipality, for final approval. If the revisions have been properly made, the Township will transmit copies to the appropriate County and/or State agencies for their review.

Section 902 Design Standards—Sanitary Sewers

1. The following notes pertaining to the sanitary sewer shall appear on the plans:
 - A. Footing drains of any structure shall not be connected to the sanitary sewer unless a Registered Professional Engineer shall certify that the building footing drains are a minimum of two feet above the maximum natural ground water level.
 - B. Down spouts, or any conduit, that carries storm or ground water shall not be allowed to discharge into a sanitary sewer except for footing drains allowed under item 1(A) above.
 - C. No sewer installation or portion thereof shall have an infiltration exceeding 250 gallons per inch diameter per mile of pipe per twenty-four hour period.

Section 903 Design Standards—Storm Sewers

1. Storm drainage systems shall be designed for a ten-year storm. The rational method for arriving at storm water runoff shall be used. The formula for rainfall intensity shall be the City of Detroit formula: $I=158.8/t+244$ in which "t" is the time concentration.

The Municipal Engineer shall use judgment in arriving at the proper impervious factors.

The Municipal Engineer shall submit a map outlining the various areas, including offsite upstream areas, which drain to the points of inlet used for design together with the storm sewer design computations.

In general, sufficient capacity shall be provided in the storm sewer system to take upstream drainage from a fully developed, paved and sewered district area into the system.

2. Where the hydraulic gradient is above the top of the sewer pipe, the design elevation of the hydraulic gradient should be indicated on the profile plan.

3. Manhole spacing for storm sewers shall be follows:

<u>DIAMETER OF SEWER</u>	<u>ABSOLUTE MAXIMUM MANHOLE SPACING</u>
10" – 15"	330'
18" – 30"	350'
36" & 42"	400'
48"	450'
54" & 60"	500'
66" and larger	600'

4. The following information shall be indicated on the storm sewer profile:

A. Length of run and type of sewer pipe between manholes.

B. Size and slope of sewer between manholes. Where possible, the slope of the sewers shall provide a minimum velocity of 2.5 feet per second.

C. Any special bedding required.

D. Top elevation of all manholes.

5. A note or detail shall show the type of bedding upon which the sewer pipe shall be installed.

6. In general, catch basins shall be located as follows:

A. At the radius return of the street intersections, 150 feet maximum distance along the street between a high point and a corner catch basin is allowed when drainage is required to go around the corner.

B. At all low points in streets.

C. At intermediate points along the street such that there is a maximum of 600 feet of drainage draining from a high point to a catch basin.

7. Field catch basins shall be provided at all low points in easements. Locate intercepting field catch basins such that not more than 300 feet of drainage runs into any one catch basin other than a low point of catch basin. 600 feet of drainage is allowed to run into a low point catch basin. Locate field catch basins in rear lot easement channel when such channel changes direction by more than 45 degrees.

8. Finished easement grades shall be indicated on the plans at each lot or building site corner not adjacent to a street pavement.

Section 904 Design Standards—Water Mains

1. Type of pipe and joint shall be in accordance with the current County and Municipal standards.

2. All water mains shall be installed with a minimum cover of five feet below finished grade. Where water mains must dip to pass under a storm sewer or sanitary sewer, the sections, which are deeper than normal, shall be kept to a minimum length by the use of vertical bends properly anchored.

3. In general, lateral water mains shall be 8" in diameter. Six-inch diameter water mains shall not have a run longer than 400 feet between connections to an eight-inch water main. Gate valves shall be located in the system such that not more than four valves need to be turned off to isolate any section of water main. Moreover, sufficient valves shall be

placed such that not more than thirty lots shall be serviced within such section of water main, which can be so isolated. Where possible, gate valves shall be located at street intersections five feet from the intersection street right-of-way line.

4. Hydrants shall be installed along the water main at least every 500 feet. In no case shall a house be more than 350 feet from a hydrant. Hydrants shall be installed at the ends of all dead-end water mains. When near a street intersection, hydrants shall be located fifteen feet from the nearest intersecting street right-of-way. Hydrants shall be to municipal standards. Location of hydrants shall be approved in writing by the Municipal Fire Chief.
5. The plans shall indicate the finished grades of all hydrants and gate wells.

Article X. Grading and Site Drainage

Section 1000 Submittal Procedure

For Municipal approval of the grading plan for erosion and sediment control, the applicant shall furnish a detailed estimate and two sets of the project grading plans. The Municipal Engineer shall review the estimate and plans for conformity to the principles set forth herein, after which they will return one of the two sets with appropriate comments. The applicant, after making any changes requested on the set of plans returned to him, shall then submit four sets of revised plans to the Municipality for final approval. The Municipal Engineer shall then review these revised plans for conformity to the comments mentioned heretofore, and if they have been properly made, will retain three copies for the Municipality's records and return one approved copy to the applicant.

Section 1001 Erosion and Sediment Control Principles

1. In order to provide effective erosion and sediment control, practical combinations of the following technical principles shall be applied to the erosion control aspects of the grading plan:
 - A. The smallest practical area of land shall be exposed at any one time during development.
 - B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 - C. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - D. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - E. Provisions shall be made to accommodate effectively the increased run-off caused by changed soil and surface conditions after development.
 - F. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 - G. The development plan shall be fitted to the topography and soil to create the least erosion potential.
 - H. Wherever feasible, natural vegetation shall be retained and protected.

Article XI. Compliance Standards

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Municipality, in public streets, public alleys, public rights-of-way and public easements, and/or under the ultimate jurisdiction of the Municipality. All subdivision or project improvements within the Municipality installed in public streets, public alleys, rights-of-way, or public easements, and/or under the ultimate

jurisdiction of the Municipality shall comply with all of the provisions and requirements of this or any other related ordinance.

Article XII. Interpretation

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of the Municipality. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Municipality, nor conflict with any statutes of the State of Michigan or Lapeer County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

Article XIII. Fees

Section 1300 Review and Administrative Fees

Preliminary and final plat review fees shall be paid by the proprietor. Fees for inspection and examination of plats and the land to be subdivided and related expenses shall be paid to the Township by the proprietor. Such fees shall be set by resolution of the Township Board.

Section 1301 Other Fees—Insurance and Bonds

Prior to construction of subdivision and project improvements, the contractor shall procure and maintain during the life of any contract or agreement for such construction, insurance protecting the Municipality from any claim for damages, real, personal, or otherwise, in the amount of \$500,000.00. Prior to the acceptance by the Township Board, a two (2) year maintenance bond in the full amount of the contract shall be posted by the owner.

Article XIV. Severability

If any section, paragraph, clause, phrase or part of these Subdivision Regulations and Engineering Design Standards is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations and Standards, and the application of those provisions to any persons or circumstances shall not be affected hereby.

Article XV. Repeal

All ordinances and amendments thereto enacted and/or adopted by the governing body inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of this Ordinance. The repeal of the above Ordinance(s) and its amendments does not affect or impair any done, offense committed, or right accruing accrued or acquired liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Article XVI. Enactment and Effective Date

Section 1600 VARIANCE FOR HARDSHIP

The governing body may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the governing body shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the governing body shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of

persons to reside or work in the proposed subdivision and the probably effect of the proposed subdivision on upon traffic conditions in the vicinity. No variance shall be granted unless the governing body finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right for the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the variance will not hinder or obstruct the Land Use and Development of Goodland Township and Objectives and Policies of the Township.

Article XVII. Effective Date

This Ordinance shall become law and take effect thirty (30) days form the date of publication. I, Lea J. Lockwood, Clerk of Goodland Township, Lapeer County, State of Michigan, hereby certify that the foregoing Subdivision Regulations was duly approved by the Township Board of the Township of Goodland, Lapeer County, State of Michigan on August 23, 1976 A. D. by the Following votes: Yeas, (4), Nays (0), Absent (1).

Lea J. Lockwood, Clerk

**TOWNSHIP OF GOODLAND
LAPEER COUNTY, MICHIGAN
AMENDMENT OF TOWNSHIP OF GOODLAND ZONING**

TITLE

An Ordinance amending the Township of Goodland Zoning Ordinance to provide regulations for the location, operation and maintenance of solar energy facilities and wind energy systems, and repealing any and all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF GOODLAND,
LAPEER COUNTY, MICHIGAN, ORDAINS:**

SECTION 1. AMENDMENT

Section 1.2 Section 4.02 (Principal Uses Permitted) of Article IV (Agriculture/Rural Residential District) of the Goodland Township Zoning Ordinance is hereby amended to add the following subsections (J) and (K):

- (J) Exempt Solar Energy.
- (K) On-Site Wind Energy Systems

Section 1.2 Section 7.02 (Principal Uses Permitted) of Article VII (Residential) of the Goodland Township Zoning Ordinance is hereby amended to add the following subsections (F) and (G):

- (F) Exempt Solar Energy
- (G) On-Site Wind Energy Systems

Section 1.3 Section 8.01 (Principal Uses Permitted) of Article VIII (Manufactured Housing Park) of the Goodland Township Zoning Ordinance is hereby amended to add the following subsections (G) and (H):

- (G) Exempt Solar Energy
- (H) On-Site Wind Energy Systems

Section 1.4 Section 9.02 (Principal Permitted Uses) of Article IX (Commercial District) of the Goodland Township Zoning Ordinance is hereby amended to add the following subsections (R) and (S):

- (R) Exempt Solar Energy
- (S) On-Site Wind Energy Systems

Section 1.5 Section 10.02 (Principal Permitted Uses) of Article X (Industrial District) of the Goodland Township Zoning Ordinance is hereby amended to add the following subsections (M) and (N):

- (M) Exempt Solar Energy
- (N) On-Site Wind Energy Systems

Section 1.6 Article XII (General Provisions) of the Goodland Township Zoning Ordinance is hereby amended to add the following Section 12.20 (Solar Energy):

Section 12.20. SOLAR ENERGY.

A. Exempt Solar Energy. Solar Energy panels located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity off the premises shall be exempt from the requirements of Subsection “B”. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity is primarily used on site for a farm, home, or business and these exempt solar energy panels shall comply with all other restrictions and regulations for structures in the relevant district where they are located.

B. Solar Energy Facilities.

1. ADDITIONAL SPECIAL LAND USE REQUIREMENTS. Solar Energy Facilities shall only be allowed as a special land use in the AR (Agricultural-Residential), C (Commercial) and I (Industrial) Districts, pursuant to Article XVII as to Special Land

Use approvals and the following requirements:

- (a) Applicant Identification. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Goodland Township;
- (b) Project Description. A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule;
- (c) Procedure. The Planning Commission review of a Special Land Use Permit application for a solar energy facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article XVII. The second step, which may occur at a separate meeting for a solar energy system, is the site plan review process by the Planning Commission as described in Article 16. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed solar energy facilities, underground electrical lines, sub- station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s);
- (d) Certification. Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances.
- (e) Manufacturers' Material Safety Data Sheet(s). Documentation shall include the type and quantity of all materials used in the operation of all equipment including;
- (f) Decommissioning. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process;
- (g) Complaint Resolution. Description of the complaint resolution process;
- (h) An applicant shall remit an application fee and an escrow deposit, in the amount established from time to time by the Township Board. If professional review of plans is required, those costs shall be borne by the applicant.

2. ADDITIONAL SITE PLAN REQUIREMENTS. The applicant shall submit a site plan in full compliance with Article XVI of this Ordinance for each Solar Energy Facility and other solar energy equipment. Additional requirements for a Solar Energy site plan are as follows:

- (a) the project area boundaries,
- (b) the location, height, and dimensions of all existing and proposed structures and fencing,
- (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
- (d) existing topography,
- (e) water bodies, waterways, wetlands, drainage channels, and drain easements,
- (f) all new infrastructure, both above and below ground, related to the project, and
- (g) site plan must be prepared, signed, and sealed by a qualified State of Michigan licensed engineer.

3. STANDARDS AND REQUIREMENTS. Solar Energy Facilities shall meet the following standards and requirements:

- (a) Location of Solar Energy Facilities.
 - i. All solar energy facilities must comply with the requirements established in the Goodland Township Zoning Ordinance.
 - ii. All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be at located least 130 feet from property line.
 - iii. All solar energy facilities shall have a minimum landscape buffer of 30 feet. A glare study to determine planting area is to be provided, followed up with an arborist recommendation. The buffer shall

contain evergreen trees or bushes planted no more than 20 feet apart and at least 8 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet.

- (b) Site Security. Solar energy facilities shall be surrounded by an eight (8) foot tall chain link fence. The fence shall be designed to restrict unauthorized access.
- (c) The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall, at minimum, list the name and phone number of the operator.
- (d) All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of six (6) feet underground (both on the property where the Solar Energy Facility will be located and off-site).
- (e) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

5. DECOMMISSIONING.

Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:

- i. the anticipated life of the project;
- ii. the estimated decommissioning costs net of salvage value in current dollars;
- iii. the method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 - Complete removal Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
 - Complete restoration of property to condition prior to development of the Solar Energy Facility;

- iv. the anticipated manner in which the project will be decommissioned and the site restored;
- v. A provision to give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new solar energy facility shall include a description of the financial security guaranteeing removal of the solar energy facility which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. Every five (5) years, the PC shall review and, if necessary, update the Decommissioning Bond. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal; and
- vi. The timeframe for completion of decommissioning activities.

6. COMPLAINT RESOLUTION.

a. The Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process developed by the Solar Energy Facility Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.

b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Solar Energy Facility Applicant.

c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) elector chosen from the community.

d. The Solar Energy Facility Applicant shall provide not less than forty-eight (48) hour notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend any and all complaint resolution

discussions and meetings.

e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee.

Section 1.7 Article XII (General Provisions) of the Goodland Township Zoning Ordinance is hereby amended to add the following Section 12.21 (On-Site Wind Energy Systems and Anemometer Towers):

A. ON-SITE WIND ENERGY SYSTEMS and ANEMOMETER TOWERS.

An on-site Wind Energy System shall not be subject to review and approval of the Planning Commission as specified in the requirements of Section 1600, Review and Approval of Site Plans and Section 1601.

1. **On-Site Energy Systems:** On-site energy systems are designed primarily to serve the needs of a home, farm, or small business.
2. **Tower Height:** The maximum tower height shall be governed by setback requirements as noted below, but in no case shall a tower exceed 120 feet above grade which is measures from grade to the tip of the blade in its vertical position.
3. **Towers:** Wind Energy System Towers may include mono-pole, lattice and guy tower designs.
4. **Location Requirements:** Freestanding On-Site Energy Systems shall be expressly prohibited from locating in a front or side yard and are permitted only in a rear yard. Roof top and/or structure installations may be allowed providing the applicant can demonstrate that such an installation meets building code requirements for wind loads and weight. Furthermore, the integrity of the structure for such an installation needs to be verified by having documentation from a licensed architect or engineer as to the suitability for a roof and/or structure installation.
5. **Property Setback:** The Distance between freestanding On-Site Wind Energy System and the owner's property lines and the owner's residential dwelling shall be equal to one (1) times its height with its height being the

distance measures from grade to the tip of the rotor blade in its vertical position.

6. **Sound Pressure Level:** On-Site Wind Energy Systems shall not exceed 45dB(A) LEQ within 100ft of a nearest wall of an inhabited structure. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms.
7. **Construction Codes and Others Regulations:** On-Site Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. On-site wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
8. **Safety:** An On-Site Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Mono-pole tower on-site wind energy systems shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. Lattice type towers, including guy towers, shall have the base of the tower enclosed by a six (6) foot high security fence. Guy wires for guy towers shall be well marked and provided with protective devices on the guy wires to a height of eight (8) feet above the ground.
9. **System Maintenance:** The applicant shall maintain the on-site energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
10. **Permit Process and Requirements:** Upon gaining Site Plan Approval pursuant to Section 1600 of this Ordinance, the owners shall obtain the applicable zoning, building and electrical permits which shall be required prior to the installation of an on-site energy system. The building permit application shall be accompanied by deliverables including the following:

- A. An approved site plan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
- B. Wind energy systems specifications, including manufacture and model, rotor diameter, tower type, height and manufacturer.
- C. Tower foundation blueprints or drawings prepared and signed by a professional engineer licensed to practice in the State of Michigan or by the manufacturer's foundation specifications for the tower being proposed for installation.

B. UTILITY GRID WIND ENERGY SYSTEM AND ANEMOMETER TOWERS:

A Utility Grid Wind Energy System shall be subject to the review and approval of the Planning Commission as specified in the requirements of Section 1600, Review and Approval of Site Plans and Section 1601. In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereafter required and to any and all reasonable conditions which may be imposed in accordance with Section 504 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended:

- 1. **Utility Grid Energy Systems:** Utility Grid Energy Systems are designed primarily to provide power to wholesale or retail customers using the electric utility transmission and distribution grid to transport and deliver the wind generated electricity.
- 2. **Tower Height:** The maximum tower shall not exceed 500 feet above grade which is measures from grade to the tip of a blade vertical position.
- 3. **Towers:** Wind Energy System Towers shall be limited to a mono-pole design.
- 4. **Location Requirements:** Utility Grid Energy Systems shall be located on parcels of land (owned or leased) that at a minimum, meets the required setbacks for all towers on the site, which also includes any other structures located on the site, i.e. Operations and/or maintenance buildings, substations, etc. Said locations shall be limited to areas zoned Agricultural District.
- 5. **Property Setback:** Setbacks from Inhabited Structures: Each wind turbine, as measures from the centerline of its tower base shall be set back from the

nearest wall of an inhabited structure by a distance of no less than 1,020 feet.

A. **Setbacks from Property Lines:**

a. **Non-Participating Parcel:** The distance between a wind turbine from the property lines of adjacent non-participating properties shall be at least one hundred fifty (150%) percent its total structure height, measured with the windmill blade at its highest point.

b. A signed waiver must be signed to waive setback to property line by Non-Participating Parcel owner.

I. **Participating Parcel:** A setback for a wind turbine from the property lines of adjacent participating property is not required.

B. **Public roads:** Each wind turbine shall be set back from the nearest public road a distance no less than one hundred fifty (150%) percent of the total height of the structure (measures with the windmill blade at its highest point) determined at the nearest centerline for such public road.

C. **Other Setbacks:** An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.

D. **Sound Pressure Level:** Utility Grid Energy Systems shall not exceed 45dB(A) LEQ within 100ft of an inhabited structure or at the property line or leased boundary line closest to the wind energy system. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day.

E. **Construction Codes and Other Regulations:** Utility Grid Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. Utility grid wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected

on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Utility Grid Wind Energy System shall comply with applicable utility, Michigan Public Service, and Federal Energy Regulatory Commission interconnection standards.

- F. **Safety:** A Utility Grid Wind Energy System shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Utility grid wind energy systems (towers) shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. A Utility Grid Wind Energy System site shall be designed to prevent unauthorized access to electrical and mechanical components. All buildings on the site are to be kept secured and locked at all times when service personnel are not present. Collection lines must be buried by jack boring, 6(six) feet below bottom of ditch line, installed in a steel encasement with concrete flow fill at all crossroads and/or any road right away. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. A sign(s) shall be posted near the tower(s) or operations and/or maintenance building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about potential danger from electrical equipment and falling ice.

- G. **System Maintenance:** The applicant shall maintain the Utility Grid Wind Energy System in good condition. Maintenance shall include, but not be limited to, painting, structure repairs, and security.

- H. **Abandonment/Removal Requirements:** Any Utility Grid Wind Energy System which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to operate for a period of one (1) year.
 - a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site at least

four (4) feet below ground level. Land owner may provide in writing a waiver to not decommission access roads or collection lines.

- b. Disposal of solid and hazardous waste in accordance with local and state waste disposal regulations.
- c. Stabilization or re-vegetation of the site necessary to minimize erosion.

I. **Permit Process and Requirements:** Upon gaining Site Plan Approval (pursuant to Section 1601 of this Ordinance) and Special Use Approval (pursuant to Section 4.03 of this Ordinance) the owner/operator shall obtain the applicable zoning, building and electrical permits which shall be required for the installation of a utility grid energy system. The building permit application shall be accompanied by deliverables including the following:

- a. An approved site plan prepared and signed by a professional engineer licensed to practice in the State of Michigan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
- b. Wind energy systems specifications, including manufacturer and model, rotor diameter, tower type, height and manufacturer.
- c. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- d. Sound Pressure Level: Copy of the modeling and analysis report.
- e. Shadow Flicker: A copy of the Shadow Flicker Analysis. The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling

report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours maximum per year shadow flicker generated by the modeling software used in the report. A residence will have no more than 30 hours in a year from a shadow flicker study. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

- J. **Decommissioning:** The applicant shall submit a plan describing the intended disposition of the Wind Energy System at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site, restoration, etc. The bond shall be in favor of Goodland Township provided that any such instrument shall be in an amount of the full cost of decommissioning, not including salvage and shall contain a replenishment obligation.

Section 1.8 Section 19.01 of Article XIX (Definitions) of the Goodland Township Zoning

Ordinance is hereby amended to add the following definitions:

Anemometer Tower: A freestanding tower containing instrumentation such as anemometers that are designed to provide present moment wind data (wind speeds and direction) for use by the supervisory control and data acquisition (SCADA) systems which is a temporary use to determine how much wind power a site can be expected to generate.

ANSI: ANSI means the American National Standards Institute.

dB (A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit for measure used to express the magnitude of sound pressure and sound intensity.

Decommission: To remove or retire from active service.

Decommissioning Plan: A document that details the planned shut down or removal of a solar energy facility or structure from operation or usage.

Fence: A continuous barrier extending from the surface of the ground to a uniform height constructed of wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Height (Tower): the height of a wind turbine is measures from the natural grade to the tip of the rotor blade at its highest point.

IEC: The International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

Improved Area: Area containing solar panels, electrical inverters, storage buildings and access road.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition.

ISO: The International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Non-participating Parcel: A property that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a commercial wind energy conversation system or wind energy system.

On-Site Wind Energy System: A wind project used for generating electric power from the wind which is intended to primarily serve the needs of the consumer at the site, i.e., agriculture, residential, commercial, industrial and public land uses.

Participating Parcel: A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a commercial wind energy conversion system/utility wind energy system.

Public Road: Any road or highway which is now or hereafter designated and maintained by the Lapeer County Road Commission and/or the Michigan Department of Transportation (MDOT), whether primary or secondary, hard surfaced or other dependable roads.

Residence: A building used as a dwelling for one or more families or persons.

Rotor: An element of a wind energy system that acts as a multi-blade airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: The alternating changes in light caused by the moving blade of a wind energy system casting shadows on the ground and stationary object, such as but not limited to a window at a dwelling.

Solar Energy Facility. An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that primarily sell electricity to be used off site. (See Section 12.20(B))

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy System: A commercial wind facility used for generating power by the use of wind at multiple tower locations in a community and includes accessory energy used such as but not limited to electric substations and SCADA towers. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility transmission and distribution grid.

Wind Energy System: A system for generating electrical power by the use of the wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using the site for construction of a wind energy system.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION

This Ordinance shall be filed with the Township of Goodland Clerk and a Notice of Ordinance Adoption shall be published in a newspaper of general circulation in the Township of Goodland within fifteen (15) days after its adoption. A copy of this Ordinance may be purchased or inspected at the Township of Goodland Clerk's office during regular Township business hours.

SECTION 5. EFFECTIVE DATE

The undersigned Supervisor and Clerk of the Township of Goodland hereby certify that this Zoning Ordinance Amendment was duly adopted by the Goodland Township Board on the 8th day of August, 2018 and was published in the Tri-City Times on the 5th day of September, 2018. This Zoning Ordinance Amendment was made effective seven (7) days after said date of publication.

Ronald Cischke
Goodland Township Supervisor

Mavis A. Roy
Goodland Township Clerk

ORDINANCE NO. 1402

An Ordinance to provide a procedure for the division of land located within the Township of Goodland pursuant to the requirements of Public Act 591 of 1996, as amended, being the Michigan Land Division Act.

THE TOWNSHIP OF GOODLAND ORDAINS:

Section 1. COMPLIANCE

No land within the Township shall be divided without the prior review and written approval by the Township Assessor for compliance with this Ordinance and the Michigan Land Division Act. No parcels of land divided after March 31, 1997 shall be placed on the Township tax roll until compliance has been verified by the Assessor. No building or zoning permits shall be issued for parcels of land divided in violation of this Ordinance.

Section 2. LAND DIVISION REQUIREMENTS

An applicant for land division approval shall provide the Assessor with documented proof that the following requirements have been met before any land division can be approved:

- A. A fully completed Township application form.
- B. A tentative land division map (to scale) showing:
 1. Area of each resulting parcel
 2. Proposed property lines of each resulting parcel
 3. Public utility easements to each resulting parcel
 4. Road accessibility for each resulting parcel
 5. All existing buildings, structures, and drives
- C. Compliance with a depth to width ratio of not more than four (4) to one (1) for each resulting parcel, except for one (1) parcel retained by the proprietor.
- D. Compliance with the minimum lot width requirements of the Township Zoning Ordinance for each resulting parcel.
- E. Compliance with the minimum lot area requirements of the Township Zoning Ordinance for each resulting parcel.
- F. Road accessibility for each resulting parcel by:
 1. Public road frontage which meets Road Commission driveway location standards; or
 2. Frontage on a private road which complies with the Township Private Road and Driveway Ordinances; or
 3. A private driveway easement at least sixty-six (66) feet in width which complies with the Township Private Road and Driveway Ordinances
- G. A survey and legal description of each proposed parcel prepared by a registered surveyor or engineer.
- H. An accurate legal description (in the shortest possible form) of the remainder of the land from which the resulting parcels are being taken.
- I. The proposed land divisions shall not create more resulting parcels than the number allowed by the Michigan Land Division Act.
- J. Public utility easements must be in place from each proposed parcel to the existing public utility facilities, if the land division is to be a "development site."

Section 3. DEVELOPMENT SITE

For purposes of this Ordinance, the term “development site” shall mean any parcel, which is used or is intended to be used as a location for a dwelling or other building. The term “development site” shall not include vacant agricultural or forestry land, which will not be used as a location for a dwelling or other non-agricultural building.

Section 4. APPROVAL PERIOD

The Township Assessor shall have a review period of forty-five (45) days after documents verifying compliance with each of the requirements listed in Section 2 have been submitted to the Assessor.

Section 5. FEES

The Township Board shall establish a fee for processing land division and parcel combination requests. The fee shall be paid before any division or combination is approved.

Section 6. VOIDABLE SALE

The purchaser of any parcel resulting from a land division that violates the Michigan Land Division Act shall have the right to void the sale. If a sale is voided, the Seller shall forfeit all money and other consideration received for the land and shall be liable for damages sustained.

Section 7. REPEAL

The prior Land Division Ordinance, being Ordinance No. 1400 and 1401, are hereby repealed.

Section 8. EFFECTIVE DATE

This Ordinance shall take immediate effect upon its date of publication in a newspaper of general circulation.

The undersigned Clerk of the Township of Goodland hereby certifies that this Ordinance was duly adopted by the Goodland Township Board at a meeting held on the 28th day of September 1999 and was published in the Tri-City Times on the 6th day of October 1999. This Ordinance will take effect thirty (30) days after said date of publication.

Anna Maria Calianno, Clerk

******This ordinance became effective October 6, 1999******