

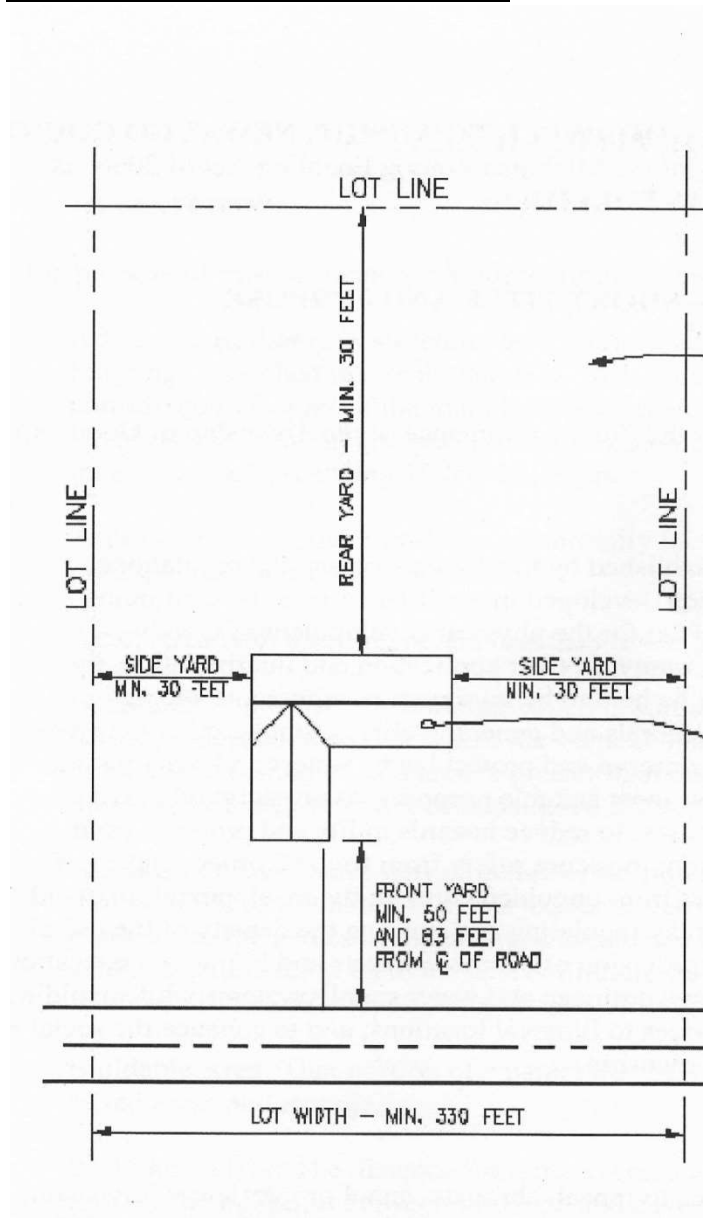
## **BEFORE YOU BUILD**

This is a summary of the Zoning Ordinance requirements for a single family dwelling in the Rural Residential district. Refer to the Zoning Ordinance for complete information.

- (1) Zoning Compliance Permit.
  - A. A Typical Site Plan may be required.
- (2) Lot area: There shall be a lot area of at least five (5) acres. No lot may contain more than one (1) principal building.
- (3) Lot width: The minimum width at the front setback line shall be three hundred and thirty (330) feet.
- (4) Minimum of eighty-three (83) feet from the center of road to the foundation.
- (5) Front yard: There shall be a front yard of not less than fifty (50) feet. The setback line shall be established in accordance with the provisions of Section 4.9.
- (6) Side yard: There shall be two side yards and no side yard shall be less than thirty (30) feet.
- (7) Rear yard: There shall be a rear yard of at least thirty (30) feet.
- (8) Floor area: There will be no minimum square footage requirement with the exceptions of manufactured homes and rustic hunting cabins. However all existing dwellings must meet county and state building requirements.
- (9) Height: No building shall exceed a maximum of two and one half (2 ½) stories or thirty-five (35) feet in height, whichever is lesser; provided, however, that the Height Exceptions of Section 4.16 shall apply.
- (10) Building permits required as necessary:
  - A. Septic and Health permits
  - B. Building Permits, ETC
- (11) Tiny Homes are allowed with the requirement of being permanently attached to fixed foundation, having a legal well and meeting all Building code and Health code requirements.

All areas not discussed in this Legal Notice must be presented to the Goodwell Township Zoning Administrator.

# TYPICAL SITE PLAN



SITE PLAN – TO BE SUBMITTED TO THE ZONING ADMINISTRATOR WHEN APPLYING FOR ZONING COMPLIANCE PERMIT, SEPTIC & HEALTH PERMIT, AND BUILDING PERMIT. PLAN MUST INCLUDE PROPERTY OWNER’S NAME & ADDRESS AND PROPERTY DESCRIPTION.

**THE TOWNSHIP BOARD OF GOODWELL TOWNSHIP, NEWAYGO COUNTY MICHIGAN**, under the authority of the Michigan Zoning Enabling Act of 2006, as amended **HEREBY ORDAINS AS FOLLOWS:**

**ARTICLE I – SHORT TITLE AND PURPOSE**

**1.1 SHORT TITLE:**

This Ordinance shall be known as the Zoning Ordinance of the Township of Goodwell.

**1.2 PURPOSE:**

The Zoning/Planning Districts established by this Ordinance and the regulations specified for each district have been developed in accordance with the continuing formulation of a Comprehensive Plan for the physical development of Goodwell Township as a part of Newaygo County. In their application and interpretation, the provisions of this Ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, waters and other natural resources in the Township for their most suitable purposes; to protect productive agricultural lands for agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of the use of land; to facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Goodwell Township.

**1.3 SCOPE:**

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances, except those which are specifically repealed by this Ordinance, or to interfere with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

**1.4 CONTROL:**

Where this Ordinance imposes a greater restriction than is imposed or required by other rules, regulations or private restrictions stated in Section 1.3, the provisions of this Ordinance shall control.

## ARTICLE II – DEFINITIONS

### 2.1 DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herewith defined:

- (1) **Accessory Building:** A structure devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered to be part of the main building. An accessory building is considered attached if it is an integral part of the main building, or is connected by a covered breezeway not exceeding 15 feet in length.
- (2) **Accessory Use:** A use naturally and normally incidental and subordinate to a principal use on the same premises.
- (3) **Attic:** Area with a ceiling height less than seven feet six inches.
- (4) **Basement:** A portion of a building which is partially or wholly (completely) below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half (1/2) of the total height of the area, said area shall not be considered a basement.
- (5) **Billboard or Signboard:** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court of public body.
- (6) **Buildable Area:** That portion of a parcel that may be developed with building(s), paved areas and storage.
- (7) **Building Height:** The distance from the average grade to the highest point of a flat roof, or the midpoint between the ridge and eaves for a gable or hip roof.
- (8) **Building Inspector:** Newaygo County Building Inspector.
- (9) **Boarding House or Rooming House:** A dwelling having one (1) kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two (2) persons other than members of the family occupying such dwelling.
- (10) **Building:** A structure enclosed by four walls.
- (11) **Channelization:** An excavation to create a means of access to a body of water.
- (12) **County Board:** The County Board of Commissioners.

- (13) Dwelling or Apartment: A structure designed or used as the residence or sleeping place for one (1) or more persons, including one-family, two-family and multiple dwelling, apartment-hotels, boarding and lodging houses, but not including motels, hotels, tourist cabins, travel trailers or seasonal dwellings.
- (14) Dwelling Unit: One or more rooms designed for, or occupied by, not more than one (1) family.
- (15) Essential Service: The erection, construction, alteration or maintenance by private companies or municipal departments or public utilities including gas, electrical, steam, safety, water supply and distribution systems, sanitary sewer, storm sewer systems, towers, poles, wires, fire hydrants, and transmission systems, not including telecommunication antennas.
- (16) Family:
- (A) An individual or group of two or more persons related by blood, marriage or adoption, who are domiciled together as a single domestic, housekeeping unit in a dwelling unit.
- (B) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, and non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half way house, lodge, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, as for anticipated limited duration of a school term or during a period of rehabilitation or treatment.
- (17) Farm: A contiguous parcel of land not less than five acres in area, directly farmed or used for commercial agriculture or animal husbandry by the owner or operator, manager or tenant farmer or with assistance of members of the household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or use of the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, hog farms, commercial feed lots, apiaries, and truck farms. Slaughter houses, stockyards, mineral removal operations, kennels, stables, riding academies are not considered farm uses.
- (18) Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building excluding attic and basement floors, unenclosed porches and patios, terraces, breezeways, carports, verandas and garages.
- (19) Flood Plain: All areas adjoining a lake, stream, river or creek or a channel which are subject to inundation at the highest known flood water level.

- (20) Garage-Private: An accessory building or portion of a main building used primarily for the storage of passenger vehicles.
- (21) Governing Body: The Township Board of Goodwell Township.
- (22) Home Occupation: An occupation or profession that is clearly a customary, incidental and secondary use of a residence.
- (23) Institutional or Public Use: Churches, schools teaching academic subjects, hospitals, convalescent or nursing homes, parks, civic centers, libraries and other institutions having public or quasi-public areas.
- (24) Junk Yard: A place where waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, in an open area or partially in an open area for the purpose of resale or recycling, but not including a landfill.
- (25) Kennel: Any lot or premises used for the sale, boarding, breeding, or treatment of dogs, cats or other household pets.
- (26) Lot: A parcel of land / a unit in a site condominium exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat.
- (27) Lot Corner: A lot situated at the intersection of two (2) or more streets.
- (28) Lot Line: Lines bounding a lot as herein described.
  - A. Front Lot Line: The lot line bordering the street, and the lot line on a body of water or both.
  - B. Rear Lot Line: The line opposite the front lot line.
  - C. Side Lot Line: Lines connecting the front and rear lines.
- (29) Lot Width: The length of the parcel running parallel to the road measured at the minimum required setback for the District.
- (30) Major Street: A street or highway so designated on the Major Road Plan of Newaygo County Master Plan which is designed and intended to carry heavy traffic volumes.
- (31) Minor or Local Street: A dedicated public way or recorded private street which affords access to abutting properties, and is designed primarily to serve immediate neighborhood needs.

- (32) Mobile Home: A portable unit built with a permanent foundation to be towed on its own chassis comprised of a frame and wheels designed to be connected to utilities at a site and used as a permanent living quarters.
- (33) Modular and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
- (34) Non-Conforming Use: A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.
- (35) One Family Dwelling or Single-Family Dwelling: A detached residential building designed for or occupied exclusively by one (1) family.
- (36) Outdoor Heating Unit: A heating unit or mechanical device which is accessory to and situated outside and used to heat a structure(s). Also know as, but not limited to outdoor furnaces or boilers.
- (37) Parking Area: An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.
- (38) Person: A legal entity or individual human being; "Person" shall include an association, corporation, organization, partnership or a firm.
- (39) Planning Commission: The Goodwell Township Planning and Zoning Commission.
- (40) Principal or Main Use: The primary or predominant use of the premises.
- (41) Public Street: A public right-of-way which has been dedicated for the purpose of providing access to abutting private lots or land, including the space for pavement and sidewalks.
- (42) Public Utility: Any person, firm or corporation duly authorized to furnish, and who is engaged in furnishing, to the public under State, County or Municipal regulation electricity, gas, steam, telephone, transportation or water services.
- (43) Service Station or Gas Station: A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service, but not including major automotive repairs.
- (44) Setback: Distance from the building and structure to the lot line.

- (45) Sign: Any announcement, declaration, illustration or insignia used to advertise or promote the interests of any business, product or project when the same is placed, painted or displayed out of doors in view of the general public.
- A: Changeable sign is a sign on which the text or face is changed manually or electronically.
  - B: Freestanding sign means a sign principally supported independent of any building or structure or any public utility.
  - C: Illuminated sign means any type of sign illuminated by any means other than natural light.
  - D: Portable sign means any sign that can be moved from one location to another, including but not limited to signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other motorized or non-motorized mobile structure. A portable sign that has its wheels removed shall still be considered a portable sign.
  - E: Real-Estate sign is a sign indicating the availability for sale rent or lease of the specific lot or property, building or portion of a building.
  - F: Sign area means the total surface area of a sign including frames and borders exclusive of supports and masonry encasing.
  - G: Sign structure means any supports, uprights or any internal framework and bracing of a sign.
  - H: Temporary sign means a sign that is intended to be displayed for a limited period and associated with a temporary event, such as estate sales or leases, garage or yard sales and construction projects. A temporary sign is without permanent foundation and is not attached to the exterior of a building.
  - I: Unsafe sign. Any sign or structure which is structurally unsafe, constitutes a hazard to the public health, welfare and safety or is not kept in a state of good repair, or any sign that obstructs free access or egress from a required door, window or fire escape or other required exit way.
- (46) Single Ownership: Ownership by one (1) person or two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
- (47) Story: That portion of a building included between the surface of any floor and the surface of the floor above it; where there is no second floor, then story shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than fifty (50) percent of its total cubic content below the established grade level.
- (48) Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.
- (49) Swimming Pool: A constructed basin or structure for the holding of water for swimming and aquatic recreation. Does not include plastic, canvas, or rubber pools temporarily erected upon the ground.



- (50) Terms: The present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word “Shall: is always mandatory. The words “Zone” and “District” are the same. Reference to a whole shall apply to a part thereof. The word “Lot” includes the words “Plot and/or Parcel.” Any word or term not defined herein shall be used with a meaning of common utilization.
- (51) Wireless Communication Towers: Wireless communication antennas shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. These may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, cell towers, microwave relay towers, telephone transmission equipment, and commercial mobile radio service facilities. The term does not include amateur radio towers, television antennas, or satellite dishes, which are accessory to a residential use on the same lot.
- (52) Yards:
- A. Front Yard: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street property line and the nearest foundation of any part of the building.
  - B. Side Yard: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the adjacent side lot line, extending from the front yard to the rear yard.
  - C. Rear Yard: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line.
- (53) Zoning Administrator: The person or persons appointed to administer this Ordinance, and for the purpose of the Ordinance said person shall be selected by the Township Board.

**ARTICLE III – CLASSIFICATION OF DISTRICTS**

**3.1 ZONED DISTRICT:**

For the purpose of this Ordinance Goodwell Township, exclusive of incorporated cities and/or villages is hereby divided into five (5) Zone Districts to be known as:

- “RR” Rural Residential District
- “G” Green Belt District
- “NC” Neighborhood Commercial District
- “LI” Light Industrial District
- “PUD” Planned Unit Development District

**RURAL RESIDENTIAL DISTRICT:** All parcels of land not specifically included within the “G” Green Belt Zone, the “NC” Neighborhood Commercial District, the “LI” Light Industrial District or “PUD” Planned Unit Development District is hereby declared to be in the “RR” Rural Residential District.

**GREEN BELT DISTRICT:** A district for providing the most desirable residential, summer home and cottage area that may compliment such use of said district, so as to preserve the high quality of all streams and rivers, and prevent further deterioration thereof.

**NEIGHBORHOOD COMMERCIAL DISTRICT:** This district is designed to provide accommodations for retail and wholesale business activities generally compatible with each other, and for services generally associated with commercial districts, and must be approved by the Township Planning Commission.

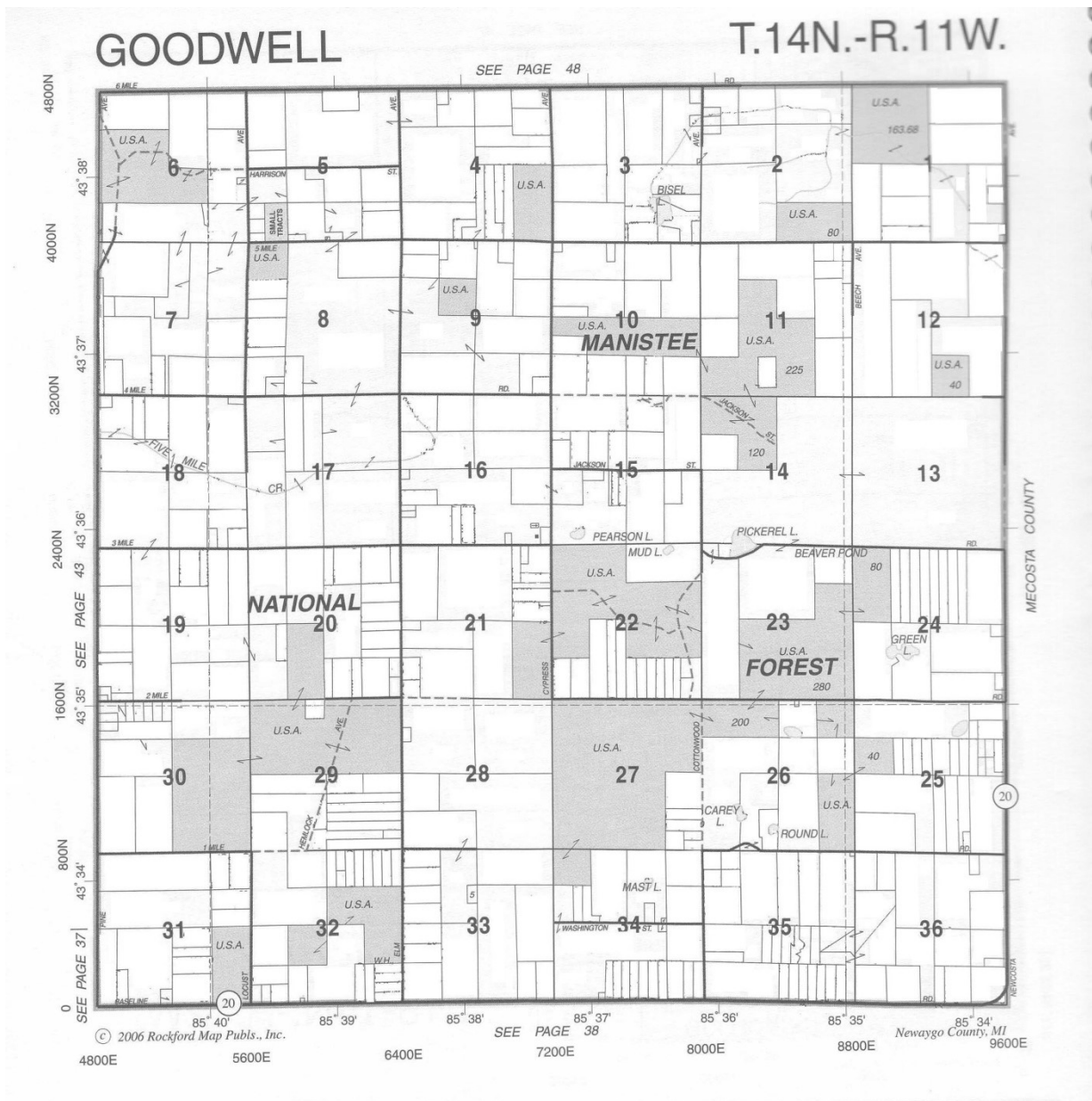
**LIGHT INDUSTRIAL DISTRICT:** An area used for processing, assembly, or fabrication of a product.

**PLANNED UNIT DEVELOPMENT DISTRICT:** A district wherein a type of development may be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

**3.2 MAP:**

The Map entitled Zoning Map delineating the above districts is hereby declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the district boundary lines, section lines, fractional sectional lines or the center lines of highways, streets or alleys are as they existed at the time of the adoption of the Ordinance.

# ZONING MAP



**All of Goodwell Township is zoned Rural Residential.**

**3.3 LOT DIVIDED BY ZONE LINE:**

Where a district boundary line of the Zoning Map divides a lot, the least restricted use shall not extend beyond such a line.

**ARTICLE IV – GENERAL PROVISIONS**

**4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEROF:**

No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, removed or altered except in conformity with the regulations herein set forth.

**4.2 RESTORING UNSAFE BUILDINGS:**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector. However, buildings in such condition must be restored to a condition that is compliant to the provisions of this Ordinance.

**4.3 ZONING COMPLIANCE PERMITS:**

No structure shall hereafter be erected, enlarged, altered or reconstructed until a Zoning Compliance Permit has been obtained from the Zoning Administrator.

**4.4 PENDING ZONING COMPLIANCE PERMITS:**

Any zoning compliance permit issued prior to the effective date of this Ordinance shall be valid; provided however that construction shall be commenced within sixty (60) days after said date and shall not thereafter be discontinued for a continuous period in excess of sixty (60) days.

**4.5 MIXED OCCUPANCY**

Where allowed by the Ordinance, before issuing a zoning compliance permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Zoning Administrator shall request a report from the Newaygo County Health Officer. The Officer will advise as to any hazards that exist or may be expected to exist from the proposed use, together with his recommendations for any additional provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

#### **4.6 REQUIRED AREA OR SPACE:**

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, it shall not be further divided or reduced.

#### **4.7 TRAFFIC VISIBILITY AND CORNER CLEARANCE:**

On any corner lot in any zone no fence, structure or planting, except deciduous trees, which are over thirty (30) inches in height above the curb line shall be erected or maintained within twenty (20) feet of the intersection of right-of-way lines in order to prevent traffic hazards arising from inadequate visibility.

#### **4.8 INSTITUTIONAL USES ESSENTIAL SERVICES:**

Institutional uses are permitted in any residential zone following the review and approval of a site development plan by the Township Planning Commission prior to the issuance of a Zoning Compliance Permit. Before approving such a site plan, said agencies shall determine that all aspects therein conform to the requirements of this Ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing, or potential, adjacent primary permitted uses. Essential services may be located in any zone subject to the approval of the Township Board, provided that the reviews by the Township Planning Commission, as required in institutional uses, shall precede Township Board action where a structure is to be erected.

#### **4.9 YARDS:**

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street, private road, or easement except that in the "G" Green Belt District the lake frontage may be the front yard. On streets with a right-of-way less than sixty-six (66) feet in width, the required front yard shall be increased by one-half (1/2) the difference between the width of the right-of-way and sixty-six (66) feet.

#### **4.10 PRINCIPAL USE:**

No lot may contain more than one (1) principal building provided that groups of apartment building or commercial buildings under single ownership shall be deemed a principal use collectively.

#### **4.11 ACCESSORY BUILDING:**

Accessory building may be built upon any lot, with the following conditions:

- (1) Accessory building to be used for storage purposes only, and not for residential or living purposes.
- (2) Shall comply with all side, rear and front yard requirements. Refer to “Before You Build” (p. 1).
- (3) One accessory building is permitted without a principal building, and must meet setback requirements.
  - A. Once a principal building is built, it must be no closer than 15 feet to the accessory building.
- (4) No dwelling shall be constructed, altered or moved to the rear of an accessory building situated on the same lot, nor shall any building be constructed in front of or moved in front of a dwelling situated on the same lot.

#### **4.12 TEMPORARY PERMITS:**

The Zoning Administrator has the authority to issue temporary permits. The following temporary uses are permitted by special temporary permit in districts as regulated herein; all such uses shall be terminated within thirty (30) days after expiration of said permit.

- (1) Trailers or Mobile / Manufactured homes. An individual trailer or mobile / manufactured home may be used as temporary living or working quarters for up to one hundred and eighty (180) days while a building is being constructed on the same premises. Another ninety- (90) day extension may be granted prior to completion of the dwelling with a written request.
- (2) The use of an individual trailer or mobile / manufactured home as a temporary dwelling may be approved in the “RR” districts for a period of up to one hundred and eighty (180) days for persons having short term or temporary employment; said permit shall only be valid for one (1) designated site and no trailer may be parked in a required front yard space.
- (3) Temporary Structure Removed. Temporary buildings for uses incidental to construction work shall be removed within a thirty- (30) day period, subject to renewal, upon completion or abandonment of work.

#### **TEMPORARY EVENTS**

No temporary event shall occur in any District unless and until a temporary event permit has been issued by the Township. The following requirements shall apply:

- A. All applications for a temporary event permit shall be filed with the Township at least sixty (60) days prior to the commencement date of the proposed temporary use. This sixty (60) day period can, however, be shortened in the discretion of the

Zoning Administrator or the Planning Commission, for good cause shown by the applicant.

- B. The Township Zoning Administrator may issue a temporary event permit if all of the requirements of subsection C are satisfied. If the Zoning Administrator determines that a proposed temporary event would have a major impact on the neighborhood or area involved, or if the Zoning Administrator determines that a hearing should be held before a temporary event permit is issued, because of the scope or likely impact of the scope or likely impact of the proposed temporary event, then the Zoning Administrator shall refer the application to the Planning Commission, it shall hold a hearing on the application, complying with all hearing requirements. *The hearing shall be at the event holder's expense.*
- C. *The event holder will have proof of liability insurance. The Township is not liable for any losses or damages at said event. The event organizer will be responsible for any legal fees incurred due to the event.*
- D. A temporary event permit shall not be granted by the Zoning Administrator or by the Planning Commission unless all of the following requirements are satisfied:
  - 1. Nuisance, hazardous features. The temporary event shall not result in any hazard or nuisance to adjacent lands or the uses thereof, not otherwise be contrary to the public health, safety or welfare of the Township.
  - 2. Traffic and circulation. The temporary event shall not create hazardous vehicle or pedestrian traffic conditions on or adjacent of the streets serving the property. A temporary event permit shall not be issued if the Zoning Administrator or Planning Commission determines that the proposed use will:
    - a. Unreasonably interfere with the use of a street for vehicular travel;
    - b. Unreasonably interfere with the view of access to or use of property adjacent to the street serving the proposed temporary use;
    - c. Cause a violation of any state laws or local ordinances; or
    - d. Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.
  - 3. Public facilities and services. Adequate utilities, drainage, refuse management, sanitary facilities. Emergency services and access and other necessary facilities and services shall be available for the proposed temporary event.

4. Natural environment. The proposed temporary event shall not have a substantially adverse impact on the natural environment.
  5. Suitability of the site. The site of the proposed temporary event shall be suitable for such temporary event, giving consideration to possible flood hazards, storm water.
  6. Building, electrical and other codes. The temporary event and all associated temporary improvements, including, but not limited to tents, stands, temporary electrical system, temporary heating systems and temporary lighting systems shall comply with all applicable provisions of the Township Building Code, Electric Code, and other applicable codes as adopted or amended from time to time.
- E. A temporary event shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary event permit be issued for a period in excess of eighteen (18) days during any twelve (12) month period, nor shall any property be used for a temporary event in excess of eighteen (18) days during any twelve (12) month period.
- F. In connection with the approval of any temporary event, the Township may impose additional reasonable terms and conditions.
- G. The Township may revoke or suspend a temporary event permit at any time upon the failure of the owner or any operator of the event to comply with the requirements of this Ordinance, the conditions imposed upon the issuance of any such temporary event permit, or any applicable provisions of state law or local Ordinance.
- H. The use shall be conducted only between the hours of 9AM – 11PM.

#### **4.13 BASEMENT DWELLINGS:**

Basement Dwellings must be in compliance with all applicable building codes in Newaygo County.

#### **4.14 WALLS AND FENCES:**

- (1) Retaining walls and fences not more than four (4) feet in height are permitted in the required yards of all zones except as regulated in Section 4.7 (Traffic Corners). Walls and solid fences of not more than six (6) feet in height are permitted in side or rear yards in any zone and a well maintained wire protective fencing without height limitation is permitted in all yards in the “RR” and “LI” Districts; provided, however, that the provisions of Section 4.7 must be met.



(2) Retaining walls and fences must be constructed out of customary fencing materials.

#### **4.15 HEIGHT EXCEPTIONS:**

The height limitations of all zones may be exceeded by the following structures; parapet walls, chimneys, silos and farm barns, television and radio antennas, monuments, cupolas, spires or other ornamental projections, water towers or fire towers. Communication towers are subject to approval as an exceptional use.

#### **4.16 SEWER AND WATER:**

As required by the Newaygo County Health Department.

#### **4.17 REFUSE:**

Refer to the Goodwell Township Junk Ordinance.

#### **4.18 EXCAVATION OF TOP SOIL:**

Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises, except when in connection with construction and grading operation, and when the top soil is in surplus amounts; or as a product of excavation of muck, peat, sand, gravel or other mineral deposits, as authorized by the board.

#### **4.19 GREENBELT PRESERVATION:**

In order to preserve water quality in rivers and streams of the Township and to prevent deterioration of these streams and the major Great Lakes tributaries to which these waters drain, it is necessary to regulate the use of adjoining lands, hereafter, land within three hundred (300) feet of any stream must meet the provisions of Article XIV.

No structures may be erected within fifty (50) feet of the water's edge or if the established flood plain exceeds fifty (50) feet, then within the Flood Plain area; provided that pump houses may be built except in the Flood Plain and docks may be constructed not to exceed eight (8) feet in width nor more than twenty (20) feet in length with no more than five (5) feet of dock extending into the water. Except on waters with a gradual shoreline, a dock may extend to reach a natural water depth of three (3) feet. Every residential lot shall have a minimum lot area of five (5) acres and a minimum frontage of three hundred and thirty (330) feet. A strip twenty-five (25) feet wide, bordering the river banks, shall be planted and maintained in trees and shrubs, or if undisturbed, it shall be left in its natural state. Trees and shrubs may be pruned or trimmed for a distance not to exceed fifty (50) feet of stream frontage to obtain a view of the river or stream. Plans for any construction, grading or any lot or subdivision preparation which involve removal of ground cover shall conform to the sedimentation control rules of the Newaygo County

Soil Conservation District. No septic tank drainfield may be closer than one hundred (100) feet to the water's edge and shall in placement and design conform to all regulations of the Newaygo County Health Department.

Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the Department of Natural Resources of the State of Michigan.

#### **4.20 CHANNELIZATION:**

On any developed lake in the Township there shall be no new channelization on lakefront properties which would increase the number of lake users and therefore substantially increase the dangers of polluting or degrading the water quality of the lake.

#### **4.21 PRIVATE ROADS:**

- (1) **Definition.** A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwelling units or structures, or combination thereof, whether created by private right-of-way agreement, easement or prescription.
- (2) **Minimum Improvement and Maintenance Required.** All private roads, and single use driveways whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards provided in this section. The entrance to the road shall be marked with a reflective sign and registered with the fire department. All persons who own property which abuts a private road are jointly and severally responsible for compliance with these requirements.
- (3) **New Buildings.** No building or structure shall be erected which has its primary means of access from a private road unless the requirements of this section are satisfied.
- (4) **Standards for New Private Roads.** Means of ingress or egress which are physically improved or extended after the date of this ordinance, so as to become private roads, regardless of whether the right-of-way was legally in existence before that time, shall comply with the following requirements:
  - A. New private roads shall be subject to plan review by the Planning Commission, in accordance with Chapter 16 of this ordinance. Private roads which are part of a site condominium, planned unit development, or other development, shall be reviewed and approved as part of that process and separate site plan review shall not be required. Applicants for review of a private road shall pay a fee established by resolution of the Township Board from time to time.

- B. Prior to the issuance of a private road permit, Appellant shall submit an approved driveway permit from the Michigan State Highway Department or the County Road Commission, in all cases where either of such permits is required.
- C. The applicant and/or owner of the proposed private road right-of-way shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owners of the private road right-of-way and any other parties having an interest therein, or other documentation satisfactory to the Township which shall provide for and ensure that the private road shall be regularly maintained, repaired and snowplowed to be safe for travel at all times, so that suitable access is provided for emergency vehicles, and so that the cost thereof is paid. The agreement shall be binding against all future owners of lands which are served by the private road. Said agreement, once approved, must be executed and recorded before a building permit shall be issued for any building or structure to be served by the private road.
- D. In addition to the foregoing, every private road shall:
- (i) Be constructed in a good and workmanlike manner upon and parallel to the centerline of an easement which is established by duly recorded conveyance and which is not less than thirty-three (33) feet in width and which has a radius of forty (40) feet for required turn-around areas.
  - (ii) Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other methods approved by the Township.
  - (iii) Have a minimum 6-inch gravel base, 6-foot wide grass shoulders, side ditches with 1 on 3 front slope and 1 on 2 backslope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course. In impervious soils (clay or other unsuitable materials), a 12-inch sand sub-base, graded parallel to the road surface (extending into the front ditch slope), shall be constructed.
  - (iv) Have suitable culverts placed at all natural drainage courses or other waterways.
  - (v) For a private road serving five (5) parcels or less, have a road bed not less than seventeen (20) feet wide, cleared area of at least twenty-nine (33) feet, and cleared overhead area of at least

fourteen (14) feet. For a private road serving five (5) or more parcels, the road bed shall be not less than twenty-two (22) feet wide, with a cleared area of thirty-three (33) feet.

- (vi) In case of a private road with only one access to a public road, have a turn-around area at the end with a clear turning radius of forty (40) feet, constructed in the same manner as required for the road.
- (vii) Culverts and stream crossings shall be designed to withstand the weight of fire and emergency vehicles. The Township may require certification by an engineer or other professional.

E. Upon review and approval of the completed private road improvement, the Zoning Administrator shall issue a final private road permit to the owner. Building permits for construction on property served by the private road shall not be issued until the final private road permit has been issued.

F. The erection of a building or other structure which would increase to five (5) or more the total number of such buildings or structures served by a private road constructed after the effective date of this ordinance, whether by extension of the private road, lot division or otherwise, shall be prohibited unless such private road complies, for its whole length, with this section.

(5) **Existing Private Roads.** Notwithstanding the foregoing, a building or structure may be erected upon an existing lot or parcel abutting a private road constructed adjacent to that property before the effective date of this ordinance if:

A. The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of the effective date of this ordinance.

B. The private road:

- (i) Has a cleared area at least 24 feet in width, and 14 feet in height.
- (ii) Has a travel area at least 17 feet in width.
- (iii) Is graded to be passable by emergency vehicles.
- (iv) Has sufficient gravel or other surface to be passable on a year round basis.

- (6) **Division of Parcels on Existing Private Roads.** If (i) a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of the effective date of this ordinance, and (ii) the private road abutting the lot was constructed before the effective date of this ordinance, then the building or structure may be erected if that portion of the private road from its intersection with the public right-of-way, extending across the lot on which the building is to be constructed, is brought into compliance with sub-paragraph (4), with the following exceptions:
- A. The required minimum right-of-way shall be reduced to not less than the required minimum cleared area; and
  - B. A road maintenance agreement is not required if the owners of other properties abutting the road refuse to agree upon road maintenance.
- (7) **Extension of Private Roads.** No private road which does not meet the standards of sub-paragraph (4) shall be extended in length, nor shall any new private road be constructed which intersects with said non-conforming private road, unless the entire length of the private road or roads is brought into compliance with sub-paragraph (4) of this section, subject to the same exceptions listed in paragraphs (6).

#### **4.22 OUTDOOR HEATING UNITS:**

Heating units located outside a structure shall be placed only under the following conditions:

- (1) A Zoning Compliance Permit shall be required to place an outdoor heating unit.
- (2) Heating unit location must comply with setback lines.
- (3) The heating unit shall not be located within the required front yard setback.

#### **4.23 Junk**

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS, OR CAUSED OF BLIGHT, WITHIN THE TOWNSHIP, AND TO SECURE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY

PROHIBITING THE ACCUMULATION OF TRASH AND JUNK OR EITHER OF THEM ON PREMISES OTHER THAN IN PROPERLY DESIGNATED SANITARY LANDFILLS OR LICENSED JUNK YARDS, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

NOW, THEREFORE, THE TOWNSHIP ORDAINS:

SECTION 1. Title

This ordinance shall be known and cited as the Goodwell Township Junk Ordinance, regulating junk storage and accumulation in Goodwell Township.

SECTION 2. Purpose

Nothing in this ordinance shall be construed to abrogate, affect, or supersede any applicable state law or county ordinances, regulations, or authority. It is the purpose of this ordinance to supplement state laws and to regulate the storage and accumulation of junk in the absence of regulation by state laws or ordinances.

SECTION 3. Definitions

- a. The terms “Junk” and “Trash” are used synonymously and each as herein used shall include, without limitation, the following: used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, furniture, appliances, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk.
- b. The term “Inoperable Vehicle” shall mean any device which is self propelled or designed to be towed in, upon, or which is or may be transported or drawn upon a highway or other area, or body of water, which is not physically operable for the purposes for which it was designed. An “Inoperable Vehicle” may include an automobile, truck, tractor trailers, travel trailers, semi-trailers, snowmobiles, off-road vehicles and motorized or non-motorized boats.
- c. The term “Private Premises” shall mean any lot or parcel of land owned or occupied by a person, whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

#### SECTION 4. Regulation

It shall be unlawful for any person to accumulate, place, or allow or permit the accumulation or placing of junk or inoperable/unlicensed vehicles on any premises in said Township, without screening by natural and/or artificial means of thus keeping such from being visible from neighboring properties as well as from any adjoining road. (Screening is defined as any natural land feature or planting or manmade structure in which visibility is obscured)

#### SECTION 5. Presumption of Responsibility.

The ownership, occupation or use of private premises upon which trash, junk or an inoperable vehicle is accumulated, stored or placed shall be *prima facie* evidence that all such persons, firms or corporations accumulated, stored or placed such trash, junk or inoperable vehicles upon such land, or permitted such trash, junk or inoperable vehicles to be parked, stored or accumulated upon such land.

#### SECTION 6. Notice to Remedy Condition

Upon the discovery of a prohibited condition existing as set forth in the Ordinance, the Township Zoning Administrator or the duly authorized representative of the Township of Goodwell shall notify the owner of the property of such condition and require that it be remedied or a viable written plan be submitted within thirty (30) calendar days. The notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises. Notice is not required in case of emergency or repeat violations, and any lack of notice is not a defense to any legal action taken under this Ordinance.

#### SECTION 7. Exemptions.

The following activities are exempt from this Ordinance:

- a. Articles being stored or used in compliance with an applicable Generally Accepted Agricultural and Management Practice under the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
- b. Junk in receptacles for not more than twenty (20) days while awaiting disposal, if not a health/safety concern.
- c. Junk or Inoperable Vehicles located within a sanitary landfill or junkyard, operating in compliance with the Township Zoning Ordinance and State law.
- d. Storage by a wrecker business, or automobile repair shop, operating in compliance with the Zoning Ordinance; of vehicles owned by customers of the establishment, for not more than thirty (30) days awaiting repair or disposal. Outdoor areas used for such storage shall be surrounded by an

obscuring fence, so as not to be visible to the public or neighboring properties.

- e. Vehicles in the process of being repaired, designed, modified or dismantled by the owner of that vehicle for a period not to exceed 120 days.

#### SECTION 8. Nuisance.

Any parking, storage, accumulation, placement or operation in violation of the provisions of this Ordinance is hereby declared to be a public nuisance, *per se*, which may be enjoined, pursuant to governing law, in addition to penalties for a municipal civil infraction.

#### SECTION 9. Violations and Penalties.

- a. Any person, partnership, limited liability company, corporation, or association or other individual or entity who violates or fails to comply with any provision of this Ordinance, shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$100.00 for the first offense and not less than \$200.00 for the second and subsequent offenses, and as an additional monetary penalty for a first or subsequent offense, all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of a finding of responsibility or compliance with any Court order. For these purposes, “subsequent offense” means a separate violation of this Ordinance, committed by the same responsible party, occurring within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance.
- b. The Goodwell Township Supervisor and Zoning Administrator are hereby designated the authorized township officials to issue citations for violation of this Ordinance.
- c. The Township may initiate proceedings in Circuit Court to abate or eliminate the nuisance, *per se*. The Township shall be authorized to recover its costs, including attorney fees, in such a proceeding.
- d. The rights and remedies provided in this Ordinance are cumulative, and shall be in addition to, and shall not adversely affect any and all other rights or remedies provided by law.
- e. Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violation of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution or violations by this Ordinance.



## SECTION 10. Severability

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part not declared to be invalid.

## SECTION 11. Effective Date

This Ordinance shall become effective thirty (30) days from the date of publication in a newspaper in general circulation with the Township of Goodwell.

## **4:24 Marijuana as a Home Occupation**

Marijuana growing or sales in the Township as a matter of commercial enterprise is not allowed in this township. This decision came after the vote for legalization of recreational marijuana overwhelmingly showed that the residents by a large majority were against the measure for legalization. We as the governing body of this township in accordance with all state statutes and local statutes have decided to not allow the commercial growth or sales whether of medical or recreational marijuana.

It is unlawful to establish or operate a Medical Marijuana Dispensary or commercial grow operation within the Township.

## **4.25 BLIGHTED STRUCTURE**

### SECTION 1. Title

This ordinance shall be known and cited as the Goodwell Township Blighted Structure Ordinance, regulating blighted structures in Goodwell Township.

### SECTION 2. Purpose

Nothing in this ordinance shall be construed to abrogate, affect, or supersede any applicable state law or county ordinances, regulations, or authority. It is the purpose of this ordinance to supplement state laws and to regulate blighted structures in the absence of regulation by state laws or ordinances.

### SECTION 3. Definitions

Blighted Structure includes, without limitation, any dwelling, garage or out building, warehouse, or any other structure of part of a structure which because of fire, wind or other natural disaster, physical deterioration, demolition or partial demolition when said demolition is not carried out within a reasonable period of time, is unsafe, no longer habitable as a dwelling or useful for the purpose for which it may have been intended or has uncovered openings which may provide unrestrained access to enter the structure.

### SECTION 4. Regulation

It shall be unlawful for any person to cause or maintain blighted structures in said Township.

### SECTION 5. Notice to Remedy Condition

Upon the discovery of a prohibited condition existing as set forth in the Ordinance, the Township Zoning Administrator or the duly authorized representative of the Township of Goodwell shall notify the owner of the property of such condition and require that it be remedied or a viable written plan be submitted within thirty (30) calendar days. The notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises. Notice is not required in case of emergency or repeat violations, and any lack of notice is not a defense to any legal action taken under this Ordinance.

### SECTION 6. Nuisance.

The presence of a blighted condition on any platted or unplatted parcel of land is in violation of the terms of this Ordinance and is hereby declared a public nuisance *per se*.

### SECTION 7. Violations and Penalties

- a. Any person, partnership, limited liability company, corporation, or association or other individual or entity who violates or fails to comply with any provision of this Ordinance, shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$100.00 for the first offense and not less than \$200.00 for the second and subsequent offenses, and as an additional monetary penalty for a first or subsequent offense, all expenses, direct and indirect, to which the Township has been put in connection with the municipal

civil infraction, up to the entry of a finding of responsibility of compliance with any Court order. For these purposes, “subsequent offense” means a separate violation of this Ordinance, committed by the same responsible party, occurring within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible. Every day that such violation continues shall constitute a separate and distinct offense under the provision of this Ordinance.

- b. The Goodwell Township Supervisor and Zoning Administrator are hereby designated the authorized township officials to issue citations for violation of the Ordinance.
- c. The Township may initiate proceedings in Circuit Court to abate or eliminate the nuisance, *per se*. The Township shall be authorized to recover its costs, including attorney fees, in such a proceeding.
- d. The rights and remedies provided in this Ordinance are cumulative, and shall be in addition to, and shall not adversely affect any and all other rights or remedies provided by law.
- e. Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violation of this Ordinance, shall not constitute a waiver or any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution or violations by this Ordinance.

#### SECTION 8. Severability

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part declared to be invalid.

#### SECTION 9. Effective Date

This Ordinance shall become effective thirty (30) days from the date of publication in a newspaper in general circulation with the Township of Goodwell.

## **ARTICLE V – NON CONFORMING USES**

### **5.1 NON-CONFORMING USES:**

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this Ordinance.

- (1) Lawful non-conforming uses (except structures) in existence at the time of passage of this Ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this Ordinance.
- (2) Any non-conforming lot, in existence prior to the adoption of this Ordinance, may have a principal dwelling constructed upon it with approval of the Planning Commission. However, any accessory building must meet requirements of this Ordinance.
- (3) The replacement of a non-conforming use of structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy shall not be permitted without a Variance.
  - A. Replacement must occur within one year.
  - B. After one year, any future use of land and structure shall be in conformity with this Ordinance.
- (4) If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

### **5.2 EXISTING PLATTED LOTS:**

Any non-conforming platted or un-platted lot, under separate ownership and in existence prior to the adoption of this Ordinance or an amendment which makes the lot non-conforming, may have a principal dwelling constructed upon it subject to approval of water source and septic system by the County Health Department. On a non-conforming lot less than 20,000 square feet in area, front and rear setbacks may be reduced by 10% but side setbacks shall be maintained and any accessory building must meet the setback requirements to this Ordinance.

## **ARTICLE VI – SIGNS**

### **6.1 SIGNS**

The intent of this article is to :

- Promote safe travel by minimizing sign hazards, obstructions and driver distractions.
- Protect scenic views, landscapes and architecture.

Protect public and private property.

Promote construction of and maintenance of signs which are not a hazard due to collapse, fire, collision, decay or abandonment.

This article shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the township. No person shall display, construct, enlarge, erect, alter, use or maintain any sign, except in conformity with this article.

In the “RR”, “G”, “NC”, “PUD” and “LI” Districts the following signs shall be permitted:

- (1) One (1) non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (24) square feet in total area.
- (2) A sign of not more than twelve (24) square feet advertising the name and activities of a permitted non-residential use.
- (3) Customary farm and farm corp sign on active farms.
- (4) None of the signs permitted shall be erected nearer any street or road less than Ten (10) feet from the edge or traveled edge of the road.

Signboards and Billboards in the “RR” District. For the convenience of the traveling public and the preservation of values in community business areas. By permit only.

- A. The billboard shall not exceed one hundred twenty (120) square feet in area.
- B. The billboard shall not be nearer than three hundred thirty (330) feet to any road intersection, any other billboards or any residential building.

Signboards and Billboards shall refrain from the use of profane language.

Freestanding signs shall be setback in a manner that maintains traffic visibility and public safety.

Temporary signs : These signs shall not be illuminated, are limited to two per parcel and limited to a maximum area of 20 square feet and 8 feet high each. These signs shall be set back 10 feet from any property line. These signs shall be removed within 7 days after the conclusion of the project, sale or event.

## Section 2. Violations and Penalties

### A.

If the Zoning Administrator or the Goodwell Township Supervisor finds that a sign violates this article, he or she shall give written notice to the owner of the sign or to the owner of the property where the sign is located and ordering that the

violation be corrected within three (3) days of the issuance of the notice.

B.

The order shall specify those sections of this article violated, and shall state the amount of time from the date of the order in which to correct the violation

C.

If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator or Township Supervisor may cause such sign to be brought into compliance at the expense of the owner or owner of the property.

D.

If the Zoning Administrator or Township Supervisor find that a sign endangers public or private property or public safety, the Zoning Administrator or the Township supervisor may after notice given to the owner of the sign and of the property where the sign is located, immediately remove or alter such sign at the expense of the sign owner or property owner.

E.

A violation of any provision of this article shall be a municipal civil infraction. A separate offence is deemed committed each day during or on which a violation or noncompliance occurs or continues. For which the fine shall not be less than \$50.00 nor more than \$100.00 for the first offence and not less than \$200.00 for the second and subsequent offences. As a additional monetary penalty for a first or subsequent offense, all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of a finding of responsibility or compliance with any court order. For these purposes “subsequent offence” means a separate violation of this ordinance , committed by the same responsible party.

### Section 3. Severability

Should any section, clause or provision of this ordinance be declared by the courts To be invalid, the same shall not affect the validity of this ordinance as a whole or any part not declared to be invalid

## **ARTICLE VII – MINIMUM REQUIREMENTS FOR ALL MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOUSING COMMUNITIES**

### **7.1 SPECIFICATIONS:**

- (1) All manufactured homes located outside of manufactured housing communities, except rustic hunting cabins complying with (2) below shall comply with the following specifications:

- A. The dwelling unit shall have a minimum ground floor area of seven hundred twenty (720) square feet, exclusive of basements and garage areas.
  - B. The dwelling shall have a minimum interior width within its living space of at least fourteen (14) feet for its entire length.
  - C. All dwellings shall be firmly attached to a foundation so as to be watertight as required by the construction code currently enforced in the Township. A manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards".
  - D. Any dwelling which is a mobile home shall be on a foundation or surrounded by skirting so that there is no open space between the structure and the ground.
  - E. The wheels, pulling mechanism and tongue of any manufactured home shall be removed upon placement on the foundation.
  - F. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction codes enforced in the Township.
- (2) A rustic hunting cabin not complying with the specifications in (1) above, may be permitted upon issuance of a zoning compliance permit and satisfaction of the following standards:
- A. The cabin may be occupied for a maximum of 60 consecutive day.
  - B. The minimum size shall be one hundred sixty (160) square feet of enclosed living area and the maximum size shall be three hundred sixty (360) square feet of enclosed living area.
  - C. The cabin may not be connected to public electrical supply or any other public utility.
  - D. The cabin must be constructed in compliance with all of the applicable building codes and requirements for health and sanitation facilities.
  - E. For purposes of this ordinance, a single rustic hunting cabin is considered a dwelling and principal use, so that no additional dwellings shall be allowed.

**7.2 TENTS, TRAVEL TRAILERS, CAMPERS:**

- (1) No tents, travel trailers, camp trailers or vehicles designed primarily for living or sleeping shall be placed in Goodwell Township for more than three (3) Months other than in approved parks or campgrounds. After three (3) months a permit from the Zoning Administrator is required. Such permits shall be issued for a two-(2) week period of time and shall be renewable at the discretion of the Zoning Administrator.
- (2) Tents, travel trailers, camp trailers or vehicles in outside storage on the same property as principal residence shall be limited to three (3) and exempt from the requirements of a permit during the period of said storage. Also refer to Section 8.3 (Storage).

**ARTICLE VIII – GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS**

**8.1 HOME OCCUPATION:**

Home occupations are permitted in any residential zone. A home occupation is any use which:

- (1) Is conducted entirely within a residential building or accessory building without being evident in any way from the street or from any neighboring premises.
- (2) Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
- (3) Is carried on only by the inhabitants of the building plus not more than one (1) non-resident.
- (4) Employs only mechanical equipment, which is similar in power and type usual for household purposes and hobbies.

**8.2 PRIVATE SWIMMING POOLS:**

Private swimming pools are permitted in all districts, provided the following regulations are complied with:

- (1) The pool shall be maintained in a clear and healthful condition in accordance with County Health requirements.
- (2) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street.

**8.3 STORAGE:**



The storage and parking of RV's, trailers, trucks, vans or any type of mobile housing unit are prohibited in any front yard or on any vacant lot. When stored in a rear or side yard, the setbacks must be met. Such units shall be locked to prevent access by children. The storage of boats and unlicensed or inoperable motor vehicles or recreational vehicles in any front or required side yard or on any vacant lot is also prohibited. This shall not be deemed to prohibit up to three (3) days of non-recurrent parking of a mobile / manufactured home, trailer, or boat in a front yard.

#### **8.4 SEWAGE DISPOSAL:**

Sewage disposal must be conducted in compliance with state and county regulations.

#### **8.5 SMALL WIND ENERGY CONVERSION SYSTEMS (WECS):**

(1) **Intent:** It is the intent of this section to regulate the safe, effective, and efficient use of small wind energy conversion systems (WECS) installed to reduce or replace the on-site consumption of electricity supplied by utility companies for the property on which they are located to suit the needs of the home, farm or small business.

(2) **Definitions:**

A. **Small Wind Energy System (WECS):** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is 50 feet in height or less and will be used primarily for onsite consumption. Can either be on- or off- grid (see M below).

B. **Fall Zone:** The potential fall area for the WECS. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

C. **Tower:** The monopole or guyed monopole structure that supports a wind turbine.

D. **Total Height:** The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

E. **Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine.

F. **Wind Turbine:** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate energy.

(3) **Permitted Locations:**

- A. Small WECS shall be permitted as an accessory structure in every zoning district provided that they comply with the standards and requirements of this section. Where two or more abutting lots are held under single ownership, the owner may construct a small WECS on the abutting but separate lot from that on which the principal building is located.

(4) **Procedure for Review:**

- A. Approval: No WECS shall be erected, constructed, installed or modified without first receiving a standard building compliance permit. All small WECS installed prior to the enactment of this ordinance are exempt from the conditions herein.
- B. Prior to issuance of a building permit, a site plan shall be submitted to the Planning Commission for review. The site plan shall include at a minimum:
- (i) Property lines and physical dimensions of the applicant's property.
  - (ii) Location, dimensions, and types of existing major structures on the property.
  - (iii) Location of the proposed WECS, foundations, guy anchors and associated equipment.
  - (iv) Setback requirements as outlined in this ordinance.
  - (v) The right-of-way of any public road that is contiguous with the property.
  - (vi) Any overhead utility lines.
  - (vii) WECS specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).
  - (viii) If the WECS will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a WECS.
  - (ix) Tower foundation blueprints or drawings.
  - (x) Tower blueprints or drawings.

- (xi) Sound level analysis prepared by the manufacturer or qualified engineer.

C. Prior to issuance of a building permit, a decommissioning plan shall be submitted to the Planning Commission for review. The decommissioning plan 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; and
- (iv) The anticipated manner in which the project will be decommissioned and the site restored.

(5) **Additional Turbines:** Small WECS may include more than one turbine and/or tower on any non-residentially zoned property provided that all other requirements of this ordinance are met, and provided that the total of all turbines on any one parcel or site does not exceed 10 kilowatts (kW) rating.

(6) **Height/ Towers:**

- A. For any parcel located in the zoning district, the maximum height for a small WECS shall not exceed 50 feet.
- B. The height shall be measured from the ground level to the rotor (the center point of the blades), or the top of the tower, whichever is higher. Ground level shall be the average grade measured within 25 feet of the base of the tower or supporting structure.
- C. The minimum required ground clearance between the lowest point of the blades and the average grade shall be a minimum of 20 feet.
- D. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the wind turbine manufacturer.
- E. Towers and supporting structures shall either maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted and maintain a neutral color intended to reduce visual obtrusiveness to the greatest extent feasible.

- F. A tower must have a fall zone contained entirely on the parcel or abutting parcel if under same ownership.
- (7) **Setbacks:**
- A. The base of the tower shall be setback from all property lines at least the combined height of the entire structure (tower + blades).
  - B. No component of the small WECS, including tower, guy wires and/or anchors etc., may be located in the required front setback area for the zoning district in which the WECS is located.
  - C. No component of the small WECS, including guy wires and anchors, may extend over or beyond the property lines on which the WECS is located.
  - D. The setback shall be measured to the center of the tower's base.
- (8) **Noise:** The small WECS shall not exceed 60 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.
- (9) **Certification Required:** In order to be constructed, erected or installed in Goodwell Township, small WECS must be approved by a certification program recognized by the U.S. Department of Energy or the American Wind Energy Association (AWEA).
- (10) **Compliance with Michigan Building Code & Michigan Electric Code:** Building & electrical permits are required for small WECS.
- (11) **FAA Compliance:** Small WECS shall comply with all applicable Federal Aviation Administration (FAA) regulations.
- (12) **Lighting:** The towers and other structures associated with a small WECS shall not be artificially lighted by any means or in any fashion unless required by the Federal Aviation Administration (FAA).
- (13) **Utility Interconnection:** No small WECS shall be installed until evidence is provided that the utility company has approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (14) **Abandonment:** Any small WECS that remains non-functional or inoperative for a period of at least 365 continuous days shall be deemed abandoned, and the Zoning Administrator may order the removal of the turbine, tower and any associated equipment.

**ARTICLE IX – “RR” RURAL RESIDENTIAL DISTRICT**

## **9.1 PERMITTED USES:**

This district is intended primarily to conserve and protect appropriated township lands for farming and agricultural uses. Low-density single family residential use and institutional and public uses are also permitted. The following uses are permitted therein:

- (1) Farms as defined by this Ordinance, carrying on general or specialized farming operations.
- (2) One (1) residence on each lot which is used as a single dwelling.
- (3) Institutional and public uses as permitted in Section 4.8.
- (4) Essential services as permitted in Section 4.8.
- (5) Accessory uses that are customarily incidental to any permitted principal use as long as such accessory uses do not create a nuisance which adversely affects a legal use of adjoining premises.
- (6) Signs as regulated in Section 6.1.
- (7) Home occupations and private swimming pools are regulated and permitted in Article VIII.
- (8) Temporary gravel pits, mineral extraction, gas and oil wells meeting the standards of Section 15.6.
- (9) Greenhouses, nurseries and roadside stands for the display and sale of products grown on the property; provided, however, that off-street parking and access to such parking shall be provided on the property and no hazardous traffic conditions shall result from such activity.
- (10) Temporary uses as permitted and regulated in Section 4.12.
- (11) Group daycare home for no more than 12 minor children, located in the principal residence of the operator.
- (12) State licensed residential facilities as defined and subject to the Michigan Zoning Enabling Act.

## **9.2 PROHIBITED USES:**

Within any “RR” District, no building or premises shall be used for any use not permitted by Section 9.1. Motels, hotels, apartments, row houses and garage apartments are expressly prohibited.

### 9.3 SPECIAL LAND USES

Land and/or buildings in the “RR” District may be used for the following purposes following review by the Planning Commission as a Special Land Use:

- (1) Junkyards
- (2) Mineral Extraction
- (3) Cemeteries and Mausoleums
- (4) Public and Private Airports
- (5) Country Clubs, Golf Courses, and Private or Public Stables
- (6) Hunt Clubs or Gun Clubs
- (7) Amusement Parks or Race Tracks (paved or unpaved)
- (8) Private or Church-Sponsored Camping Areas
- (9) Travel Trailer Camps
- (10) Essential Service Buildings

### 9.4 SITE DEVELOPMENT REQUIREMENTS

No lot, building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure or enlargement.

Front Setback	50 feet minimum
Side Setback	30 feet minimum
Rear Setback	30 feet minimum
Floor Area	No minimum except for manufactured homes
Building Height	35 feet
Minimum Lot Area	5 acres
Minimum Lot Width	30 feet

- (1) Refer to “Before You Build” on Page 1.
- (2) All areas not discussed in this notice must be presented to the Goodwell Township Planning Commission for consideration.
- (3) Refer also to Section 4.9.

## **ARTICLE X – PLANNED UNIT DEVELOPMENT (PUD)**

### **10.1 DESCRIPTION AND PURPOSE:**

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain larger or unusual developments, those requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large-scale residential development might better achieve the purposes of this Ordinance if a portion of the open space requirements were consolidated into small community parks or open space rather than on an individual, lot-for-lot, basis.

A development may also be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties.

Planned Unit Development (PUD) approval is intended to permit and control the development of preplanned area as planned developments (PUD's) for various compatible uses permitted by this Ordinance. In so doing, a degree of flexibility is allowed in the use, area, height, bulk and placement regulations for PUD developments. However, it is also the intent of a PUD to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD.

All decisions pursuant to this Article shall give due consideration to maintenance of reasonable conditions regarding emissions and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, property values, light and air, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

### **10.2 PERMITTED USES**

- (1) Land in a PUD may be used for all or any of the uses permitted by right or with special land use approval in the zoning district in which the PUD is located.
- (2) Non-residential uses, not otherwise permitted in a residential district may be permitted as part of a PUD if:
  - A. The non-residential use occupies not more than 10% of the PUD Project's developable area.

- B. All such uses are integrated into the design of the Project with similar architectural and site development elements, such as signs and landscaping.
- C. The uses will not materially alter the residential character of the neighborhood and/or the PUD.
- D. All merchandise for display, sale or lease is entirely within an enclosed building.
- E. No building may be constructed or occupied for a non-residential use until:
  - (i) 75% of the residential units, and not less than 5 units, have been constructed if the PUD is approved for fewer than 20 dwelling units; or
  - (ii) 50% of the units are constructed if the PUD contains more than 20 dwelling units.

### **10.3 PROCEDURES**

Any land in the Township may be approved as a PUD in accordance with the procedures and requirements hereinafter specified.

### **10.4 PRELIMINARY PLAN – SUBMISSIONS AND CONTENT**

Applicants for PUD approval shall prepare and submit to the Zoning Administrator seven (7) copies of a preliminary plan for the PUD. The Zoning Administrator shall promptly transmit five (5) copies of this plan to the Planning Commission and one (1) copy to the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information:

- (1) Legal description of the land included in the PUD.
- (2) Small-scale sketch of properties, streets and uses within one-half (1/2) mile of the PUD.
- (3) A map to scale showing any existing or proposed arrangement of:
  - A. Streets.
  - B. Lots and buildings.
  - C. Access points.



- D. Other transportation arrangements.
- E. Buffer strips.
- (4) A narrative describing:
  - A. The overall objectives of the PUD.
  - B. Number of acres allocated to each use.
  - C. Gross and Net densities.
  - D. Proposed method of providing sewer and water service as well as other necessary public and private utilities.
  - E. Proposed method of providing storm drainage.
- (5) All information submitted shall be of sufficient scale, clarity, and quality to permit a determination of compliance with the standards of this Article.

#### **10.5 PLANNING COMMISSION REVIEW OF PRELIMINARY PLAN**

The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on the requirements of this Ordinance and the following specific considerations where applicable:

- (1) Compliance with the specific and General Standards for approval in this chapter.
- (2) Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (3) Off-street parking and loading areas where required, and the economic, noise, glare and/or odor effects of each use in the proposed PUD.
- (4) Refuse and service areas, with particular reference to the items in subparagraphs (2) and (3) above.
- (5) Utilities, with reference to locations, availability and compatibility.
- (6) Screening and buffering with reference to type, dimensions and character.
- (7) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the proposed PUD.

- (8) Required yards and other open spaces.
- (9) General compatibility with adjoining properties and properties in the proposed PUD.
- (10) The purpose of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- (11) Consistency of the project with the Goodwell Township Master Plan.

#### **10.6 TRANSMITTAL OF PLANNING COMMISSION'S RECOMMENDATIONS**

The Planning Commission shall transmit its recommendations pertaining to the preliminary plan along with any recommended changes or modifications to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary plan, the Planning Commission may call an advisory public hearing and give such notice thereof as it shall deem appropriate.

#### **10.7 FINAL PLAN SUBMISSION**

After receiving the recommendations of the Planning Commission of the preliminary plan, the applicant for PUD approval shall submit eleven (11) copies of a final development plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit five (5) copies to the Planning Commission, five (5) copies to the Township Board, and retain one (1) copy.

#### **10.8 FINAL PLAN CONTENT**

The final plan shall include all of the following information unless the same, as determined by the Township Board, is found to be unnecessary for the consideration of the PUD.

- (1) A plot plan based on an accurate certified land survey showing:
  - A. Location, size, and type of present buildings or structures to be retained or removed.
  - B. Location of all proposed buildings, structures or other improvements.
  - C. Location of existing and proposed streets, easements, rights-of-way, drives and parking lots.
  - D. Location of water and sewer lines.

- E. Storm drainage.
  - F. Topographical features including contour intervals no greater than five (5) feet and bodies of water.
  - G. Ditches and water courses.
  - H. Proposed landscaping.
  - I. Location of existing improvements.
  - J. Location of lot or unit lines.
  - K. Loading and unloading facilities.
  - L. Wetlands.
  - M. Exterior lighting and signs.
- (2) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
  - (3) The period of time within which the project will be completed.
  - (4) Proposed staging of the project, if any.
  - (5) Gross areas of buildings and parking.
  - (6) Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.
  - (7) A description of all aspects of such plan which might have an adverse effect on public health, safety and welfare.
  - (8) An environmental impact statement or assessment, if requested by the Planning Commission.
  - (9) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land as an option or purchase contract.
  - (10) Calculation of Gross and Net Density, and percentage of open space.
  - (11) Additional information which the Township Board may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and properties and the Township in general.

- (12) The Township Board may also require that the applicant provide some or all of the following information:
- A. Soil surveys, borings and septic suitability reports.
  - B. Natural hazards.
  - C. Substrate information.
  - D. Surface and groundwater information.
  - E. Storm water drainage information.
  - F. Erosion information.
  - G. Streams and water bodies impact analysis.
  - H. Environmental impact statement.
  - I. Traffic information.
  - J. Market study.
  - K. Such additional information as is reasonably necessary for the Township Board to determine a proposal's environmental impacts upon adjoining woodlots, waterways, wetlands, adjoining properties and other resources.

## **10.9 PUBLIC HEARING**

The Planning Commission shall hold a public hearing pursuant to the provisions of the Michigan Zoning Enabling Act of 2006, as amended, and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan.

## **10.10 FINAL PLANNING COMMISSION RECOMMENDATIONS**

The Planning Commission shall transmit its recommendations concerning the final development plan along with any recommended changes, conditions or modifications to the Township Board.

## **10.11 FINAL APPROVAL BY TOWNSHIP BOARD**

Final approval (together with conditions of approval) or disapproval of the final development plan shall be by the Township Board. A copy of said final zone development plan change, if finally approved, shall be forwarded to the Township Clerk. If all conditions and requirements of this Article are fulfilled, the Township Board may

approve the planned development. The Township Board may attach conditions to any PUD approval.

#### **10.12 SPECIFIC STANDARDS FOR APPROVAL**

- (1) **Size.** The land area of a residential PUD shall be not less than 40 acres.
- (2) **Overall Density.** In a residential PUD, the number of dwelling units shall not exceed a number equal to the net land area of the PUD, divided by the minimum lot size for a single family dwelling in that zoning district. "Net land area" is determined by subtracting from total site area lands used or dedicated for public or private easements and road rights-of-way.
- (3) **Natural Features.** The Applicant must demonstrate that the property proposed for a PUD contains unique site conditions, significant natural features, or large open spaces, which would otherwise be developed or which is preserved as a result of the PUD.
- (4) **Minimum Open Space.** The PUD preserves in perpetuity at least 40% of the total area of the site as open space, which otherwise would have been included as building lots. The following shall not constitute open space for purposes of determining the minimum required open space:
  - A. Area within all street and utility rights-of-way.
  - B. Area within a platted lot or site condominium unit or other parcel intended to be occupied by a structure.
  - C. Off street parking areas.
  - D. Detention and retention ponds.
  - E. Any area devoted to public or common community sewage disposal systems.
  - F. Bodies of water.
- (5) **Minimum Lot Sizes.** The minimum lot or unit size for an individual building lot for a single family dwelling shall be not less than 2 acres with 165 feet of lot width.
- (6) **Open Space Characteristics.** The open space provided for on the PUD development plan shall comply with the following standards:
  - A. A portion of the open space shall be located along the public street frontage abutting the land, for a depth of at least 50 feet beyond the public

right-of-way, and this area shall be left in its natural condition or be landscaped to help preserve or enhance existing views or maintain rural character.

- B. The open space shall be located to preserve the most significant natural resources, natural features, scenic or wooded areas, bodies of water, wetlands or similar features, or to serve as a buffer for neighboring property owners and public rights-of-way. Location of open space shall be located to give preference to buffering of neighboring properties and public rights-of-way. Landscaping and screening may be required as appropriate by the Township to create or supplement a buffer between adjacent properties.
  - C. The open space may include a recreational trail, picnic area, play area, green way, linear park, agricultural use, or other similar use, if determined by the Township to enhance the open area.
  - D. The open space shall be available for all residents of the PUD (subject to reasonable rules and regulations) and located to be reasonably accessible to residents.
  - E. If the land contains a lake, stream, or other body of water, the Township may require that a portion of the open space abut the body of water.
  - F. The Township may approve a PUD with open space which is not contiguous with or incorporated within the PUD, provided the open space is dedicated to the public or deed restricted to prevent development, and contains significant natural features which would be preserved, such as woodlands, views, shoreline, or similar and significant natural features.
  - G. The area proposed for open space shall be restricted from further development and perpetuity by approved means, such as designation as a common element of a condominium, deed restrictions, common ownership, or similar acceptable means.
- (7) **Roads.** Roads within the PUD shall be public or shall be constructed in compliance with the standards of this Ordinance for private roads. Roads within a PUD which contain more than 50 dwelling units shall be paved. If the PUD serves more than 10 residential lots, it shall have direct access to a paved public road for at least 1 entrance.
- (8) **Sewage Disposal/Water Supply.** The Applicant shall demonstrate that adequate provision is made for water supply and sewage disposal, taking into account any reduced size of individual building sites. If, based upon density of areas devoted to building sites and soil conditions, individual septic systems and/or wells do not provide an adequate and safe means of sewage disposal, a community water and/or waste water system may be required as a condition of PUD approval.

### 10.13 GENERAL STANDARDS

- (1) **Project Design and Review Standards.** In approving the PUD, including any modifications, the Township Board shall find:
  - A. That there will be no adverse effect upon public health, safety, or general welfare.
  - B. That the PUD is consistent with the Township Master Plan.
  - C. The PUD will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
  - D. The proposed use and modifications will not change the essential character of the surrounding area and the neighborhood.
  - E. The proposed use and modifications will not place demands on public services, roads and facilities in excess of their current capacities.
  - F. The proposed use and modifications will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance or Master Plan.
  - G. The proposed use and modifications shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas, ground water and natural areas.
  - H. The standards for a site development plan are met.
- (2) **Time Limitations on Development.** Each development shall be under substantial construction within one (1) year after the date of approval by the Township Board. If this requirement is not met, the Township Boards may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Township Board, PUD approval shall be invalid and void.
- (3) **Security.** The Township Board, in connection with reviewing any application for a final development plan, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond or irrevocable letter of credit, such bond or security to be posted by applicant in order to insure that the development will be executed in accordance with the approved plan.

- (4) **Required Improvements Prior to Issuance of Occupancy Permit.** The Township Board is hereby empowered to require that all required improvements, or improvements for a phase of development, be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit.
- (5) **Additional Provisions.** All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD where inconsistent therewith, in which case the provisions of this Article shall control.

#### **10.14 CERTAIN RESIDENTIAL DEVELOPMENTS AS PLANNED UNIT DEVELOPMENTS**

- (1) In the “RR” Rural Residential District, no subdivision shall be established or created and no lot, site condominium unit, individual mobile / manufactured home or trailer site or park or parcel of land in a subdivision shall be sold, conveyed, transferred or otherwise established, nor shall any zoning compliance permit be issued, for any land in a subdivision unless such subdivision shall have been approved by the Township Board as a planned unit development (PUD).
- (2) For the purposes of this section, a “subdivision” means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, or developed as a land division, site condominium or recorded plat, for the purpose of sale, transfer or building construction, into or including 11 or more lots, parcels of land, site condominium units, or other units or interests are offered as part of a common promotional plan for rent, sale or conveyance, or where the subdivision is being developed or is offered for sale, rent, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.
- (3) If parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a subdivision, if the total number of lots, parcels or land, site condominium units, or other interests is 11 or more.
- (4) For purposes of this section, “contiguous” land means any additional land adjacent to or adjoining the subdivided land included in any previous subdivision.



- (5) If a parcel of land is created, divided or split from out of another parcel of land, and if either or both of such parcels are further divided, split or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division or land split, then each parcel shall be considered a subdivision for purposes of this section, and accordingly, each parcel shall be subject to planned unit development approval, if 11 or more lots, parcels of land or site condominium units are created or developed from or out of such parcels or either of them.
- (6) For subdivisions and site condominiums required to obtain PUD approval, the specific standards for approval for minimum PUD size, natural features, minimum open space, characteristics of open space, and other specific standards may be reduced and shall be applied to accommodate the characteristics of the land, if full compliance is not feasible.

## **10.15 MODIFICATION OF PUD PLANS**

Minor changes to a PUD site plan may be approved administratively in writing by the Zoning Administrator provided the changes comply with all applicable requirements of this Ordinance and all other Township regulations and state laws. "Minor changes" include any decrease in density or adjustment of 15 feet or less of any lot line, road, or open space. Any other changes shall require a formal amendment to the developers' PUD Ordinance or approval.

## **ARTICLE XI – SUBDIVISIONS AND SITE CONDOMINIMUMS**

### **11.1 DESCRIPTION AND PURPOSE**

The purpose of this Article is to provide procedures and standards for the review and approval of subdivisions pursuant to the Michigan Land Division Act, and to provide a procedure for approval of "site condominiums" in order to provide equivalent standards for site condominiums and subdivisions.

### **11.2 DEFINITIONS**

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- (1) *"Applicant"; "Owner"; "Proprietor" and "Subdivider"* are intended to be synonymous terms referring to the person or entity holding an ownership interest in land proposed for plat or site condominium consideration.
- (2) *"Building Site"*. Within a condominium development the same shall mean that portion of a lot or parcel, which is a two dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above and/or below the land, designed for the construction of a principal building in addition to any

accessory buildings. All building sites shall have access to a public or private street or road.

- (3) *"Common Elements"*. The portions of a condominium project other than the condominium units.
- (4) *"Condominium Plan"*. The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- (5) *"Condominium Unit"*. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects. For purposes of this ordinance, a site condominium unit is equivalent to a "Lot".
- (6) *"Consolidating Master Deed"*. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space which final amended master deed fully describes the condominium project as completed.
- (7) *"Contractible Condominium"*. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (8) *"Health Department"*. The Newaygo County District 10 Health Department.
- (9) *"Limited Common Elements"*. The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- (10) *"Lot"*. A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.
- (11) *"Master Deed"*. The legal document prepared and recorded pursuant to Act No. 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- (12) *"Riparian Access Property"*. A property, building site, parcel or lot abutting a lake or pond, either natural or man-made, and used or intended to be used for the purpose of providing access to the lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained

by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

- (13) *“Site Condominium Project”*. A Condominium development or project consisting of a number of condominium units which, if the property were to be developed under a non-condominium form of ownership, would require subdivision approval under the Michigan Land Division Act.

### **11.3 COMPLIANCE REQUIRED**

All plats shall comply with the provisions of the Michigan Land Division Act (1967 PA 288, as amended), and with the provisions of this Ordinance. All site condominium developments shall comply with the provisions of the Michigan Condominium Act (1978 PA 59, as amended), and with the provisions of this Ordinance.

### **11.4 APPROVAL PROCESS (OVERVIEW)**

- (1) **Subdivisions.** This Article provides for a proposed plat or site condominium project to be reviewed by the Township through a 3-step process consistent with the Land Division Act, as follows:
- Step 1 --- preliminary plat submitted for tentative approval.
  - Step 2 --- preliminary plat submitted for final approval.
  - Step 3 --- final plat submitted for final approval.
- (2) **Site Condominiums.** A site condominium shall be subject to the same standards for development as a subdivision. However, Site condominium project plans shall be reviewed in accordance with procedures provided for planned unit developments.
- (3) **Optional Pre-Preliminary Plat/Site Condominium Conference.** A potential applicant for plat or site condominium review may submit a generalized conceptual sketch of a potential plat or site condominium for non-binding review and comment by the Planning Commission. This optional step in the process is recommended to facilitate early contact between the owner/developer and the Township to generally discuss the conceptual layout of the development, compliance with the substantive requirements of this Ordinance and any other applicable Township ordinance, and the mandatory review process prescribed by this Ordinance.

### **11.5 TENTATIVE APPROVAL OF PRELIMINARY PLAT/SITE CONDOMINIUM PLAN (STEP 1 APPROVAL)**

- (1) **Submission.** Every person, firm or corporation which shall hereafter submit a preliminary plat plan to the Township Board for tentative approval shall submit not less than five or more than ten legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer, Land Surveyor or other person authorized by law. Said copies must contain, at a minimum, the following information and fees:
  - A. A relief of the area proposed to be platted with not more than four foot (4) contour intervals.
  - B. The location and layout of all streets, intended street names, the width and dimension of all street rights-of-way, and whether such streets are intended to be dedicated public streets or maintained as private streets.
  - C. Indicate lot or building site layout, showing size and shape of proposed lots or building sites, as well as any dedicated common open space.
  - D. Indicate whether the proposed plat will be served by a public or private sanitary sewer and/or water system, including fire hydrants.
  - E. In situations where the proprietor owns or plans to acquire and anticipates platting adjoining land or making it into a Site Condominium Development, the proprietor shall submit with the preliminary plat/condominium plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- (2) **Planning Commission Review.** Upon receipt of said proposed preliminary plat, the Planning Commission shall review the subdivision for compliance with the terms of this Ordinance and make a recommendation for approval, denial, or approval with conditions to the Township Board.
- (3) **Coordination with PUD Procedure.** In the case of a subdivision, the development shall be reviewed for compliance with the PUD chapter of this Ordinance, and a decision as to approval made during the procedure for tentative approval of a preliminary plat. Approval of a PUD is required for tentative preliminary plat approval.
- (4) **Township Board Review - Subdivisions.** Upon receipt of the recommendation of the Planning Commission, the Township Clerk shall place the matter on the Township Board agenda for the next scheduled Township Board meeting. The Township Board shall review the plan for its compliance with the applicable standards set forth in subsection "6", immediately below. The Township Board shall examine said preliminary plan with such assistance and review by the Township Engineer and the Township Attorney as the Township Board shall request.

(5) **Public Hearing.** The Planning Commission and/or Township Board may convene a public hearing to consider a request for plat approval, giving notice in a manner provided for PUD approval herein.

(6) **Standards for Review by Township Board.** The preliminary plat plan shall comply with all Township Ordinances and state statutes and the following:

A. Streets.

- (i) The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.
- (ii) Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project or plat shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the development shall be so laid out that their use by through traffic will be discouraged.
- (iii) Private streets may be permitted by the Township Board if the Township Board finds that private streets within the site condominium project or plat will not adversely affect public health, safety or welfare. In determining the same, the Township Board shall consider:
  - (a) The number of dwelling units, building sites or lots to be served by said streets;
  - (b) The layout of the proposed development;
  - (c) Ability to access with emergency vehicles;
  - (d) Whether the street will serve as a link between different public roads.
- (iv) All streets, whether public or private shall be built to County Road Commission standards.
- (v) A plat or condominium project creating a total of 50 or more units must be developed so as to provide 2 or more access streets.
- (vi) Rights-of-way within or abutting such plats/condominium developments shall be not less than 66 feet in width unless approved otherwise by the Township Board upon a finding that a lesser width would be adequate to safely accommodate anticipated traffic. Permanent dead-end streets in excess of 660 feet in length shall be prohibited except upon prior approval of the Township Board, to be

granted only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.

B. Lots and building sites.

Proposed lots shall comply with the zoning for the underlying district or as approved in a PUD.

C. Open Space.

Open space within a plat or condominium development for the common use of occupants within such plat or development, exclusive of required setbacks, parking areas, street rights-of-ways, driveways or minimum lot or condominium site area requirements shall be accompanied by an agreement or restrictive covenant acceptable to the Township Board which shall contain a description of the open space and its purposes and the enforceable manner in which it is to be maintained, repaired and developed. Such agreement or restrictive covenant shall be in recordable form and shall be recorded by the developer in the records of the Newaygo County Register of Deeds at the time of recording of the plat or condominium development.

D. General provisions.

- (i) Privately held reserve strips controlling access to streets shall be prohibited.
- (ii) Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the plat or site condominium development.

E. Riparian Access

- (i) Where a parcel of land is contiguous to a lake or other waterway, either natural or man-made, such parcel of land may be used as riparian access property or as common open space held in common by a subdivision, association or similar agency; or held in common by virtue of the terms of a plat; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the water front only if the following conditions are met:
  - (a) The riparian access parcel shall contain at least seventy (70) feet of

water frontage and a lot depth of at least one—hundred feet (100) for each dwelling unit or each single family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

- (b) In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this Ordinance.

(7) **Township Board Decision.**

- A. The Township Board shall tentatively approve and note its approval on the copy of the preliminary plat plan/preliminary condominium plan, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat plan/preliminary condominium plan, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:
  - (i) Within 60 days after it was submitted to the Township Clerk if the development is a plat and a pre-application review meeting was held pursuant to Section 111(3) of the Michigan Land Division Act (1967 PA 288, as amended).
  - (ii) Otherwise, within 90 days after it was submitted to the Township Clerk.
- B. Tentative approval under this section confers upon the proprietor for a period of one year from the date thereof approval for development purposes of lot sizes, lot orientation, and street layout and application of the then-current plat/site condominium regulations. The tentative approval may be extended if applied for by the proprietor and granted by the Township Board in writing.

**11.6 FINAL APPROVAL OF PRELIMINARY PRELIMINARY PLAT PLAN (STEP 2 APPROVAL)**

- (1) **Submission.** Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat plan to the Township Board for final approval shall submit the following relevant data and fees:
  - A. Evidence that all requirements imposed by the Township Board at the time of granting tentative approval have been incorporated into the proposed plan.
  - B. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said condominium project or plat. Prior to submitting copies of the

preliminary condominium plan or preliminary plat plan to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.

- C. A list of all authorities required by statute to review the preliminary plat plan/preliminary condominium plan and written approvals from all such authorities.
- D. A fee established by resolution of the Goodwell Township Board.

(2) **Township Board Review.** The Township Board shall examine the plan with such assistance and review by the Township Engineer, Township Fire Chief and Township Attorney as the Township Board shall request. Upon completing its review, the Township Board shall determine whether said plat plan or condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:

- A. All rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Road grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage shall be removed. The foregoing 0.5 foot elevation and tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the Township Engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.
- B. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the center line of the gutter or back of curb and a street property line diameter of at least 120 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.
- C. The proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public



Service Commission. Private easements for underground utilities shall be shown on the preliminary plan.

D. Storm water disposal methods proposed for the development must be adequate to insure each lot/building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.

(3) **Approval.** If the Township Board determines that the preliminary plat plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall, at its next meeting following plan submission or within 20 days from the date of submission, grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended in the discretion of the Township Board upon application by the proprietor.

#### **11.7 FINAL APPROVAL OF FINAL PLAT PLAN (STEP 3 APPROVAL)**

(1) **Submission.** Every person, firm or corporation which shall hereafter submit a proposed final plat plan to the Township Board for final approval shall also submit the following relevant data and fees:

A. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat or site condominium.

(2) **Township Board Review.** The Township Board shall, at its next regular meeting or within 20 days from the date of submission, review the proposed final plat and grant final approval if it determines that all of the following have been satisfied:

A. All monuments required to be placed in the plat have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.

B. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.

C. If the project includes or abuts certain improvements other than streets and alleys, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters, that all such improvements shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.

- D. All utilities servicing the project have been installed and water and sanitary sewer mains have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board in an amount sufficient to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
- E. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least twelve (12) feet wide, usually six (6) feet dedicated from each lot or parcel except side lot easements three (3) feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
- F. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
- G. The proposed final plan complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
- H. That the Plat is executed by all required owners.

### **11.8 FAILURE TO COMPLETE A PUBLIC IMPROVEMENT**

In the event the developer shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may, but shall not be required to, proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the developer has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

### **11.9 BUILDING SITE/SUBDIVISION**

After a plat or site condominium development has been recorded, platted lots/building sites may thereafter be partitioned only with approval of the Township Board. Lots or building sites shall adhere to the following requirements:

- (1) All resulting lots or building sites shall have individual direct access to a public roadway or private roadway.

- (2) All Resulting lots or building sites shall have access to those utilities necessary or required to service such lots or building sites.
- (3) All building sites shall comply with the lot width, area, and setback requirements of the Zoning Ordinance.

#### **11.10 WAIVER AUTHORITY AND STANDARDS**

- (1) **Variance Authority.** The Township Board shall have power in passing upon plat projects to modify or waive any of the terms and provisions of this Article so that the spirit of the Article as to the layout of lots and streets shall be observed and public health, safety and welfare secured and in light of the circumstances of each specific case following these standards:
  - A. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape, or topographical conditions of the tract of property involved, as distinguished from a mere inconvenience or economic hardship.
  - B. The variance/waiver may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
  - C. The ordinance requirement at issue is not applicable to the specific situation at issue; or, the purpose is applicable but may be served even if a variance is granted.
  - D. The conditions upon which the request for variance are based are unique to the subject property and not applicable generally to property outside of the proposed plat.
  - E. Approval of a waiver will not in any manner result in a violation of any ordinance, or any other requirement of law.
  - F. The conditions providing support for the variance/waiver were not created by the applicant or the applicant's predecessors in title.
- (2) **Variance Application Procedures.** A request for a variance/waiver from any requirement of this Ordinance shall be submitted in writing by the applicant no later than when the preliminary plat is submitted for tentative approval. The request shall state the grounds for the requested variance/waiver and all the facts relied upon in support thereof. The Township Board may, at its discretion, hold a public hearing on a variance/waiver application.

#### **ARTICLE XII – “NC” NEIGHBORHOOD COMMERCIAL DISTRICT**

## **12.1 DESCRIPTION AND PURPOSE**

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. It is further the intent of this district to retain the rural nature of our Neighborhood Commercial Districts by requiring certain physical, access drive, curb cut, pedestrian, parking, loading/unloading area, landscaping, and sign regulations and standards. The purposes of the regulations imposed are to mitigate the negative impacts of lineal development along neighborhood streets, avoid land locking parcels behind road-front commercial enterprises, avoid lineal commercial development patterns, to encourage clustering of small scale commercial development with one access servicing several businesses (as opposed to many driveways, one or more for each business). All of these elements are essential for quality use of land and for economic development efforts and to be consistent with the provisions of the Goodwell Township Land Use Plan.

## **12.2 PERMITTED USES**

Land and/or buildings in the “NC” District may be used for the following purposes as Permitted Uses, subject to approval of a site plan by the Planning Commission and the Township Board:

- (1) Office building for any of the following occupations:
  - A. Executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
  - B. Medical and dental offices including clinics, health care services, and social assistance.
  - C. Office for the sale, rental and leasing of properties or management of companies and enterprises.
- (2) Banks, credit unions, savings and loan associations, insurance agencies and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- (3) Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies and other similar uses, as determined by the Zoning Administrator.
- (4) Retail stores, providing goods within a completely enclosed building.
- (5) Drug Stores and pharmacies.
- (6) Restaurants, excluding drive-through facilities.

- (7) Private clubs, fraternal organizations and lodge halls.
- (8) Commercial childcare centers.
- (9) Building firms, developing firms, general contracting and special trade contracting firms.
- (10) Home occupation in accordance with the requirements of Section 8.1.
- (11) Educational services.
- (12) Bed and Breakfast Establishment.
- (13) Public Administration.
- (14) Utility and public service buildings, without storage yards, but not including.
- (15) Essential public services such as poles, wires and underground utility systems.
- (16) Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses or Special Land Uses.

### **12.3 SPECIAL LAND USES**

Land and/or buildings in the NC District may be used for the following purposes following review by the Planning Commission as a Special Land Use:

- (1) Funeral homes and mortuary establishments
- (2) Veterinary hospitals, animal clinics and kennels
- (3) Commercial storage warehouses
- (4) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources
- (5) Accessory buildings as necessary for Special Uses
- (6) Convalescent Homes or Nursing Homes
- (7) Motels

### **12.4 SITE DEVELOPMENT REQUIREMENTS**

No lot, building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure or enlargement.

Front Yard	50 feet minimum
Side Yard	Side abutting Residential Districts or uses – 50 feet Street side of a corner lot – 50 feet
Rear Yard	30 feet
Lot Coverage	not to exceed 40% of buildable area (including building and parking areas)
Building Height	35 feet or 2 ½ stories
Minimum Lot Area	5 acres
Minimum Lot Width	330 feet

**12.5 DESIGN STANDARDS**

- (1) The outdoor storage of goods or materials shall be prohibited in required front and side yard setback areas. Goods or materials stored in a side or rear yard shall be screened from the view from the street or from abutting properties in accordance with Section 13.4.3B. The required front yard area shall be landscaped.
- (2) All utilities (electric, gas, water, sewer, cable television and other similar services) shall be located underground. This requirement applies to service to individual commercial establishment and to any utilities necessary to travel between the rear wall of the principal commercial establishment building and the centerline of the road. All utility pad fixtures, meters shall be shown on the site plan and integrated with the architectural elements of the site plan.
- (3) All buildings must be at least one thousand, one hundred (1,100) sq. ft. in total size and twenty-four (24) feet in width across at least sixty percent (60%) of all horizontal dimensions. Buildings shall not exceed ten thousand (10,000) square feet in area.
- (4) For all commercial uses, building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
- (5) Sufficient parking, based upon accepted standards for the type of use in question, with appropriate maneuvering and entrance and exit lanes shall be provided.

**ARTICLE XIII – “LI” LIGHT INDUSTRIAL DISTRICT**

**13.1 DESCRIPTION AND PURPOSE**

This Zoning District is intended to provide exclusive areas for industrial uses in areas served by adequate infrastructure. Uses in the Zoning District are to provide for various types of light industrial and manufacturing uses, wholesale business, warehouses and other uses compatible with one another and with surrounding land uses and with an absence of objectionable external effects. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity and creative site design. The regulations are defined to exclude uses which would have a detrimental effect upon the orderly development and functioning of the District, as well as surrounding land uses.

### **13.2 PERMITTED USES**

Land and/or buildings in the “LI” District may be used for the following purposes as Permitted Uses, subject to approval of a site plan by the Planning Commission and the Township Board:

- (1) Industrial plants manufacturing, compounding, processing, packaging, treating or assembling the following:
  - A. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees or other similar living products.
  - B. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage and similar products (but not including slaughtering of animals or rendering or refining of fats and oils).
  - C. Furniture and fixtures.
  - D. Printing, publishing and allied industries.
  - E. Electrical machinery, equipment and supplies, electronic components and accessories.
  - F. Engineering, measuring, optical, medical, scientific, technical, photographic and similar instruments and goods.
  - G. Cut stone and stone products related to monuments.
  - H. Wholesale trade.
- (2) Industrial plants manufacturing, compounding, processing, packaging, treating or assembling of materials or products from previously prepared materials the following:
  - A. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other similar products.

- B. Apparel and other finished products including clothing, leather goods, furnishing and canvas products.
  - C. Lumber and wood products including millwork, prefabricated structural work products and containers.
  - D. Paper and paperboard containers and products.
  - E. Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
  - F. Glass products.
  - G. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artist supplies and materials, notions, signs and advertising displays.
  - H. Pottery and figurines and other ceramic products using only previously pulverized clay.
  - I. Fabricated metal products, except heavy machinery and transportation equipment.
- (3) Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and lumber.
  - (4) Warehousing, refrigerated and general storage.
  - (5) Laundries, laundry services and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
  - (6) Office buildings for executive, administrative, professional, accounting, drafting and other similar professional activities.
  - (7) Research and development facilities, including production activities, which shall be limited to fifty percent (50%) of the floor area of the main building.
  - (8) Trade or industrial schools.
  - (9) New building materials sales and storage, including building trade contractors and related storage yards.
  - (10) Body shops.
  - (11) Utilities and communications installations such as electrical receiving or transforming stations, microwave towers and television and radio towers.



- (12) Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires and underground utility systems.
- (13) Buildings, structures and uses accessory to the Permitted and Special Land Uses.
- (14) Home occupation in accordance with the requirements of Section 8.1.

### **13.3 SPECIAL LAND USES**

Land and/or buildings in the “LI” District may be used for the following purposes following review by the Planning Commission as a Special Land Use:

- (1) Truck and freight terminals.
- (2) Bulk oil, propane and gasoline storage and distribution.
- (3) Junkyards.
- (4) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

### **13.4 SITE DEVELOPMENT REQUIREMENTS**

No lot, building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure or enlargement.

- (1) The first thirty-five (35) feet of the front yard area, except for necessary entrance drives shall be landscaped.
- (2) All Permitted Uses and Special Land Uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and the on-site parking of vehicles or as otherwise permitted by this ordinance.
- (3) Outside storage of materials, equipment or vehicles is permitted, subject to the following restrictions:
  - A. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of a corner lot. In no case shall materials be stored in any required yard.
  - B. All storage of materials shall be visually screened to a height of at least six (6) feet above the elevation of the nearest adjacent road or property. Such

screening shall consist of a decorative fence, wall or greenbelt, or a combination of these materials.

- C. In no case shall the outside storage of material be stacked higher than the height of the visual screen.
- D. One (1) non-gated opening, no greater than twelve (12) feet in width, shall be permitted in the screen for each two hundred (200) feet of property frontage on a public street.
- E. Sufficient parking, based upon accepted standards for the type of use in question, with appropriate maneuvering and entrance and exit lanes shall be provided.

(4) Development requirements:

Front Yard	50 feet
Side Yard	Side abutting Residential Districts or uses – 50 feet Side abutting other Districts – 20 feet Street side of a corner lot – 50 feet
Rear Yard	35 feet
Lot Coverage	not more than 60% of buildable area (including building and parking areas)
Building Height	40 feet
Minimum Lot Area	5 acres
Minimum Lot Width	330 feet

**ARTICLE XIV – “G” GREENBELT DISTRICT**

**14.1 PERMITTED USES**

In accordance with the provision of Section 4.19, all land within three hundred (300) feet of the water’s edge of any river or stream shall comprise the “G” Greenbelt Zone of Goodwell Township. All permitted uses are the same as Article IX – “RR” Rural Residential District.

**14.2 PROHIBITED USES**

Within the “G” Greenbelt Zone, no building or premises shall be used for any use not permitted by Section 9.1. Motels, hotels, apartments, mobile / manufactured homes, row houses and garage apartments are expressly prohibited.

**14.3 HEIGHT AND AREA**

Refer to Before You Build on Page 1.

#### **14.4 ADDITIONAL REQUIREMENTS**

- (1) **Planting Strip:** A strip twenty-five (25) feet wide, bordering the water's edge, shall be planted and maintained in trees or shrubs, or if undisturbed, it shall be left in its natural state. The following variation may be made: Trees, shrubs or grasses may be pruned or trimmed for a distance not to exceed fifty (50) feet on each property to obtain a view of the water's edge.
- (2) **Alteration or Ground Cover:** No zoning application for any construction, or authorization for any grading, lot or subdivision in preparation shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Newaygo County Soil Conservation District.
- (3) **Location of Septic Tank drainfields:** No septic tank drainfield may be closer than one hundred (100) feet to the water's edge and shall conform to all regulations of the District 10 Health Department in placement and design.
- (4) You must also meet all County, State and Federal laws.

### **ARTICLE XV – EXCEPTIONAL USES**

#### **15.1 PURPOSE**

**Purpose.** Special land uses (sometimes referred to as “exceptional land uses” in this Ordinance) are uses of land which are not necessarily incompatible with uses permitted by right in a District, but which possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this chapter is to establish procedures and criteria which will be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under this chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration.

#### **15.2 APPLICATION**

**Application.** An application for special land use approval shall be submitted to the Township Clerk, who will transmit it to the Planning Commission. An application for special land use approval shall consist of:

- (1) Ten (10) copies of a site plan meeting the requirements for final site plan under Chapter 16 of the Ordinance.
- (2) A completed application form, provided by the Township.

- (3) The fee established by the Township Board from time to time.
- (4) A narrative statement regarding compliance with the criteria for approval in Section 15.4, and other criteria imposed by this Ordinance on the special land use under consideration.
- (5) Other materials as requested by Township staff, the Planning Commission, or Township Board.

### **15.3 PUBLIC HEARING**

- (1) Upon receipt of a valid application for special land use approval, the Planning Commission shall schedule, give notice of, and hold a public hearing for the purpose of receiving comments relative to the special land use application. Notice of the public hearing shall be given as provided in Michigan Zoning Enabling Act.
- (2) The Planning Commission and Township Board shall review the application for special land use approval and make a determination on the application in accordance with the site plan and other materials submitted, public comments, standards for approval set forth in Section 15.4, and other standards contained in this Ordinance which relate to the special land use under consideration.
- (3) Following public hearing, the Planning Commission shall make a recommendation for approval, approval with conditions, or denial of the special land use application to the Township Board.
- (4) The Township Board shall make the final decision to approve, approve with conditions, or deny the special land use, and shall note the reasons for its decision in the minutes of the meeting, or a separate resolution or other writing.
- (5) The Applicant or other party aggrieved by a decision relative to a special land use application may appeal to the Circuit Court. The Circuit Court shall review the record and decision to make sure it complies to the constitutional laws of the State, is based upon proper procedure, and is supported by competent material and substantial evidence on the record, and represents the reasonable exercise for discretion granted by law in this Ordinance. Such appeal shall be filed within thirty (30) days after the Township Board issues its decision in writing signed by the Supervisor, or within twenty-one (21) days after the Township Board approves the minutes of its meeting at which the decision was made, whichever occurs first.

### **15.4 GENERAL STANDARDS FOR APPROVAL**

- (1) In addition to any specific standards provided for a particular special land use, and

the general requirements of the Zoning Ordinance, the Planning Commission and Township Board shall review an application for special land use approval in accordance with the following general standards, and shall approve a special land use only upon a finding of compliance with all of the following standards, as well as any other applicable standards established in this ordinance:

- A. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - B. The special land use shall not change the essential character of the surrounding area.
  - C. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property to the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes, or glare.
  - D. The special land use shall not place demands on public services and facilities in excess of current capacity.
  - E. The special land use shall be consistent with the Township Master Plan.
  - F. All parking shall be provided off-street, and all parking areas and entrances shall provide safe vehicular access.
- (2) The Township Board may impose conditions with approval of a special land use which is necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use approval, violation of which shall constitute a violation of the Township Zoning Ordinance.

## **15.5 STANDARDS FOR SPECIFIC USES**

In addition to the general standards set forth in Section 15.4 above, the following sections of this chapter set forth minimum standards for some of the special land uses provided for in this Ordinance. The Township may impose stricter standards based upon the factors in Section 15.4.

## **15.6 MINERAL EXTRACTION**

- (1) Small scale mineral extraction operations shall be permitted by right in all zoning districts. The extraction must involve the removal of not more than 1,000 cubic yards of material, and must be reclaimed as the mining progresses. Exposed side slopes shall be stabilized. Reclamation shall begin in conjunction with the mining

of any adjacent areas and there shall be a maximum exposure of 1 acre at any one time. The Zoning Administrator may impose some or all of the same conditions imposed by this section upon larger scale mineral extraction operations.

- (2) Mineral extraction operations, other than small scale mineral extraction, shall comply with the requirements:
  - A. Areas used for extraction shall be at least 100 feet from all property lines.
  - B. All structures shall be at least 75 feet from all road rights-of-way and 50 feet from all other property lines.
  - C. The haul route to and from the removal area shall be designed to promote safe entrance onto public highways, and to minimize noise and dust to adjacent properties. Acceleration and deceleration lanes may be required to enhance traffic safety.
  - D. The applicant shall demonstrate appropriate dust control measures. The Township may place additional requirements on dust control, including tire baths, paving of access roads, and other measures.
  - E. Hours of operation for non-processing activities shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. There shall be no operations on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas. The Township may further limit or prohibit Saturday operations, and further limit hours of operation depending upon existing or expected nearby land uses, traffic patterns on roads used by the operation, or other relevant local considerations.
  - F. The applicant shall include a description of the types of mechanical processing. Equipment used for crushing, sorting and similar noise or dust producing mechanical processing shall be located at least 500 feet from any property line if feasible. If not feasible, the equipment shall be located as close to the center of the property as possible or as far away from property which is occupied or anticipated to be occupied as possible. The Township may impose limitations on the seasonal duration of processing activities to make these activities as compatible as possible with nearby uses. Mineral processing activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.
  - G. The Township may limit or prohibit burning of brush or other materials.
  - H. Areas permitted for storage of equipment or vehicles shall be designated on the site plan. Only equipment used in extraction or transportation of materials from the site shall be stored at the site.
  - I. The applicant shall install the quietest lawful beepers available on all equipment that will be used on the premises.

- J. Where the situation warrants, (based upon proximity to neighboring property, for example), the Township may require that any hauling trucks that must wait longer than five (5) minutes before loading shall be turned off. Trucks on the premises shall not use compression release engine brakes, engine brakes or exhaust brakes, or a similar type of braking system, except in case of emergency.
- K. The applicant shall present a site plan showing the maximum depth of excavation, and no mineral resource activity shall occur below the approved elevation.
- L. Unless the Township otherwise approves, the area of the site which may be under extraction at one time shall be not more than 5 acres, and that area shall be reclaimed prior to or simultaneously with the opening of any other area for excavation.
- M. The Township may require screening and buffering of uses within the extraction operation.
- N. The applicant shall obtain all required soil erosion and sedimentation control permits and other permits.
- O. The Township may designate a primary haul route to and from the site, in order to direct traffic to less traveled roads or less populated areas, where feasible.
- P. The Township may require that the operator post a sign at the operation, giving notice to hauling trucks and others, on limitations on idling, use of compression release engine brakes, haul routes, hours of operation, and other limitations.
- Q. The excavation shall protect existing watercourses.
- R. The applicant shall prepare a reclamation plan showing the final contour and use of the property. The reclamation shall comply with the following standards:
  - (i) Final grades shall be harmonious with existing neighboring grades and shall not be in excess of 4:1. No topsoil shall be removed from the property, unless demonstrably necessary for the proper intended use of the property. All remaining topsoil shall be re-distributed properly upon termination of the extraction operation.
  - (ii) All final grades shall be planted with approved ground cover.

- (iii) The creation or enlargement of a lake shall only be permitted where the applicant demonstrates that such water will not become polluted or stagnant; submits a plan for future use of the lakeshore and lake; and shows that the lake has been approved by the Department of Natural Resources and Environment and County Drain Commissioner. The Township may require engineering or hydro-geological studies for verification.
  - (iv) The Township may require posting of financial security to ensure reclamation.
- S. In its approving resolution, the Township may reserve the right periodically (but not more often than annually), to review the restrictions on operation and make adjustments based upon operational experience.

**15.7 MOTELS/HOTELS**

In addition to meeting the minimum lot size for the district, each motel shall have at least 3,000 square feet of land area per lodging unit.

**15.8 FUNERAL HOMES AND MORTUARY ESTABLISHMENTS**

- (1) An off-street assembly area shall be provided in support of funeral processions and activities, in addition to required off-street parking and maneuvering area. No waiting lines of vehicles shall extend off-side or on to any public street.
- (2) Outdoor lighting shall be shielded to prevent light from spilling on to any neighboring property.
- (3) The use shall have frontage directly on a public street.

**15.9 COUNTRY CLUBS AND GOLF COURSES (INCLUDING RIDING STABLES, PUBLICLY AND PRIVATELY OWNED ATHLETIC GROUNDS AND PARKS, AND RELATED USES SUCH AS SNACK BARS, SMALL RETAIL SHOPS, SELLING GOODS DIRECTLY RELATED TO THE PRIMARY USE)**

- (1) The use shall have frontage on a public street.
- (2) Outdoor lighting shall be shielded to prevent light from spilling on to neighboring properties.
- (3) Buildings housing animals, storage equipment, or similar buildings shall be located at least 75 feet from any lot line.

**15.10 PUBLIC OR PRIVATE CAMPGROUNDS; TRAVEL TRAILER CAMPS**



- (1) The use shall be located on property with frontage on a public street.
- (2) Minimum site area shall be ten (10) acres.
- (3) Overall gross density shall not exceed four (4) camping sites per acre if individual campsites are provided, or 15 campers per acre for group camping or cabin areas. The Township may reduce this maximum density based upon the standards in Section 15.4.
- (4) The applicant shall secure all necessary permits from Township, County, and State authorities.
- (5) Retail commercial uses may be permitted if the following requirements are met:
  - A. The commercial uses shall occupy no more than 1,000 square feet of the property.
  - B. The use shall be demonstratively accessory to the campground use. It shall be open only during seasons when the campground is open and shall not be advertised by sign or other advertisement to the general public.

#### **15.11 VETERINARIAN HOSPITALS, ANIMAL CLINICS AND COMMERCIAL KENNELS**

Buildings, dog runs and/or exercise areas, or other area where animals are kept shall be set back 100 feet from any property line.

#### **15.12 JUNK YARDS**

- (1) The property must abut a major street as designated by the County Road Commission or State Highway Department.
- (2) Requests for such uses shall first be referred to the District 10 Health Department for reports upon the effect such use would have upon the surrounding area.
- (3) If the Township received a favorable report from the District 10 Health Department, a public hearing shall be held before a permit is granted.
- (4) In making its decision, the Township shall determine that the following conditions exist and will be maintained:
  - A. The location shall have preliminary approval from the District 10 Health Department and other public agencies charged with the protection of the general welfare and the resources of the County.

- B. The site shall be at least nine hundred (900) feet from any dwelling unit, church, school, public or semi-public place including parks and recreation areas.
- C. The area shall be completely enclosed by a solid fence of at least six (6) feet, but not to exceed eight (8) feet in height and no material stored within the fenced area shall be visible above said fence. The fence must be constructed of typical fencing materials, not junk, tires or scrap.
- D. No dumping, burial, or burning of hazardous waste and garbage or trash.
- E. The site shall not create a nuisance adversely affecting adjoining properties.
- F. There must be a reinforced lined concrete slab with a curb and self-contained drain tank for the disassembling of motor vehicles so that waste oil, gas, anti-freeze, transmission oil, battery acid and freon cannot seep into the ground water. The slab size and curb size to be determined by the township.
- G. There must be a self-contained storage tank for storage of used batteries setting on a concrete lined slab with a curb and a self-contained drain tank.
- H. All waste oil, gas, anti-freeze, transmission oil, battery acid and freon should be stored in separate self-contained storage tanks on a lined concrete slab with a curb and self-contained drain tank.
- I. All County, State and Federal laws must be complied with.

**15.13 COMMUNICATION TOWERS:**

In order to accommodate the communication needs and business while protecting the public health, safety, and general welfare of the community, the Township Board finds that these regulations are necessary in order to:

- A. Facilitate the provision for commercial wireless telecommunication services to the residents and businesses of the Township.
- B. Minimize adverse visual effects of towers through careful design and site standards.
- C. Avoid potential damage to adjacent properties from tower failure through structural standard and setback requirements.
- D. Maximize the use of existing and approve towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

- (1) Qualifying Conditions, the following site and development requirements shall apply:
- A. All tower sites shall have a minimum area sufficient to contain the tower and its accessory uses, not less than (five) 5 acres. The site shall have a permanent deeded access to a public road.
  - B. The base of the tower and wire cable supports shall be fenced with a minimum five (5') foot high fence.
  - C. The tower must be set back from all property lines a distance equal to 110% of its height.
  - D. All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than one hundred (100') feet to any property line.
  - E. No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower, or utilization of an existing structure is not available.
  - F. All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access.
  - G. The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices.
  - H. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
  - I. All towers and antennas must meet the standards of the Federal Aviation Administration and Federal Communications Commission.
  - J. Minimum spacing between tower locations shall be a three (3) mile radius in order to prevent a concentration of towers in one area. Towers may be spaced closer if the applicant satisfies the Township by submitting a grid map of coverage and service areas and other technical information indicating that there is no other technically feasible and available location for the tower.
  - K. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
  - L. There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

- M. A contact phone number shall be displayed on the tower site to report problems or malfunctions with the towers' operation.
  - N. There shall be no employees located on the site on a permanent basis to service or maintain the antenna.
  - O. Towers for Commercial Wireless Telecommunications Services, which are abandoned, shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless the Zoning Administrator grants a time extension. The posting of a bond sufficient to cover the cost of removal of the tower may be required to ensure compliance for removal.
  - P. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antenna on an antenna support structure and/or existing buildings or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other service providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the Township may require a third party technical study at the expense of either or both of such providers.
- (2) Liability and Indemnification.
- A. There will be no liability to Goodwell Township and there shall be a "hold harmless" clause in all permits granted to any service provider.
  - B. All service providers will provide a copy of their insurance coverage for liability to Goodwell Township and to the public. Failure to maintain insurance is a cause for revocation of the permit. A cease and desist order to do any business within Goodwell Township will be issued within 24 hours of discovery that insurance has not been renewed.
- (3) The Township may impose reasonable conditions to promote the specific standards as set forth above and the general standards for approval of special land uses, including, but not limited to, height limitation.

#### **15.14 REVOCATION**

The Planning Commission may revoke any permit granted under this Article when the conditions of approval are not being met.

## **15.15 APPROVAL TERM AND EXPIRATION**

- (1) Special land use approval shall expire one (1) year from the date of approval unless the special land use had been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion. If at the end of this period special land use has not been initiated, the special land use shall be deemed expired and no longer valid. Upon application to the Planning Commission, before expiration of this period, the Planning Commission may approve one (1) extension of not more than six (6) months, upon finding that conditions of the property or the area have not significantly changed since the application was first approved.
- (2) Special land use approval, including conditions imposed, shall run with the land for which the approval is granted, and shall be available for and binding upon subsequent owners and all occupants of the subject land.

## **ARTICLE XVI – SITE PLAN REVIEW**

### **16.1 PURPOSE**

The purpose of this Article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### **16.2 SITE PLANS REVIEWED**

In accordance with the provisions of this Article, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- (1) All Permitted Uses within any District which includes the construction of a building addition, and/or construction of a new building or, except for single family detached dwellings, farms, including roadside stands with less than two hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, and home occupations.
- (2) Special Land Uses in all Zoning Districts.
- (3) Developments or land divisions including site condominiums containing six (6) or more lots in any district.
- (4) As is otherwise required by this Ordinance.

### 16.3 PRELIMINARY SITE PLAN REVIEW

- (1) If desired by the applicant a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- (2) Preliminary site plans shall include the following, unless deemed unnecessary by the Planning Commission:
  - A. Small scale sketch of properties, streets and use of land within one-half (1/2) mile of the area, including the zoning of surrounding property.
  - B. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1"=100'). The following items shall be shown on the plan:
    - (i) Existing adjacent streets and proposed streets.
    - (ii) Lot lines and approximate dimensions.
    - (iii) Parking lots and access points.
    - (iv) Proposed buffer strips or screening.
    - (v) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
    - (vi) Location of any signs not attached to the building.
    - (vii) Existing and proposed buildings.
    - (viii) General topographical features including contour intervals no greater than ten (10) feet.
    - (ix) All buildings and driveways within one hundred (100) feet of all property lines.
    - (x) Emergency services.
  - C. A narrative (shown on the site plan or submitted separately) describing in general terms:

- (i) The overall objectives of the proposed development.
  - (ii) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  - (iii) Dwelling unit densities by type, if applicable.
  - (iv) Proposed method of providing sewer and water service, as well as other public and private utilities.
  - (v) Proposed method of providing storm drainage.
- (3) The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

#### **16.4 FINAL SITE PLAN REVIEW**

- (1) Ten (10) copies of a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:
- A. The date, north arrow, and scale. The scale shall be at least 1"=100'.
  - B. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
  - C. The name and address of the property owner or petitioner.
  - D. A location sketch.
  - E. Legal description of the subject property.
  - F. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  - G. Property lines and required setbacks shown and dimensioned.
  - H. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.

- I. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
- J. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
- K. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
- L. The existing zoning and use of all properties abutting the subject property.
- M. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
- N. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
- O. The locations and size of all surface water drainage facilities.
- P. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
- Q. An inventory of natural features including but not limited to, landmark trees, wetlands, natural storm water collection areas, areas of steep topography, and woodlots.
- R. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

(2) Additional Information

- A. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, soil tests and other pertinent information.
- B. The Planning Commission may require a Traffic Impact Assessment or Traffic Impact Study pursuant to Institute for Transportation Engineers standards as part of final site plan review. The level of detail required for



either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below:

- (i) **Traffic Impact Assessment.** A traffic impact assessment shall be required for projects expected to generate either between 50-99 direction trips during the peak hour or 500-750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.
- (ii) **Traffic Impact Study.** A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current, background, and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

C. The Planning Commission may waive above requirements if not deemed necessary upon written request of the applicant

## **16.5 APPLICATION AND REVIEW**

- (1) Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or designated agent, at least thirty (30) days prior to the next Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- (2) The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Article and the purpose of this Ordinance.
- (3) Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
- (4) Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) of these approved copies shall be kept on file by the Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or designated representative.

- (5) Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below:
- A. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  - B. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - C. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

#### **16.6 ADMINISTRATIVE FEES**

Any Site Plan application shall be accompanied by a fee, in an amount to be established by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Article and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.

#### **16.7 CHANGES IN THE APPROVED SITE PLAN**

Changes to the approved site plan shall be permitted only under the following circumstances:

- (1) The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- (2) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - A. Change in the building size, up to five percent (5%) in total floor area.
  - B. Movement of buildings or other structures by no more than ten (10) feet.
  - C. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - D. Changes in building materials to a comparable or higher quality.

- E. Changes in floor plans which do not alter the character of the use.
  - F. Changes required or requested by the Township, the Newaygo County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- (3) A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

## **16.8 REVIEW STANDARDS**

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- (1) The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- (2) Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- (3) The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Goodwell Township.
- (4) Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (5) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

- (6) Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction.
- (7) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- (8) All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Big Prairie Township Fire Department.
- (9) All streets and driveways shall be developed in accordance with the Newaygo County Road Commission or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. The standards addressing access, driveways, and parking lot development shall be met.
- (10) Provisions shall be made to accommodate storm water on-site wherever practical. Direct discharge of storm water into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
  - A. Limit land disturbance and grading.
  - B. Maintain vegetated buffers and significant vegetation.
  - C. Minimize impervious surfaces.
  - D. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
  - E. Use infiltration devices.
- (11) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- (12) Landscaping and screening shall comply with the standards.
- (13) Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location

of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.

- (14) The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
- (15) Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee.
- (16) Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
- (17) Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- (18) The general purposes and spirit of this Ordinance and the Master Plan of Goodwell Township shall be maintained.

#### **16.9 CONDITIONS OF APPROVAL**

- (1) As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- (2) Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- (3) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- (4) A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- (5) A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

- (6) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

## **ARTICLE XVII – ADMINISTRATION AND ENFORCEMENT**

### **17.1 ADMINISTRATION**

The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this Ordinance with terms of employment and rate of compensation established in accordance with the provisions of the Michigan Zoning Enabling Act of 2006. For the purpose of this Ordinance, the Zoning Administrator shall have the power of enforcing the Zoning Ordinance.

### **17.2 ZONING COMPLIANCE PERMITS / BUILDING PERMITS**

No building or part thereof shall hereafter be erected, moved, enlarged or altered until a Zoning Compliance Permit has been granted by the Goodwell Township Zoning Administrator and a Building Permit has been granted from the Newaygo County Building Inspector. A fee may be set by the Township Board to defray the costs of administration and inspectors.

No Zoning Compliance Permit shall be issued unless the plans and intended use conform in all respects to the provision of this Ordinance. All Zoning Compliance Permits shall expire one (1) year from their date of issuance.

### **17.3 DUTIES OF THE ZONING ADMINISTRATOR**

Under the direction of the Goodwell Township Board, this Ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any Zoning Compliance Permits or temporary permits where the proposed building, alteration or use would be in violation of any provision of this Ordinance except under written order of the Board of the Governing Body.

**Violations.** The Zoning Administrator shall investigate any alleged violation of the Zoning/Planning Ordinance coming to his attention. If a violation is found to exist, he shall serve notice upon the person(s) responsible for such violation indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to act diligently to correct said violation after fourteen (14) days of notification, the Zoning Administrator shall serve notice upon the owner, notify the Governing Body and prosecute a complaint to terminate said violation.

### **17.4 CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the County Building Inspector.

## **17.5 REMEDIES AND ENFORCEMENT**

- (1) Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. A violation of this Ordinance constitutes a municipal civil infraction.
- (2) Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- (3) This civil fine for a municipal civil infraction shall be
  - (A) First Offense: not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00)
  - (B) Subsequent offenses: not less than two hundred dollars (\$200.00). For the purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
  - (C) In the discretion of the Court, in addition to all other costs, damages, expenses, including reasonable attorney fees, and remedies provided by the law.

## **17.6 STOP WORK ORDERS**

- (1) **Notice to Owner.** Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- (2) **Unlawful Continuance.** Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work

order, except such work as that person is directed to perform to remove a violation, shall be in violation of this Ordinance.

## **ARTICLE XVIII – BOARD OF APPEALS**

### **18.1 MEMBERSHIP AND APPOINTMENT**

Pursuant to the Michigan Zoning Enabling Act of 2006, there is established a Zoning Board of Appeals, consisting of three (3) members appointed by the Township Board. One of these three members shall be a member of the Goodwell Township Planning Commission. The remaining regular members shall be selected from electors of the Township residing within unincorporated areas of the Township. One of these members may be a member of the Township Board, but that member may not serve as Chairperson of the Board of Appeals. The Township Board may appoint not more than two (2) alternate members with the above qualifications for the same term as the regular members. An employee or contractor of the Township may not serve on the Board of Appeals. Members of the Board of Appeals may be removed from office by the Township Board for non-performance of duty, or misconduct in office, or non-feasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest.

### **18.2 GENERAL GRANT OF POWER**

The Board of Appeals shall perform all duties and have all powers prescribed by the Michigan Zoning Enabling Act of 2006, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its power.

Without limiting the generality of the foregoing, the Board of Appeals shall have the following powers: (1) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the interpretation, application, or enforcement of any provisions of this ordinance; (2) To act upon all questions as may arise in the administration of this ordinance, including the interpretation of the language of the ordinance or location of any boundary line between zoning districts; and (3) To grant a variance from the strict application of this ordinance in case of practical difficulty or undue hardship, in accordance with the standards set forth in this ordinance.

### **18.3 EMPLOYEES**

The Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

### **18.4 MEETINGS**



Meetings of the Board of Appeals shall be held as needed at a reasonable time following receipt of an application at the call of the Chairman or Township staff. The Board may establish a regular meeting schedule, subject to call only if an application has been received. All meetings shall be open to the public.

## **18.5 APPEALS**

Appeals to the Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator or by an officer of the Township affected by such decision or order. A written Notice of Appeal, specifying the ground thereof, shall be filed with the Clerk of the Township Board within thirty (30) days after the date of the action appealed from. A copy of the Notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Board of Appeals all records upon which the action appealed from was taken. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board of Appeals that a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board of Appeals or by the Circuit Court.

## **18.6 STANDARDS FOR REVIEW AND APPROVAL OF A REQUEST FOR A VARIANCE**

- (1) A “non-use variance” or “dimensional variance” is a variance concerned with area, height, setback, locked coverage, or similar characteristics of a structures building or use. Non-use variances include the enlargement of non-conforming uses or alteration of non-conforming structures. A “use variance” is a request for permission for use of land which the Zoning Ordinance would otherwise prohibit for the property in question. A variance may be granted only when all of the following conditions are found to be met:
- (2) In the case of a request for a non-use variance, strict compliance with the ordinance would either (1) prevent improvement of the property in a manner which is reasonably customary and consistent with other properties in the area, or (2) cause practical difficulty in strict compliance with the ordinance, due to significant or unjustified expense, destruction or demolition of attractive features to the property, or similar reasons.
- (3) In the case of a use variance, that the building, structure, or land cannot be put to any reasonable economic use if required to be used for a use allowed in the zoned district in which it is located. The possibility of increased financial return or value shall not constitute an “undue hardship”.
- (4) That the practical difficulty or undue hardship was not created as a result of any action taken by the Applicant or predecessors in interest of the property which

was unlawful, or which could have been reasonably foreseen to create difficulty or hardship in complying with the ordinance for future improvements or uses.

- (5) That the variance would not be a substantial detriment to adjacent property or change the essential character of the area, and would not materially impair the purposes of this ordinance or the public interest.
- (6) That the variance requested is the minimum necessary to relieve the practical difficulty or undue hardship complained of. If the Board of Appeals finds that a variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty or undue hardship, the Board of Appeals may approve a lesser variance than applied for.
- (7) In approving a variance, the Board of Appeals may impose conditions reasonably related to accomplishing the standards in this section.

## **18.7 PUBLIC HEARING**

Before deciding upon any variance, appeal, interpretation, or other matter over which the Board of Appeals has jurisdiction, the Board of Appeals shall hold a public hearing with notification in accordance with the Michigan Zoning Enabling Act of 2006.

## **18.8 DECISIONS OF THE BOARD OF APPEALS**

- (1) The Board of Appeals shall render its decision upon any appeal or application submitted to it. A concurring vote of a majority of the full authorized membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the Applicant on any matter upon which it is required to pass, or to grant any non-use variance.
- (2) If the membership of the Board of Appeals is increased to more than 3, then the affirmative vote of two-thirds (2/3) of the full authorized membership of the Board of Appeals shall be necessary to approve a use variance.
- (3) For each decision of the Board of Appeals, a record shall be prepared. The record shall include, at a minimum, all materials submitted by the Applicant or by any interested parties in support or opposition to the request, a summary of comments made during public hearing or presented by the public or the Applicant at the meeting, the facts or determinations made by the Board in support of its findings, including the reasons why standards for approval or variance have or have not been met, a record of how each member of the Board voted, including identification of the member voting, and any conditions attached to an affirmative decision.
- (4) The record of the decision shall be prepared and available in accordance with the Open Meetings Act. The Zoning Board of Appeals shall, as promptly as possible,

approve the minutes of the meeting at which the action was taken, at which point the action shall be final and subject to appeal to the Circuit Court in the manner provided by the Zoning Act. An approved applicant may proceed upon an approving vote by the Board of Appeals, pending approval of the minutes, but does so at risk of a possible appeal. Upon filing of an appeal in the Circuit Court, any building permit or other approval given pursuant to the variance shall be suspended until final order of the reviewing court.

## **18.9 FEES**

Upon filing of any appeal or application to the Board of Appeals, the applicant shall pay a fee set by the Township Board from time to time to defray the cost of publishing the Notice of Hearing and recording the matter and other expenses. Said fee shall be paid to the Township Clerk before any action is taken on said petition.

## **18.10 EXPIRATION; EXTENSION**

- (1) If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after approval of the minutes of the meeting at which the variance is granted, and the structure or alteration shall be completed within twelve (12) months of said date.
- (2) The Board of Appeals may, upon application stating the reasons therefore, without hearing extend either the three (3) month or the twelve (12) month periods for up to 12 months, if the Board of Appeals finds good cause for the failure to act or complete within such period and if the Board of Appeals further finds that conditions have not altered or changed in the interval since the action was granted. Should the applicant fail to obtain the necessary permit or fail to commence work within such three (3) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal and all permissions, variances and permits shall be deemed automatically rescinded.

## **18.11 RESUBMISSION**

A variance request which has been denied by the Board of Appeals shall not be submitted for reconsideration within a one (1) year period from the date of the original decision unless the Board of Appeals finds that the conditions involving the reasons for original denial have been significantly altered, or the new conditions or circumstances exist which change the nature of the original request.

## **18.12 REFERAL TO PLANNING COMMISSION**

If the Board of Appeals finds recurrent requests for relief of any specific provision of this Ordinance, or if the Board of Appeals considers that any specific provision is creating

practical difficulty or unnecessary hardship, the Board of Appeals shall submit a request for re-study and reconsideration to the Township

## **ARTICLE XIX – AMENDMENTS AND DISTRICT CHANGES**

### **19.1 PROCEDURE**

Amendments or supplements to this Ordinance may be made from time to time in the same manner as provided under state statute for enactment of the original Ordinance. The procedure for making amendments shall be as follows:

- (1) Each proposal not originated by the permanent Township Planning Commission shall be submitted to said Board for its consideration and advice.
- (2) Following its deliberations, the proposal, including any changes thereto which the Township Planning Commission deems advisable, shall be submitted to at least one (1) public hearing as provided by the Michigan Zoning Enabling Act of 2006, as amended.
- (3) Following such hearing, the proposed amendment, including any amended map shall be submitted to the Newaygo County Planning Commission for review and comment. Approval by the County Planning Commission shall be conclusively presumed unless within thirty (30) days of its receipt of said amendment, it shall notify the Township Clerk of its disapproval.
- (4) The approved amendment shall be submitted to the Township Board and acted upon by said Board in accordance with the provisions of the Michigan Zoning Enabling Act of 2006, as amended.

## **ARTICLE XX – SEPARABILITY AND REPEALS**

### **20.1 SEPARABILITY:**

In case any Article, Section, or Provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, Section or Provision of this Ordinance, except so far as the Article, Section or Provision so declared invalid shall be inseparable from the remainder or any part thereof.

### **20.2 REPEALING CONFLICTING ORDINANCES:**

Any and all Ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided however, that the adoption of the Ordinance shall not prevent or bar the continuance or institution of any procedure for offenses heretofore committed in violation of any existing Ordinance.

**20.3 EFFECTIVE DATE:**

The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Township Board.