

Zoning Ordinance Winfield Township Montcalm County, MI

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Chapter 1

Title and Purpose

Section 1.01 Preamble

In accordance with the authority and intent of Act 110 of the Public Acts of 2006, as amended, the Township desires to provide for orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or the energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles for customers and employees using commercial and industrial areas; to assure that all uses of land and buildings within the Township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township. *(amended 4/8/2010)*

Section 1.02 Enacting Clause

The Township of Winfield, County of Montcalm, State of Michigan, ordains:

Section 1.03 Short Title

This Ordinance shall be known as the "Zoning Ordinance of The Township of Winfield," and will be referred to herein as "the Ordinance."

Section 1.04 Scope

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annul or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by Covenant, deed or other private agreement unless repugnant hereto.

Section 1.05 Control

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

Chapter 2

Definitions

Section 2.01 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The word “occupied” includes arranged, designed, built, altered, converted to, rented, or leased.
- H. The words “zone” and “district” are the same, meaning a Zoning District as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 Definitions - A

ACCESSORY BUILDING (ACCESSORY STRUCTURE) - A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage. (When attached to a main building, the ACCESSORY BUILDING shall be considered part of the main building, for determining setbacks only.)

ACCESSORY USE, OR ACCESSORY - A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An ACCESSORY USE shall be located on the same lot as the principal use.

ADULT FOSTER CARE FACILITY - A facility defined as an “ADULT FOSTER CARE FACILITY” by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

ADULT FOSTER CARE

- A. **FAMILY HOME** - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE FAMILY HOME licensee shall be a member of the household, and an occupant of the residence.
- B. **GROUP HOME** - A private residence with the approved capacity to receive more than six (6) adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE GROUP HOME licensee shall be a member of the household, and an occupant of the residence.

AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, and other similar enterprises or uses, including animals that have been raised on the premises.

ALLEY - Any dedicated public way other than a street which provides only secondary access to abutting property, and is not intended for general traffic circulation.

ANIMAL HUSBANDRY - A branch of agriculture concerned with the care of domestic animals and fowl.

Section 2.03 Definitions - B

BASEMENT - A portion of a building partly below the average grade, that portion being more than one-half (1/2) of its height below the average grade. A basement shall not be counted as a story.

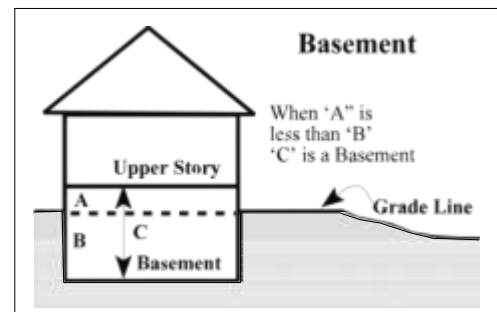
BERM - A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BOARD - The Winfield Township Board.

BOARD OF APPEALS, OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Winfield Township.

BOAT HOUSE - A structure located on or near any body of water, used to store boats or other like equipment. Such structure shall not be used for guest or sleeping quarters, saunas, or dwelling purposes.

BREEZEWAY - A covered structure significantly connecting an accessory building with the principal building making the two (2) structures, one (1).



BUFFER STRIP - A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING, PRINCIPAL - A building in which the main use of the premises is conducted on which the building is situated.

BUILDING HEIGHT - See "HEIGHT OF BUILDING"

BUILDING LINE - A line parallel to the street line formed by the face of the building or touching that part of a building closest to the road. For the purposes of this Ordinance, a minimum building line is the same as the front setback.

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The person designated by the Township Board to administer the provisions of the adopted Building Codes for Winfield Township.

BUILDING SITE - This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Section 2.04 Definitions - C

CAMPGROUND - A publically or privately owned establishment intended, or used for the purpose of supplying a location for overnight camping.

CERTIFICATE OF OCCUPANCY - A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER - Is one of the following:

- A. **DAY CARE CENTER** - A facility, other than a private residence, licensed by the State of Michigan Family Independence Agency, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
- B. **FAMILY DAY CARE HOME** - A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

C. GROUP DAY CARE HOME - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

“Child Care Center” does not include a Sunday School, a Vacation Bible School, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CHURCH - A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL - Any use connected with, or work intended for financial gain.

COMMERCIAL STORAGE WAREHOUSE - A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups. COMMERCIAL STORAGE WAREHOUSES are commonly referred to as “mini-storage units” or “self-storage units”.

COMMUNITY CENTER - A building either owned and maintained publically, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent or as a safe haven in case of a natural or other disaster.

Section 2.05 Definitions - D

DAY CARE CENTER - See “CHILD CARE CENTER.”

DRIVE-THROUGH FACILITY - A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or DWELLING UNITS which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the DWELLING UNIT and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more individual dwelling units.

DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building on a single lot containing two (2) attached dwelling units.

Section 2.06 Definitions - E

ERECTED - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "ESSENTIAL PUBLIC SERVICES" shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

EXCAVATION - Any breaking of ground, except common household gardening and ground care.

Section 2.07 Definitions - F

FAMILY - A person living alone in a single dwelling unit, or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. "FAMILY" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME - See "CHILD CARE CENTER"

FARM - Any parcel or the contiguous neighboring or associated parcels operated as a single unit, for raising agricultural products, (livestock, poultry, or dairy products) by the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. FARMS may include a single family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, Christmas trees, orchards, livestock and poultry FARMS, and apiaries. However, establishments for the purpose of keeping fur-bearing animals or game, intensive livestock operations, stock yards, logging operations and forest management programs, and stone quarries or sand gravel pits shall not be considered FARMS.

FARM, HOBBY - The accessory use of land for cultivation or for raising of livestock for personal consumption or enjoyment, and generally not operated for financial gain.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from:

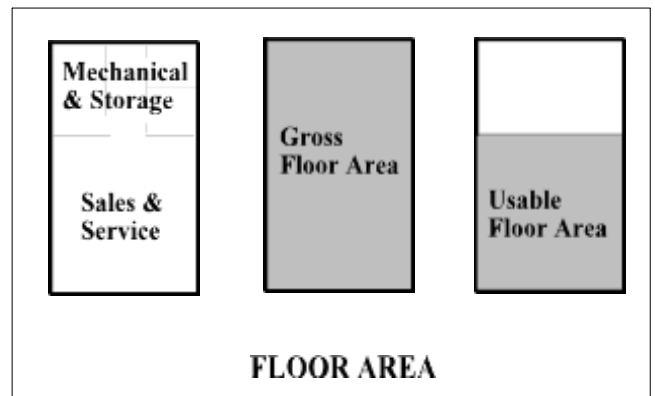
- A. The overflow of inland waters
- B. The unusual and rapid accumulation or runoff of surface waters from any source

FLOOD PLAIN - All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environmental Quality where it has jurisdiction.

FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, LIVING SPACE - The area in a dwelling unit computed by measuring the horizontal dimensions of all floors of a building from the interior faces of the outside walls, excluding any room or space not having a clear height of seven (7) feet six (6) inches, the basement, unenclosed porches and patios, terraces, breezeways, carports, verandas, and attached accessory buildings.

FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of "USABLE FLOOR AREA". Measurement of USABLE FLOOR AREA shall be the sum of the horizontal areas of all floors of the building measured from the interior faces of the exterior walls.



FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Section 2.08 Definitions - G

GRADE - The gradient, the rate of incline or decline expressed as a percent. (A rise of twenty (20) feet in a horizontal distance of eighty (80) feet would be expressed as a grade of twenty-five (25) percent.)

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GREENBELT - A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also **BERM** and **BUFFER STRIP**).

GREENHOUSE - A building in which flowers, herbs, or other agricultural products are grown, and subsequently provided for retail sale on the premises which the building is located.

GROUP DAY CARE HOME - See “**CHILD CARE CENTER**”

Section 2.09 Definitions - H

HEAVY EQUIPMENT - Equipment and vehicles to tow or haul other vehicles, or to perform construction, earth moving, logging, or landscaping duties.

HEIGHT OF BUILDING - The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.

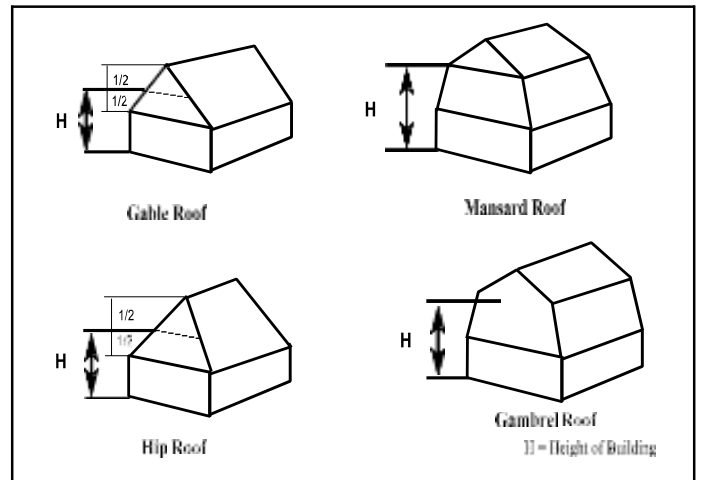
HOME BASED BUSINESS - An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit but which has a potential to possess characteristics resulting in non-compliance with the more traditional Home Occupation Standards of this Ordinance. Examples of **HOME BASED**

BUSINESSES include, but are not limited to, light automobile repair, light machine shop, wood shop, storage for builder’s equipment, and art and craft shop.

HOME OCCUPATION - An occupation or profession carried on within a portion of a dwelling unit, or accessory building, that is clearly a customary, incidental, and secondary use of the residence, and which does not negatively impact the residential character of the neighborhood in which the **HOME OCCUPATION** is located. A home occupation shall include instruction in a craft or fine art within the residence. Examples of **HOME OCCUPATION** include, but are not limited to, typing service, answering service, proof reading, art or music lessons, or a real estate agent’s home office. (*amended 4/8/2010*)

HOSPITAL - An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.



Section 2.10 Definitions - I

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

Section 2.11 Definitions - J

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

JUNK YARD - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Section 2.12 Definitions - K

KENNEL - Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.

Section 2.13 Definitions - L

LIGHTING, SOURCE OF - The source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

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

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A LOT may or may not be specifically designated as such on public records. A LOT may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual LOT which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A “Building Site” as defined in this Ordinance in connection with a site condominium project.

LOT, CORNER - Any lot having at least two (2) contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR - A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT - A lot having a property line abutting a shoreline.

LOT AREA - The total horizontal area within the lot lines. For the purposes of this Ordinance, where the front lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered to calculate the required LOT AREA.

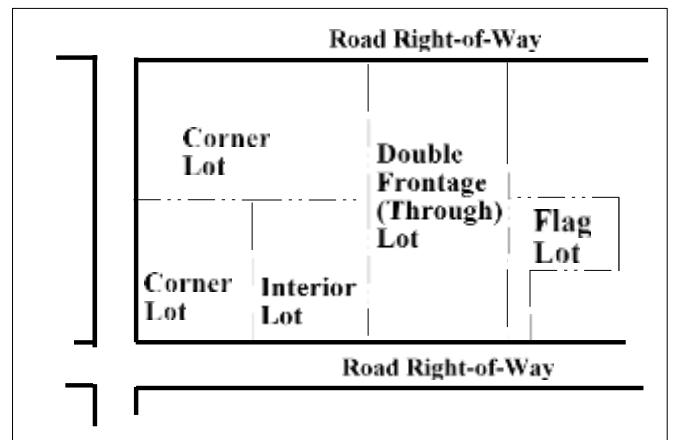
LOT COVERAGE - The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES - The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE** - In the case of a Flag Lot or Interior Lot, it is the line separating the lot from the street. In the case of a Corner Lot or Through Lot, it is that line separating said lot from either street. In the case of a Waterfront Lot, it is the line separating the lot from the water.
- B. **REAR LOT LINE** - The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. **SIDE LOT LINE** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a **STREET SIDE LOT LINE**. A side lot line separating a lot from another lot is an **INTERIOR SIDELOT LINE**.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.



LOT WIDTH - The horizontal straight line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

Section 2.14 Definitions - M

MANUFACTURED HOME - A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MASTER PLAN - The “Basic Land Use and Growth Plan” currently adopted by Winfield Township, including written proposals indicating the general physical development of the Township, and any unit or part of such Plan and any amendment to such Plan.

Section 2.15 Definitions - N

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the Zoning District in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.

NONCONFORMING USE - A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Zoning District in which it is located.

NURSERY - The buildings and associated grounds which the primary use is the growing of flowers, herbs, shrubs, trees, or other agricultural products, and the retail sale of such products including fertilizers, herbicides, pesticides, and lawn equipment on the premises which the building is located.

NURSING HOME - A nursing care facility licensed as a “NURSING HOME” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “NURSING HOME” as defined by this section shall include extended care facility and convalescent home.

Section 2.16 Definitions - O

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OFFICE - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, and equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar

related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

OPEN SPACE - Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

Section 2.17 Definitions - P

PARKING SPACE - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING AND ZONING COMMISSION - The Winfield Township Planning and Zoning Commission.

PORTABLE STRUCTURE – A structure of less than 400 square feet that is not permanently anchored to the ground. For example, on skids. (*Amended March 11, 2004*).

PRIVATE PARK AND SPORTS AREA - An area utilized by private or institutional clubs or organizations to provided noncommercial outdoor recreation facilities such as golf courses, archery ranges, recreational camps, picnic grounds, ball fields, and beach access.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

PUBLIC WATER - The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, State, and Federal agencies regulating drinking water.

Section 2.18 Definitions - R

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, RECREATIONAL VEHICLE shall also mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles; and
- E. Pop-up tent and camper trailers.

RECYCLING CENTER - An area where used, or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the AG, RR, MDR, and MHP Districts, and any residential uses within an approved Planned Unit Development District.

RESIDENTIAL SALE - A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives.

ROAD, PRIVATE - An undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

ROAD, PUBLIC - A public dedicated right-of-way controlled and maintained by the Montcalm County Road Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

ROAD, SECONDARY - On a corner lot, it is the road adjacent to the street side yard.

ROADSIDE STAND - A building or structure operated for the purpose of selling products, including but not limited to farm produce and other seasonal items to the general public.

Section 2.19 Definitions - S

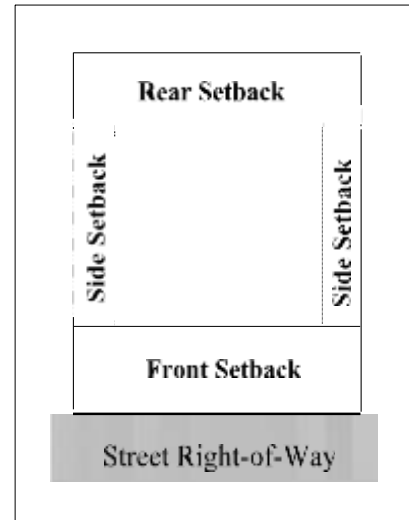
SALVAGE YARD - An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SEASONAL DWELLING - A wheeled vehicle designed for sleeping and camping, and generally used by hunters during hunting season, or by vacationers during summer months or a portable structure (*amended March 11, 2004*).

SETBACK - The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SEXUALLY ORIENTED BUSINESSES - The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:



- A. **ADULT BOOKSTORE** - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.
- B. **ADULT LIVE ENTERTAINMENT THEATER** - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”
- C. **ADULT MOTION PICTURE THEATER** - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- D. **MASSAGE PARLOR** - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:
 - 1. Proof of graduation from a school of massage licensed by the State of Michigan;
 - 2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; in addition three (3) references from massage therapists who are professional members of a massage association referred to in this section;
 - 3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
 - 4. A current occupational license from another state.

E. SPECIFIED ANATOMICAL AREAS - Are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. SPECIFIED SEXUAL ACTIVITIES - Are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORELINE or ORDINARY HIGH WATER MARK - The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ORDINARY HIGH WATER MARK shall be the higher of the levels generally present.

SHORT TERM RENTAL - Means any dwelling, condominium unit, residence or Portion thereof, in which the owner does not permanently reside and that is available For use or is used for accommodations or lodging of guest, paying a fee, rent or other compensation, for a period of less than 45 consecutive days. Alternately, short term rental means the renting or leasing of a house, condominium unit or portion thereof to the transient, traveling or vacationing public for a period of fewer than 45 consecutive days. Short term rentals are also sometimes referred to as transient rentals.

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

SIGN, OUTDOOR ADVERTISING - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SPECIAL LAND USE - A use which by its nature requires additional review, as opposed to a "Permitted Use" or a use permitted by right. A "SPECIAL LAND USE" is subject to approval by the Planning Commission, as specified by this Ordinance. A permitted SPECIAL LAND USE is not a nonconforming use.

STABLE - Shall mean either:

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE HIGHWAY - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) - A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A "STATE LICENSED RESIDENTIAL FACILITY (SIX OR LESS PERSONS)" as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY - That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL - Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A "SWIMMING POOL" shall be considered an accessory structure for purposes of computing lot coverage.

Section 2.20 Definitions - T

TRANSPORTATION TERMINAL - A building or area in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi trailers, including tractor or trailer units and other trucks, are parked or stored.

Section 2.21 Definitions - U

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, PRINCIPAL - The main, primary, or predominate use of the premises.

USE, TEMPORARY - A use or building permitted to exist during period of construction of the main building or use, or for special events.

Section 2.22 Definitions - V

VEHICLE REPAIR - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE SALES AREA - An area used for the display, sale or rental, of new or used automobiles in operable condition.

VEHICLE SERVICE STATION - Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including "vehicle repair" as defined herein.

VEHICLE WASH - A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 2.23 Definitions - W

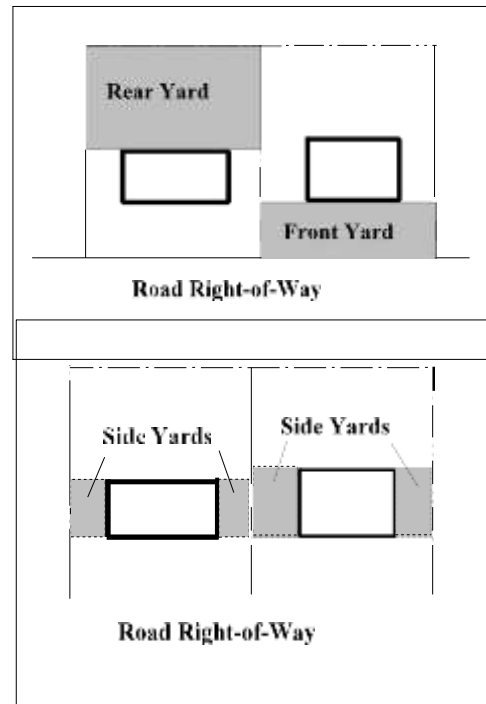
WASTE DUMPSTER - A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 2.24 Definitions - Y

YARDS - The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- A. **FRONT YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.
- B. **REAR YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street.
- C. **SIDE YARD** - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirements for each district.

Section 2.25 Definitions - Z

ZONING ADMINISTRATOR - The person or persons designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

ZONING PERMIT - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Chapter 3 General Provisions

Section 3.01 Essential Public Services

The erection, construction, alteration or maintenance of Essential Public Services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Section 3.02 Main Building or Use

No more than one (1) main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, multiple family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

Section 3.03 Required Area or Space

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Section 3.04 Required Access

- A. No Building Permit shall be issued unless the property for which the permit is requested fronts upon a designated and approved public or private road right-of-way or easement, at least the length of the minimum lot width as required for zoning district in which the lot is located.
- B. Driveways
 - 1. Single Family Dwellings
 - a. All single family dwellings must have a minimum driveway width of twelve (12) feet.
 - 2. Multiple Family Dwellings or access to two Single Family Dwellings
 - a. All multiple family dwellings or driveways used to access two single family dwellings must have a minimum driveway width of twenty (20) feet
- C. Construction/Materials

1. Driveways may either be asphalt, cement, concrete or gravel.
- D. Access to three or more lots not located on a public right-of-way must be accomplished by a private right-of-way or easement and in accordance with Paragraph E below.
- E. Private Right-of Ways and Easements must, at a minimum, be built in accordance with the guidelines for construction of a public, rural road set forth by the Montcalm County Road Commission in place at the time of application. This includes minimum width, depth, turnarounds and acceptable construction materials and composition. *Section 3.04 changed by amendment 07/17/2003.*

Section 3.05 Water and Sanitary Sewer Service

No structure for human occupancy shall be erected, altered, moved, or used in whole or in part for dwelling, commercial, industrial or recreation purposes unless provided with a safe, sanitary, and potable water supply, with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. Such facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Winfield Township and Montcalm County.

Section 3.06 Illegal Dwellings

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Montcalm County building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

Section 3.07 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks (amended 07/17/2003)

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; Or certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the Township. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Township codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.

- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall:
 - 1. Have a horizontal dimension across the front, side and rear of not less than sixteen (16) feet.
 - 2. Not be older than fifteen (15) years when placed on the site, unless the replacement unit is newer than the existing unit.
 - 3. Have a roof pitch greater or equal to 3:12.

(amended 4/4/2005; 4/8/2010)
- H. Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. *(this paragraph deleted by amendment 7/17/2003)*
- K. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
- L. No building which has been wholly or partially erected or assembled on any premises located within or outside the Township of Winfield, shall be moved to or placed upon any other premises in the Township without full compliance with the provisions of this Ordinance in the same manner as a new building.

Section 3.08 Projections Into Yards

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front, rear, or side yard.

- B. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than six (6) feet into a required front yard, no further than ten (10) feet into a required rear yard, and shall not project into a required side yard. However, in no case shall any portion of a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- C. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Section 3.09 Building Height Exceptions

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 3.10 Required Greenbelts/Buffers

In order to provide protective screening for residential areas adjacent to or near non-residential areas, a landscaped greenbelt shall be provided along the district boundary line by the non-residential property owners.

- A. Such greenbelt shall be a strip of at least twenty (20) feet in width which is planted and maintained with evergreen trees at least five (5) feet in height at the time of planting, and fifteen (15) feet on-center; or a compact hedge of evergreen shrubs at least four (4) feet in height, situated so as to provide an effective sound and visual buffer.
- B. For each three (3) evergreen trees, or each forty-five (45) feet of linear frontage, one (1) deciduous tree shall be planted in the greenbelt. Such trees may be planted in a row, or planted in a single location. Further, such deciduous trees shall have a two (2) inch caliper measured six (6) inches from ground level, and the trees shall be properly maintained.
- C. The portion of the greenbelt not covered by trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Further, any dead plant material shall be replaced by the property owner, within four (4) months of written notice by the Zoning Administrator.
- D. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- E. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- F. Where it is determined by the Zoning Administrator that insufficient area is available to provide the required greenbelt or that such vegetation screen would be ineffectual, a six (6) foot high sight-obscuring fence or wall may be substituted. However, evergreen trees, evergreen bushes, and/or deciduous trees shall be planted on the residential side of the fence at a ratio of one (1) tree or four (4) evergreen bushes for each forty-five (45) feet of fence length.

Section 3.11 General Lighting and Screening Requirements

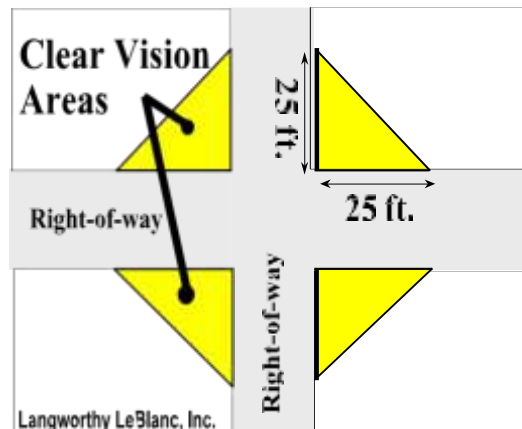
All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

Section 3.12 Corner Lots

- A. A corner lot shall have two (2) front lot lines: a principal front lot line, and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General Provisions
 - 1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
 - 2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 - 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line
- C. Commercial and Industrial Zoning Districts. For a corner lot which is completely within a GC or LI district, the setback along the secondary lot line(s) shall not be less than twenty (20) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 3.13 Clear Vision

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes, shall be placed in any road right-of-way.



Section 3.14 Accessory Buildings, Structures, and Uses

A. Accessory Buildings -General

1. Where an accessory building is attached to a main building, it shall conform to all setback requirements of this Ordinance applicable to the main building.
2. In all Zoning Districts, except for the AG, and RR districts, accessory buildings shall not be permitted on a parcel without a principal building.
3. One (1) accessory building less than one-hundred (100) square feet in area, shall be permitted on any single lot with a main building, in addition to the permitted accessory buildings regulated under this Section.
4. Accessory buildings used in connection with a farm use shall be exempt from the regulations of this section.

B. Accessory Uses -General

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
4. Accessory uses shall not be permitted in the front yard.
5. Accessory uses in connection with a farm use shall be exempt from the regulations of this section.

C. Residential Accessory Buildings and Structures. Accessory buildings shall be permitted within all residential districts, or with any residential use provided that the following restrictions are met:

1. For lots of one (1) acre or less, the combined floor area of all detached accessory buildings shall meet the following standards:

Lot Size	Maximum Area of All Accessory Buildings on the Lot
Less than 8,700 square feet	Equal to the floor area of the first, or ground floor of the residence
8,701 to 15,000 square feet	Equal to one and one-half (1 ½) times the first, or ground floor of the residence
15,001 to 21,500 square feet	Equal to two (2) times the first, or ground floor of the residence

Lot Size	Maximum Area of All Accessory Buildings on the Lot
21,501 to 43,560 square feet	Equal to two and one-half (2 ½) times the first, or ground floor of the residence

- a. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
 - b. No detached accessory building shall be located closer than fifteen (15) feet to any side or rear lot line. (Exception: Indian Lake Development. No detached accessory building shall be located closer than six(6) feet to any side lot and three (3) feet to the rear lot line unless it is a road right of way, then the requirement is fifteen (15) feet (*amended March 11,2004*)).
 - c. No accessory building shall exceed sixteen (16) feet in height.
 - d. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
2. For lots larger than one (1) acre, the combined floor area of all detached accessory buildings shall meet the setback requirements outlined in Section 3.14, C, 1, a, and b, and the combined floor area of all buildings on the parcel shall not exceed the permitted lot coverage percentage for the district in which the lot is located.
3. The maximum size accessory building in a MHP District is one hundred forty four (144) square feet per dwelling unit.
- D. Other District Accessory Buildings and Structures. Accessory buildings shall be permitted within the GC, and LI Districts provided the following restrictions are met:
- 1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
 - 2. Detached accessory buildings shall meet all setback requirements as for principal buildings, for the zone district in which they are located.
 - 3. No detached accessory building shall be located nearer than eighteen (18) feet to any other building on the property.
 - 4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- E. Boat Houses on Waterfront Lots. One (1) boat house may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than one hundred twenty-eight (128) square feet in area, and no more than eight (8) feet in height. The area of such building shall be counted toward the total area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of this Section.

Section 3.15 Fences

- A. Fences in residential districts shall not exceed eight (8) feet in height, measured from the surface to the uppermost portion of the fence, unless restricted elsewhere in this Ordinance.

- B. Fences erected in any front yard in any district shall not exceed thirty-six (36) inches in height. Fences within any front yard shall be of a type which is not more than fifty (50) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the AGdistrict.
- D. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed ten (10) feet, and may be permitted in the rear yard only.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 3.13.
- G. Fences may be erected along the property line.

Section 3.16 Swimming Pools

Private pools shall be permitted as an accessory use. Private swimming pools must meet the following requirements:

- A. There shall be a distance of not less than ten (10) feet from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.
- B. There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located in the front yard.
- D. The pool shall be kept clean with a water filtration system.
- E. If electrical service, drop conductors, or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- F. No swimming pool shall be located in an easement.
- G. All pool areas shall be accessible to emergency services personnel in the event of an emergency.
- H. Other standards:
 - 1. For all yards containing below ground swimming pools:
 - a. The yard shall have an enclosed fence not less than four (4) feet in height surrounding the pool with a gate.
 - b. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open.
 - c. Gates shall be capable of being securely locked when the pool is not in use for extended periods.

2. For all yards containing above ground swimming pools:
 - a. The yard shall be completely enclosed by a fence not less than four (4) feet in height, unless the outer wall of the above ground pool which completely encircles the swimming pool is forty-two (42) inches high above the ground level adjacent to the pool.
 - b. The forty-two (42) inch wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 - c. The gate and/or stairs shall be of a self-closing and latching type and must be in operable conditions at all times.
3. If the entire pool area is enclosed by a fence forty-eight (48) inches high, then these provisions may be waived by the Zoning Administrator upon inspection and approval.

Section 3.17 Temporary Dwellings or Structures and Seasonal Dwellings

Unless as may otherwise be exempted in this Ordinance, all temporary dwellings or structures and seasonal dwellings shall not be occupied unless a permit has been issued by the Zoning Administrator.

A. Permits.

1. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for a period of not more than twelve (12) calendar months, unless otherwise provided for herein.
2. Upon applying for a temporary dwelling or structure permit, the applicant shall pay a fee as determined by the Township Board, to the Township Clerk. A fee shall also be collected by the Township, for any extensions requested by the applicant, and granted by the Zoning Administrator.
3. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months, or less, at the same location and for the same purpose.
4. Each application for a temporary dwelling or structure shall include the information required as outlined in Section 14.01, for Site Plan Review, except for those requirements that may be waived by the Zoning Administrator.

B. Types of dwellings or structures allowed by this section.

1. Temporary construction office building, storage building, or storage yard for construction materials and equipment during construction of a permanent building may be permitted, under the following conditions:
 - a. The requirements of Section 3.17, A, have been met.
 - b. Extensions shall only be granted if such building or yard is still incidental and necessary to construction at the site where it is located.
2. Temporary sales office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision, condominium project, or other housing

project may be permitted, under the following conditions:

- a. The requirements of Section 3.17, A, have been met.
 - b. Extensions may only be granted if the Zoning Administrator determines that such office or model home is still incidental and necessary for the sale or rental of real property in said residential project.
3. Temporary dwellings in any Residential District may be permitted for a period of not more than eight (8) calendar months, however, permits may be renewed by the Zoning Administrator for one (1) additional successive period of two (2) calendar months, or less, at the same location and for the same purpose only after the Zoning Administrator finds the following conditions outlined below to be true:
- a. The temporary dwelling is a manufactured home meeting the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.
 - b. The temporary dwelling is for the use and occupancy of the property owner, and his or her family while they are constructing a permanent residence at the same location.
 - c. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary dwelling permit.
 - d. The temporary dwelling meets the water and sewer requirements of the Public Health Department, and all other applicable Township and County ordinances.
 - e. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 - f. The applicant has signed an agreement of understanding of the requirements for removal of temporary dwellings as outlined below.
 - i. The temporary dwelling shall be removed upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, whichever occurs first.
 - ii. The temporary dwelling may be removed by the Township upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, and any costs incurred by the Township in carrying out this provision shall be charged to the property owner. If the property owner does not pay the charges within six (6) months of the first billing notice, said charges shall become a lien on the property, and recorded as provided for by law.
4. Seasonal dwellings are permitted within the AG, and RR Districts, provided that:
- a. The seasonal dwelling shall be:
 - i. A maximum of 400 square feet (*amended March 11, 2004*).
 - ii. A wheeled vehicle, licensed and registered;
 - iii. Such vehicle shall be in compliance with the Michigan Motor Vehicle Code; have properly inflated tires; and have working turn signals and brake lights.
 - iv. Or a portable structure (*amended March 11, 2004*).

- b. The seasonal dwelling shall be designed for sleeping and camping, and shall contain, at a minimum, portable sanitary facilities.
 - c. The seasonal dwelling shall not be occupied for a period more than forty-five (45) consecutive days. Occupation for longer periods constitutes a temporary dwelling and the standards in Subsection 3.17, B, 3, shall be met.
 - d. The dwelling shall not be located in the required front or side yard.
 - e. Where possible, access to the parcel where the seasonal dwelling is located shall be limited to one (1) driveway.
5. Temporary Accessory Dwelling for Family Member. In any residential district, except the MHP district, a temporary accessory dwelling may be permitted on a lot with a principle structure, for one (1) calendar, and up to two (2) additional and successive one (1) year permits may be issued to the same property for the same purpose, if the following conditions are met:
- a. The temporary dwelling is:
 - i. A manufactured home meeting the United States Department of Housing and Urban Development regulations,, entitled, “Mobile Home Construction and Safety Standards”, effective June 15, 1976, as amended.
OR
 - ii. A wheeled vehicle, licensed and registered; in compliance with the Michigan Motor Vehicle Code; have properly inflated tires; and have working turn signals and brake lights.
 - b. The occupant of the temporary dwelling is a blood relative of the property owner on which the temporary dwelling is to be located.
 - c. The minimum yard setbacks shall be met for the temporary dwelling.
 - d. The temporary dwelling shall meet the water and sewer requirements of the Public Health Department, and all other applicable Township ordinances.
 - e. A performance guarantee may be required for the removal of the temporary dwelling at the end of its useful purpose.
- C. In considering authorization for any temporary dwelling or structure, the Zoning Administrator shall consider the following standards:
- 1. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
 - 2. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 - 3. That the structure does not impact the nature of the surrounding neighborhood;
 - 4. That access to the use, area, or structure is located at the least offensive point on the property; and
 - 5. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.

- D. A performance guarantee may be required as outlined in Section 17.03, B, to ensure the proper removal of the temporary dwelling or structure, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.
- E. The Zoning Administrator may attach reasonable conditions to temporary dwellings or structures to ensure the standards of this Section are met.

Section 3.18 Satellite Dish Antennas

These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

- A. In any Nonresidential District, the following restrictions shall apply:
 - 1. The dish antenna shall be permitted in the side and rear yard, or mounted on top of a building, and securely anchored.
 - 2. The nearest part of the antenna shall be at least five (5) feet from any property line.
 - 3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
 - 4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation.
 - 5. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. In any Residential District, the following restrictions shall apply:
 - 1. The dish antenna shall be permitted in the rear yard only.
 - 2. The nearest part of the antenna shall be at least (5) feet from any property line.
 - 3. The unit shall be securely anchored as determined by the Zoning Administrator.
 - 4. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.
 - 5. The antenna shall be an unobtrusive color, as approved by the Zoning Administrator.
 - 6. No part of the dish antenna shall contain any name, message, symbol, or other graphic representation.
 - 7. A site plan shall be submitted to the Zoning Administrator for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the

antenna and an elevation drawing showing the proposed height, color, and foundation details.

- C. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- D. The Zoning Administrator shall permit any waivers or modifications of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

Section 3.19 Home Occupations

- A. Home occupations may be approved by the Zoning Administrator, only after receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.
- B. One (1) other person, other than members of the immediate family residing on the premises may be engaged in such occupation, provided adequate off-street parking for the employee is available in addition to that required for the dwelling.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- E. The home occupation shall be operated entirely within an enclosed structure, and not within any accessory building.
- F. No goods shall be sold from the premises which have not been produced from the conduct of the home occupation.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street, and not in the required front yard.
- H. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- I. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
- J. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of the home occupation.

- K. The home occupation shall be subject to annual inspections by the Zoning Administrator, and may be terminated if it is found to no longer comply with this Section.

Section 3.20 Flood Plain

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

Section 3.21 Keeping of Animals

- A. The keeping of dogs is permitted as an accessory use in any Residential District as outlined below.
1. All dog kennels shall be operated in conformance with all applicable county, state, and federal regulations.
 2. Keeping of Dogs for Personal Enjoyment (Without a Kennel License) – shall be limited to the maximum of three (3) dogs for a parcel up to one (1) acre, and an additional one (1) acre shall be required for each dog after the first three (3). A maximum of seven (7) dogs shall be permitted on a five (5) acre or larger parcel (*amended March 11, 2004*).
 3. A litter of dogs may be kept on the property for a period of four (4) months after birth. However, no more than two (2) such litters shall be allowed in any consecutive twelve (12) month period.
 4. Kennels may be permitted as indicated in Chapters 5-12.
- B. The keeping of animals is permitted by right on a bona fide farm in the AG and RR districts. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the MDR and MHP districts. Keeping animals is permitted in all districts except for the MDR and MHP districts, with the following restrictions:
1. A minimum lot size of five (5) acres shall be required for the first two (2) animal units, and one (1) acre for each additional animal unit.
 2. For this subsection, one (1) animal unit shall be equal to the following:

One (1) horse, donkey, mule, or cow;
Two (2) pigs;
Ten (10) sheep or goats;
Twenty (20) poultry or pigeons; and
Twenty (20) rabbits.
 3. An accessory building used to house, feed or shelter the animals shall not be nearer than one hundred (100) feet to any property line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.

4. Any grazing or exercise area shall not be nearer than one hundred (100) feet to any dwelling adjacent to the subject parcel.
5. Accessory buildings to house, feed, or shelter animals shall not be built unless a Building Permit has been issued, this standards shall not apply to a farm as defined in Section 2.07, of this Ordinance.

(Amended, 4/8/2010)

Section 3.22 Nonconforming Lots of Record, Uses, and Buildings and Structures

A. Intent

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Section that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used only for a use permitted by right in the district in which it is located, subject to approval of water supply, and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction.
2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. Nonconforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater

area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.

2. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Board of Appeals:
 - a. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous nonconforming use.
 - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by up to one half (1/2) the distance required by this Ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation, it

shall be reconstructed only in conformity with the provisions of this Ordinance, except that any single family detached dwelling in existence at the time of this ordinance may be reconstructed subject to the following conditions: The front, side, and rear yard setbacks of the reconstructed dwelling shall not be less than the pre-existing setbacks of the destroyed dwelling unless the setbacks of the reconstructed dwelling will be in compliance with current requirements (*amended 11/11/04*).

- c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
- 2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.
- F. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

Section 3.23 Lake Access and Frontage; Keyhole Development (*amended 10/12/2006*)

The following restrictions are intended to limit the number of users of lake frontage in order to preserve the quality of the waters, to promote safety to minimize overcrowding, and to preserve the quality of recreational use of all waters within the township.

- A. In all zoning districts, there shall be at least seventy-five (75) feet of lake frontage as measured along the normal high water mark of the lake for each single-family home, dwelling unit, cottage, condominium unit, lot, parcel, site condominium unit, or apartment unit utilizing or accessing the lake frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lakefront area or frontage may not permit lake use or access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, lot, parcel, site condominium unit, or apartment unit for each seventy-five (75) feet of lake frontage in such common lake front area, as measured along the normal high water make line of the lake.
- C. Any multiple-unit residential development shall have not more than one (1) dock for each seventy-five (75) feet of lake frontage, as measured along the normal high water mark of the lake, in any zoning district in the township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
- D. The above restrictions shall apply to all lots and parcels on or abutting any lake in all zoning districts, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, a common area or element, single-fee ownership, condominium arrangement, license,

lease, agreement, or similar device.

- E. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD), open space and special land use projects or developments.
- F. If a property is located within a zoning district where the minimum lot width requirement is greater than seventy-five (75) feet, the minimum water frontage requirements of subsections 1, 2, and 3 hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.
- G. Any lot or parcel which did not lawfully exist before January 1, 2006 (as shown in a lawful document recorded with the Montcalm County Register of Deeds records prior to January 1, 2006) and which did not have the lawful use of any lake access device (such as those specified in subsection D hereof) prior to January 1, 2006 (as shown in a lawful document recorded with the Montcalm County Register of Deeds records prior to January 1, 2006) shall be fully subject to the regulations of this Section 3.23 and shall not have access to or the use of the lake at issue or involved unless such parcel or lot fully complies with the requirement of this Section 3.23. In any event, normal lawful nonconforming use and structure principles under Michigan law shall apply.
- H. This Section 3.23 applies to both artificially-created and natural lakes.

Section 3.24 Open Burning (Added 12/8/2011)

- A. Open burning (fire in an uncovered burn barrel, campfire, or fire pit) may not be conducted within 20 feet of any structure that is not on your own property.

Section 3.25 Ignition, Discharge, Use of Consumer Fireworks and Issuance of Display Permits
(12/20/2017)

- A. Definition. The following terms, when used in this Ordinance, shall have the meaning ascribed to them in this section: Act means the Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011, as amended. All other terms used in this Ordinance shall have the same meaning as defined or used in the Act.
- B. Use of Consumer Fireworks Prohibited
 - 1. No person shall ignite, discharge, or use consumer fireworks in the Township between 12:00 a.m. to 8:00 a.m. on a day other than the day preceding, the day of, or the day after a national holiday.
 - 2. Notwithstanding subsection (A), on the day preceding, the day of, or the day after a national holiday, no person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.

A person who violates this Section 2 shall be responsible for a municipal civil infraction and subject to a fine of not more than \$500.00.

- C. Offenses against Property. No person shall at any time ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that person or organization's express permission to use those fireworks on those premises, and no person shall cause or permit any debris, remnants, or unburned fragments of consumer fireworks or low

impact consumer fireworks to remain on private or public property without the property owner's permission.

- D. Use of Fireworks by Individuals under the Influence. An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, or controlled substance, or a combination of alcoholic liquor and a controlled substance as defined by MCL 257.1d and MCL 257.8b, as amended.
- E. Fireworks Safety. No person shall recklessly endanger the life, health, safety, or well-being of any person or property by the ignition, discharge, or use of consumer fireworks.
- F. Fireworks Display. A permit from the Township Board is required for the possession, use, or discharge of display fireworks, articles pyrotechnic, or special effects (collectively for purposes of this Ordinance hereinafter referred to as "display fireworks") for public or private display within the Township on terms and in a manner consistent with the Act. The storage of fireworks shall be prohibited in the Township except in compliance with the Act. All permits shall be subject to compliance with this Ordinance and the Act. In the event of any conflict between this Ordinance and the Act, the more stringent provision shall control.
- G. Permit Application; Fee; Decision of Township Board. Application for permit shall be made in writing, using the forms provided by the Michigan Department of Licensing and Regulatory Affairs, to the Township Board at least 60 days in advance of the date of the display of fireworks. If an application for a permit is not timely filed as provided herein, the Township Board may consider the application only if the applicant shows good cause for submitting a late application. The Township Board may, by resolution, establish a nonrefundable fee schedule for the Township's cost of reviewing and acting on the application. If such a schedule is established by the Township Board, the applicant shall submit the nonrefundable fee with the permit application. In accordance with the Act and this Ordinance, the Township may grant the permit in its entirety, grant a conditional permit, or deny the permit. Notwithstanding any provision of this Ordinance, no applicant has a right to issuance of a permit. Nothing in this Ordinance shall be construed to limit or impair the discretion of the Township Board to deny a permit pursuant to the Act or this Ordinance. If a permit is granted, the sale, possession, use, or discharge of fireworks for said display shall comply with all terms and conditions of the permit. A permit granted hereunder shall not be transferable, nor shall said permit be extended beyond the dates set-out therein. A permit for a particular display granted by the Township under the Act's predecessor shall remain valid subject to its original terms.
- H. Liability Insurance. Before a permit for display fireworks is granted by the Township Board, the applicant shall furnish to the Township liability insurance policy, in a form satisfactory to the Township in the amount of not less than \$1,000,000 to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant, or an agent or employee thereof. The Township shall be named as an additional insured on the insurance policy. Before a display fireworks permit is issued, the applicant shall furnish a certificate of insurance for the policy which shall provide for 30 days prior written notice to the Township of cancellation or revocation of the policy.
- I. Miscellaneous Offenses. No person shall ignite, discharge, or use consumer fireworks within the Township except of the type permitted and under the conditions permitted by state law and the Ordinance.
- J. Violations. Any person violating the provisions of Section 3 through 9, inclusive, of the Ordinance, shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a fine up to \$500.00.

- K. Severability. Section of this Ordinance shall be deemed severable and should any section, clause or provision of the ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part the thereof.
- L. Effective Date. This Ordinance shall become effective 30 days following it publication in provided by law. Published: June 30, 2014

Section 3.26 Short Term Rentals (Amended 1/9/2020)

- A. Short term rentals (and short rental use) are prohibited within the LR-Lakeside Residential zoning district, as well as for any dwelling, condominium unit or portion thereof located within 1500 feet of a lake regardless of the zoning district.
- B. Short term rentals are allowed within the AG-Agricultural zoning district and the RR-Rural Residential zoning district subject to Subsection A above, and also subject to the following conditions and requirements
 - 1. Such short term rentals must be registered with Winfield Township and a zoning permit must be issued by the Township before the short term rental use can commence.
 - 2. All applicable building and fire codes must be met.
 - 3. No short term rental can occur within 1500 feet of another pre-existing Short term rental property or within 1500 feet of a lake.

Article 3. The Remainder of the Winfield Township Zoning Ordinance is Unaffected.
Except as expressly amended by this Ordinance/ordinance amendment, the rest of Winfield Township Zoning Ordinance remains unchanged and in full force and effect.

Article 4. Severability. Should a court of competent jurisdiction determine that any Portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not effect the balance of this Ordinance/ ordinance amendment, which shall remain in full force and effect.

Article S. Effective Date. This Ordinance/ordinance amendment shall become effective Upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

Chapter 4 Zoning Districts - General

Section 4.01 Districts Established

For the purposes of this Ordinance, Winfield Township is hereby divided into the following zoning Districts:

Zoning District Designation		Chapter	Previous Ordinance Designation	
AG	Agricultural District	5	A-R	Agricultural-Residential District
LR	Lakeside Residential District	6	No Previous Lakeside District	
RR	Rural Residential District	7	No Previous Rural Residential District	
MDR	Medium Density Residential District	8	R	Residential District
MHP	Manufactured Home Park District	9	No Previous MHP District	
GC	General Commercial District	10	C	Commercial District
LI	Light Industrial District	11	No Previous Industrial District	

Section 4.02 District Boundaries

- A. Boundaries - The boundaries of the districts listed in Section 4.01 are hereby established as shown on the Winfield Township Zoning Ordinance Map, which is part of this Ordinance.
- B. Interpretation of District Boundaries - Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
 2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
 3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 4. Boundaries indicated as parallel to or extensions of features indicated in Section 4.02, B, 1, 2, and 3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
 6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

Section 4.03 Zoning of Vacated Areas

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between, unless the Township Board shall otherwise designate.

Chapter 5 Agricultural (AG) District

Section 5.01 Purpose

This District is intended to provide for the continuation and preservation of the existing general farming and related activities in the Township. The regulations for this District recognize the need to conserve and protect existing farms, and to provide areas where agriculture is best suited. Further the regulations of this Chapter shall be used to discourage untimely and scattered residential and commercial development in areas where food production is taking place.

Section 5.02 Permitted Uses

No land or buildings in the AG District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Crop farming.
- B. Animal or fowl husbandry.
- C. Single family detached dwellings.
- D. State licensed residential family care facilities.
- E. Essential public services.

Section 5.03 Special Land Uses

No land or buildings in the AG District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Riding stables.
- D. Public or private campgrounds.
- E. Mining of natural resources, excluding forest related programs.
- F. Agricultural processing and warehousing.
- G. Planned unit developments.
- H. Kennels.
- I. Veterinary hospitals and clinics.
- J. Home based businesses.
- K. Deer, Elk, or other cervine farms.
- L. Open Space Development, subject to the requirements of Chapter 17. *(amended 4/8/2010)*
- M. Sawmill *(amended 1/22/18)*

Section 5.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.02.
- D. Signs are permitted in accordance with the requirements of Section 13.03.

- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 12. (*amended; 8/9/2001; per referendum, 12/18/2001*)

Agricultural (AG) District	
Minimum Lot Size	2 acres
Minimum Lot Width	200 feet of road frontage 5.04, F, 2
Front Yard Setback	40 feet
Side Yard Setback	30 feet
Rear Yard Setback	30 feet
Maximum Height	45 feet
Maximum Lot Coverage	150%
See also footnote (a), (g), and (h) in Section 12.02.	

Chapter 6 Lakeside Residential (LR) District

Section 6.01 Purpose

Lands in this District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Winfield Township. It is the intent of the District to provide regulations on lands located along the lakefront and shoreline areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of lakefront and shoreline properties, and to ensure that the structures and uses in this District are compatible with, and protect these unique attributes.

Section 6.02 Permitted Uses

No land or buildings in the LR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential family care facilities.

Section 6.03 Special Land Uses

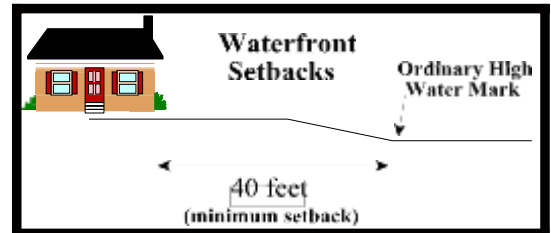
- A. Open Space Development, subject to the requirements of Chapter 17. *(amended 4/8/2010)*

Section 6.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Additional setbacks and lot widths for structures.

1. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of forty (40) feet from a shoreline or ordinary high water mark. (Exception: Indian Lake development. The minimum is twenty five (25) feet from a shoreline or ordinary high water mark. *(amended March 11, 2004)*) Exception: For every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer to the shoreline or ordinary high water mark. However, no structure shall be located closer than twenty-five (25) feet to the shoreline or ordinary high watermark.
2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met.



Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water line, only under the following conditions:

- a. No material is allowed to enter the water either by erosion or mechanical means.
- b. The fill material is of a pervious nature, such as gravel or sand.
- c. Any necessary permits shall have been acquired as required by the laws of Montcalm County, the State of Michigan, and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
- d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

B. Vegetative Strip.

- 1. A strip at least twenty (20) feet wide bordering the lake front or shoreline, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing or dead or noxious plants.
- 2. Within this strip, a space of not greater than twenty five (25) feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Section 3.14 - Accessory Buildings, Structures, and Uses), and for a view of the water.
- 3. The Zoning Administrator may allow limited clearing for the vegetative strip only when required for construction of a permitted building or structure outside the vegetative strip. However, the land cleared shall be returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

C. General Provisions outlined in Chapter 3.

D. Site Plan Review as may be required in accordance with Section 13.01.

E. Off-Street Parking as may be required in accordance with Section 13.02.

F. Signs are permitted in accordance with the requirements of Section 13.03.

G. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as indicated, in the underlying district, and as outlined in Schedule of District Regulations, Chapter 12.

Lakeside Residential (LR) District	
Minimum Lot Size	11,000 square feet
Minimum Lot Width	75 feet
Front Yard Setback	40 feet*
Side Yard Setback	10 feet*
Rear Yard Setback	10 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	30%

Lakeside Residential (LR) District

See also footnotes (a) and (g) in Section 12.02.

* For principal building only. (Exception: Indian Lake Development. Side yards will total a minimum of fifteen (15) feet with a minimum of six (6) feet on one (1) side and nine (9) feet on the other side of the structure. Front yard setback will be a minimum of twenty-five (25) feet. Rear yard setback will be a minimum of twenty-five (25) feet (*amended March 11, 2004*). See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 7

Rural Residential (RR) District

Section 7.01 Purpose

This District is intended to provide for single family residential living environment and to foster stable, high quality neighborhoods free from other uses that are incompatible with residential uses. The regulations for this district provide large enough parcels to sustain a healthy on-site water supply and liquid wastewater disposal. The District provides for the orderly transition of land from agricultural to low density residential uses, without straining the land, or requiring public services or utilities, even if they exist, or are planned. Through this District, low density residential development will be permitted through the construction and occupancy of single family dwellings on large urban lots.

Section 7.02 Permitted Uses

No land or buildings in the RR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential family care facilities.
- C. Essential public services.

Section 7.03 Special Land Uses

No land or buildings in the RR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Public or private campgrounds.
- D. Kennels.
- E. Public parks and recreation areas.
- F. Golf courses and country clubs.
- G. Veterinary hospitals and clinics.
- H. Group day care homes.
- I. Churches.
- J. Planned unit developments.
- K. Public or private schools.
- L. Municipal buildings.
- M. Salvage yards and recycling centers.
- N. Riding stables.
- O. Home based businesses.
- P. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for exclusive use of its members.
- Q. Open Space Development, subject to the requirements of Chapter 17. *(amended 4/8/2010)*

Section 7.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.02.
- D. Signs are permitted in accordance with the requirements of Section 13.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 12.

Rural Residential (RR) District	
Minimum Lot Size	2 acres
Minimum Lot Width	200 feet
Front Yard Setback	40 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	20%
See also footnotes (a) and (g) in Section 12.02.	

* For principal building only. See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 8

Medium Density Residential (MDR) District

Section 8.01 Purpose

This District is intended to provide areas for the preservation and establishment of residential neighborhoods. Lot sizes are small, and may eventually allow for public sewer and water service. The district will promote a higher density residential environment, at the same time preserving those natural features that are important to the character of the Township.

Section 8.02 Permitted Uses

No land or buildings in the MDR District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential family care facilities.
- C. Essential public services.

Section 8.03 Special Land Uses

No land or buildings in the MDR District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Group day care homes.
- B. Adult foster care group homes.
- C. Churches.
- D. Public or private schools.
- E. Public parks and recreation areas.
- F. Planned unit developments.
- G. Municipal buildings.
- H. Two-family dwellings.
- I. Multiple family dwellings
- J. Retail convenience shopping and personal service establishments.
- K. Home based businesses.
- L. Office buildings.
- M. Open Space Development, subject to the requirements of Chapter 17. *(amended 4/8/2010)*

Section 8.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.01.
- D. Signs are permitted in accordance with the requirements of Section 13.01.

- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 12.

Medium Density Residential (MDR) District	
Minimum Lot Size	1 acre, unless public water and sewer serves the lot, then the minimum lot size may be reduced to 15,000 square feet
Minimum Lot Width	150 feet, unless public water and sewer serves the lot, then the minimum lot width may be reduced to 85 feet
Front Yard Setback	30 feet*
Side Yard Setback	15 feet*
Rear Yard Setback	25 feet*
Maximum Height	25 feet*
Maximum Lot Coverage	30%
See also footnotes (a), (b), and (g) in Section 12.02.	

* For principal building only. See Sections 3.14 and 3.15, for requirements for accessory buildings and fences, respectively.

Chapter 9

Manufactured Home Park (MHP) District

Section 9.01 Purpose

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

Section 9.02 Permitted Uses

No land or buildings in the MHP District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. State licensed manufactured home parks.
- B. State licensed residential family care facilities.
- C. Essential public services.

Section 9.03 Special Land Uses

No land or buildings in the MHP District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Public parks and recreation areas.
- B. Community Centers.

Section 9.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.02.
- D. Signs are permitted in accordance with the requirements of Section 13.03.

Section 9.05 General Requirements

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Winfield Township, irrespective of the requirements of any other ordinance of Winfield Township, unless such parcel or

parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.

- C. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- D. The Planning Commission and Township Board shall consider the conformance of the manufactured home park with the adopted rules of the Mobile Home Commission of the State of Michigan and the following additional standards:
 - 1. Whether the proposal is in accordance with the Winfield Township Master Plan.
 - 2. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 - 3. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 - 4. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 - 5. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- E. Manufactured Home Sales
 - 1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
 - 2. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

Chapter 10

General Commercial (GC) District

Section 10.01 Purpose

This District is intended to provide areas for the establishment of retail sales and personal service uses, catering to the general public, as well as the residents of Winfield Township. The uses in the District will remain small in scale to be well integrated into a rural setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from adjacent non-residential uses. These areas will be generally located along the State Highway.

Section 10.02 Permitted Uses

No land or buildings in the GC District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses conducted entirely within an enclosed building, and where no assembly, treatment, or manufacturing takes place onsite.
- B. Office buildings.
- C. Banks, credit unions, and other financial institutions with no drive-through facilities.
- D. Restaurants with no drive-through facilities.
- E. Personal service uses including but not limited to, barber shops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- F. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- G. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- H. Health and physical fitness clubs.
- I. Essential public services.
- J. Single family detached dwelling (*amended 11/11/04*).

Section 10.03 Special Land Uses

No land or buildings in the GC District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Hotels and motels.
- B. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- C. Churches.
- D. Vehicle service establishments.
- E. Gasoline stations.
- F. Vehicles sales areas.
- G. Vehicle wash establishments.
- H. Lumber yards and building material sales areas.
- I. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- J. Funeral homes and mortuaries.

- K. Veterinary hospitals and clinics.
- L. Transportation terminals.
- M. Sales of farm implements and commercial construction equipment.
- N. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- O. Commercial outdoor recreation facility.
- P. Wireless communication towers and radio and television broadcast towers.
- Q. Commercial storage warehouses (mini-storage units).
- R. Planned unit developments.
- S. Municipal buildings.
- T. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- U. Self-serve laundry mats.
- V. Billboards.
- W. Storage yards for contractor's equipment.
- X. Tool and Die Shops (*amended 04/08/2004*).

Section 10.04 Site Development Requirements

All Permitted Uses and Special Uses except single family detached dwellings are subject to the following Site Development Requirements (*amended 4/8/2004*):

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.02.
- D. Signs are permitted in accordance with the requirements of Section 13.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 12.

General Commercial (GC) District	
Minimum Lot Size	22,000 square feet
Minimum Lot Width	150 feet
Front Yard Setback	30 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	35 feet*
Maximum Lot Coverage	30%
See also footnotes (e), (f), and (g) in Section 12.02.	

* For principal building only. See Sections 3.14, 3.15, and 13.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

- B. Single Family Detached Dwellings

1. **General Provisions** outlined in Chapter 3.
2. **Site Plan Review** as may be required in accordance with Section 13.01.
3. **Off-Street Parking** as may be required in accordance with Section 13.02.
4. **Signs** are permitted in accordance with the requirements of Section 13.03.
5. **Lot dimension, setbacks, height, and lot coverage requirements** for all buildings, shall be met as follows unless otherwise indicated, and as outlined in Schedule of District Regulations Chapter 12.: Minimum Lot Size: 15,000 square feet, Minimum Lot Width: 150 feet, Front Yard: 30 feet*, Side Yard: 15 feet*, Rear Yard: 25 feet*, Maximum Height : 25 feet*, Maximum Lot Coverage: 30%. *EXCEPTION: See Chapter 3.22(D)(1)(b). (*amended 11/11/04*)

* For principal building only. See Sections 3.14, 3.15, and 13.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

Chapter 11

Light Industrial (LI) District

Section 11.01 Purpose

This District is intended primarily for light industrial uses and the processing, fabrication, and assembly of goods or products to be sold to the general public generally at a different location. These areas will provide manufacturers with sites close to primary roads for ease of transportation and away from residential areas to minimize potential incompatibilities. Due to the lack of potential for the Township to provide public utilities like water and sanitary sewer, the uses that locate in this District should be limited to low density industrial uses that would not depend heavily on extensive public services.

Section 11.02 Permitted Uses

No land or buildings in the LI District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, accessory to an industrial use.
- B. Research and development facilities, including production activities.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of products such as:
 - 1. Foodstuffs (except slaughterhouses or other similar uses)
 - 2. Cosmetics
 - 3. Pharmaceuticals
 - 4. Pottery or other ceramic products
 - 5. Monuments
 - 6. Glass products
 - 7. Musical instruments
 - 8. Toys
 - 9. Furniture
 - 10. Electrical appliances and electronic instruments
 - 11. Signs
 - 12. Light sheet metal products
- D. Laboratories (experimental, film, research, or testing).
- E. Converted paper and paper board products.
- F. Printing, publishing, and allied industries.
- G. Office buildings.
- H. Essential public services.

Section 11.03 Special Land Uses

No land or buildings in the LI District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Salvage yards and recycling centers.
- B. Sexually oriented businesses.
- C. Transportation terminals.
- D. Warehousing facilities.
- E. Wireless communication towers and radio and television broadcast towers.
- F. Commercial storage warehouses (Mini-Storage Units).
- G. Retail sales accessory to a permitted use.
- H. Tool, die, gauge, and machine shops.
- I. Vehicle service establishments.
- J. Gasoline stations.
- K. Lumber yards and building material sales areas.
- L. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- M. Commercial outdoor recreation facility.
- N. Planned unit developments.
- O. Billboards.
- P. Storage yards for contractor's equipment.

Section 11.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 13.01.
- C. Off-Street Parking as may be required in accordance with Section 13.02.
- D. Signs are permitted in accordance with the requirements of Section 13.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 12.

Light Industrial (LI) District	
Minimum Lot Size	45,000 square feet
Minimum Lot Width	150 feet
Front Yard Setback	30 feet*
Side Yard Setback	30 feet*
Rear Yard Setback	30 feet*
Maximum Height	45 feet*
Maximum Lot Coverage	35%
See also footnotes (d), (e), (f), and (g) in Section 12.02.	

* For principal building only. See Sections 3.14, 3.15, and 13.02, for requirements for accessory buildings, fences, and off-street parking areas, respectively.

Chapter 12 District Regulations

Section 12.01 Schedule of Regulations

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

Schedule of Regulations*

Zoning Districts (a)	Lot Area	Lot Width	Yard Setbacks			Building Height	Lot Coverage
			Front	Side (g)	Rear		
AG - Agricultural (h)	2 acres	200 feet	40 feet	30 feet	30 feet	45 feet	10%
LR - Lakeside Residential (i)	11,000 square feet	75 feet	40 feet	10 feet	10 feet	35 feet	30 %
RR - Rural Residential	2 acres	200 feet	40 feet	30 feet	30 feet	35 feet	20 %
MDR - Medium Density Residential (b)	1 acre	150 feet	30 feet	15 feet	25 feet	25 feet	30 %
MHP Manufactured Home Park (c)	See Chapter 10 for specific requirements						
GC - General Commercial (e) (f)	22,000 square feet	150 feet	30 feet	30 feet	30 feet	35 feet	30 %
LI - Light Industrial (d) (e) (f) (j)	45,000 square feet	150 feet	30 feet	30 feet	30 feet	45 feet	35 %

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

The AG section of this chart was changed per amendment 8/9/2001 and referendum election on December 18, 2001.

Section 12.02 Footnotes to District Regulations

- (a) In all districts where residential uses are permitted either by right, or as a special use, all dwellings shall contain a minimum floor area in accordance with the following, unless otherwise specified in this Ordinance:
 - single family 840 sq. ft.
 - two-family 720 sq. ft., per dwelling unit
 - multiple family 480 sq. ft., per dwelling unit for one (1) bedroom dwellings
600 sq. ft., per dwelling unit for two (2) bedroom dwellings
720 sq. ft., per dwelling unit for three (3) bedroom dwellings
720 sq. ft., per dwelling unit plus 100 sq. ft. for each additional bedroom, for dwellings with more than three (3) bedrooms.
- (b) Lots served by public sanitary sewer and public water may be reduced to a minimum lot area of 15,000 square feet, and a minimum lot width of 85 feet.
- (c) All lots shall be served by public water and sanitary sewer facilities, or by an approved community system.
- (d) In no case shall the minimum required setback be less than the height of the building.
- (e) Where a side or rear yard abuts a Residential District, a buffer shall be provided in accordance with Section 3.10.
- (f) The required front yard shall not be used for off-street parking, except for driveways, and shall be landscaped.
- (g) On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for the district.
- (h) For permitted lot reductions, see Chapter 5.
- (i) See exceptions for Indian Lakes, Section 6.03.G. (*as amended March 11, 2004*).
- (j) See exception for single family detached dwelling, Section 10.04.B. (*as amended 11/11/04*).

Chapter 13

Site Development Requirements

Section 13.01 Site Plan Review Procedures

- A. The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this Zoning Ordinance.

- B. Uses Subject to Site Plan Review. A Building Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Site Plan has been reviewed and approved under the following procedure:
 - 1. The following uses shall be subject to Site Plan Review in accordance with the provisions of this Section.
 - a. All land uses, new construction, new uses established, or additions to existing buildings in excess of twenty five (25) percent of the gross floor area of the main building in the MHP, GC, and LI Districts, EXCEPT the following:
 - i. Single family dwellings
 - ii. Temporary buildings and uses
 - iii. Accessory uses or structures
 - b. Special land uses in any zone district.
 - 2. All uses for which site plan review is not required under Section 13.01, B, 1, shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

- C. Application and Review Procedures
 - 1. Application Procedures
 - a. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 13.01, C, 1, c, and 13.01, C, 2, are met, then transmit the application and materials to the Planning Commission.
 - b. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.
 - c. An application for Site Plan Review shall consist of the following:
 - i. An application form provided by the Township, completed by the property owner, or their authorized agent.
 - ii. Ten (10) copies of the Site Plan.
 - iii. Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.

- iv. A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 - v. Other materials as may be required by this Section or the Planning Commission.
2. Site Plan Requirements. Site Plans shall be prepared in a neat and orderly manner, drawn to a scale of not more than one (1) inch equals one hundred (100) feet, showing the existing and proposed arrangement of the site and shall include the following unless specifically waived by the Planning Commission:
- a. Small sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
 - b. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 - c. All lot lines with dimensions.
 - d. Parking lots and access points
 - e. Proposed buffer strips, greenbelts, or screening
 - f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
 - g. Location of any signs
 - h. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property. If no buildings are within one-hundred (100) feet the property lines, the use of the adjacent property shall be indicated.
 - i. General topographical features including existing contours at intervals no greater than five (5) feet.
 - j. Number of acres allocated to each proposed use and gross area in building, structures, parking, public or private streets and drives, and open space.
 - k. Dwelling unit densities by type, if applicable.
 - l. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - m. Proposed method of providing storm drainage.
 - n. Written description of the computation for required parking.
 - o. Name, address, and phone number of applicant.
 - p. Name, address, phone number, of the individual responsible for preparing the plan.
3. The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Planning Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.
4. The Planning Commission shall recommend to the Township Board approval, denial, or approval with conditions any site plan it reviews based on the requirements of this Ordinance, and specifically the review standards of Section 13.01, D.
5. The Site Plan shall be forwarded to the Township Board with any additional findings of the Planning Commission, and the Commission's recommendation by the Township Board's next scheduled meeting. The Township Board shall review the findings and recommendation of the

Planning Commission, and consider the review standards of Section 13.01, D, and shall approve, deny, or approve with conditions the Site Plan.

6. No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to 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.
 - b. Safe, convenient, uncongested, 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.
 - c. 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 Winfield Township.
 - d. 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, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - e. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Winfield Township will be met.
 - f. The general purposes and spirit of this Ordinance and the Master Plan of Winfield Township shall be maintained.

E. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Township Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Compliance Permit; and one (1) copy shall be returned to the applicant.
2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
 - a. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:

- i. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - ii. the site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
- b. Should neither of the provisions of Section 13.01, E, 2, a, be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.
- c. Amendments to an approved Site Plan may occur only under the following circumstances:
 - i. The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - ii. Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building or sign.
 - (b) Movement of buildings or signs less than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Township, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
 - iii. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

Section 13.02 Off-Street Parking and Loading Provisions

A. General Requirements

1. Off-street parking for all nonresidential zone districts and uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, as measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than forty percent (40%) of the required front yard.

4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed, or waived under subsection 13.02, A, 8, below.
6. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
7. Two(2) or more buildings or uses may collectively provide the required off-street parking.
8. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
3. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding a two and one-half (2-½) ton load capacity shall be prohibited in the MDR and MHP zoning district.

B. Parking Lot Design Standards

1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking pattern	Two-way aisle width	One-way aisle width	Parking space width	Parking space length
Parallel Parking	18 feet	12 feet	10 feet	25 feet
30-75 degree angle	24 feet	12 feet	10 feet	21 feet
76-90 degree angle	24 feet	15 feet	10 feet	20 feet

2. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.

3. All parking lots shall be constructed with a durable and dustless surface resistant to erosion, and properly maintained at all times.
4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Winfield Township and the Montcalm County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

C. Off-Street Parking Requirements

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
2. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Nursing or Convalescent Homes	One (1) space for each 2 dwelling units, plus one (1) space for each 5 dwelling units to be marked as visitor spaces
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Institutional	
Assembly areas, auditoriums, and gymnasiums	Two (2) spaces for: each 5 seats, or each 8 feet of pew length; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	One (1) space for each 3 seats in the main unit of worship; or one (1) space for each 6 feet of pew length, whichever is less.
Group day care homes and group foster care homes	One (1) space for each 4 clients, plus one (1) space for each employee
Schools, elementary and middle	One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each 8 students, plus One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each five-hundred (500) square feet of usable floor area
Hotels and motels	One and one-half (1.5) spaces for each guest room, plus required spaces for any accessory uses
Open air businesses and roadside stands	One (1) space for each two-hundred (200) square feet of indoor usable area, plus one (1) space for each 1,000 square feet of outdoor display area
Personal service establishments	One (1) space for each fifty (50) square feet of usable floor area

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Restaurants - without drive-through facilities	One (1) space for each one-hundred (100) square feet of usable floor area; or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each two-hundred (200) square feet of usable floor area; or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two-hundred (200) square feet of usable floor area
Theaters	Two (2) spaces for: each 5 seats; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle wash (self service)	One (1) space for each 5 stalls
Vehicle wash (automatic)	One (1) space for each employee on the largest shift
Video rental stores	One (1) space for each one-hundred (100) square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one-hundred fifty (150) square feet of usable floor area, plus 3 spaces for each non-drive through automatic teller machine.
Medical and dental offices and clinics	One (1) space for each seventy-five (75) square feet of waiting room area, plus one (1) space for each examining room, dental chair, or similar use area.
Offices not otherwise specified	One (1) space for each three-hundred (300) square feet of usable floor area.
Industrial	
Manufacturing, processing, and research establishments	One (1) space for each employee working during the largest shift
Warehouses and wholesale	One (1) space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises

D. Off-Street Loading Requirements

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the GC District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front linear foot of building and shall be computed separately from off-street parking requirements.
3. LI District:
 - a. In the LI District at least one (1) loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or fraction thereof. All loading spaces shall be at least twelve feet by seventy feet (12' x 70'), and a minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall be off the street, and in the rear yard or interior side yard.
 - c. The Planning Commission may defer construction of the required number of loading spaces if the following conditions are met:
 - i. The proposed deferred loading spaces shall be shown on the site plan, and shall be sufficient for construction of the required number of loading spaces in accordance with the standards of this Ordinance.
 - ii. Evidence shall be presented by the applicant in support of a lower requirement.
 - iii. Alterations to the deferred loading space area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred loading space area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
4. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
5. All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless service.

Section 13.03 Sign Regulations

- A. This section is intended to protect and further the health, safety, and welfare of the residents of Winfield Township; to maintain and improve the appearance of Winfield Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.
- B. Sign Definitions
1. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
 2. Awning sign: A sign affixed flat against the surface of an awning.
 3. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
 4. Billboard: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
 5. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
 6. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
 7. Freestanding Sign: A sign supported on poles not attached to a building or wall.
 8. Government Sign: A temporary or permanent sign erected by Winfield Township, Montcalm County, or the state or federal government.
 9. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
 10. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
 11. Marquee Sign: A sign affixed flat against the surface of a marquee.
 12. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
 13. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
 14. Political Sign: A temporary sign used in connection with a noncommercial message or an official Winfield Township, school district, county, state, or federal election or referendum.

15. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
16. Reader Board: A portion of a sign on which copy is changed manually.
17. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
18. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
19. Roof Sign: A sign erected above the roof line of a building.
20. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
21. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
22. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
23. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

C. General Sign Provisions

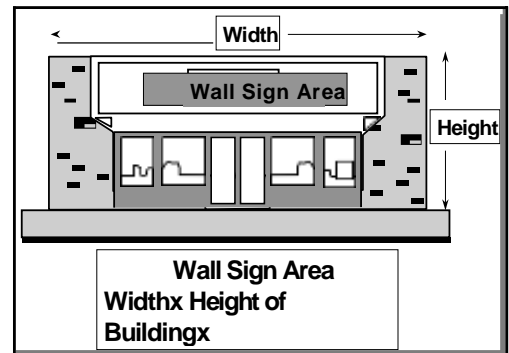
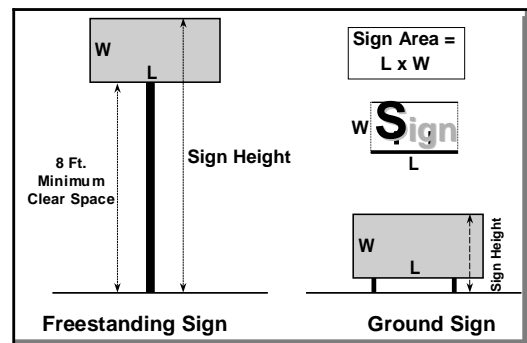
1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
 - a. Directional signs of six (6) square feet in size or less
 - b. Government signs
 - c. Placards
 - d. Temporary sale signs of four (4) square feet in size or less
 - e. Window signs
 - f. Political signs
2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
5. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public

- place, except as may be otherwise permitted by this Section.
6. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
 7. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
 8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
 9. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
 10. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
 11. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- D. Exempted Signs. The following signs shall be exempt from the provisions of the Winfield Township Zoning Ordinance, except for the provisions of Section 13.03, C:
1. Government signs
 2. Historical markers
 3. Window signs
 4. Memorial signs or tablets
 5. Murals
 6. Signs not visible from any street
 7. Signs for essential services
 8. Placards not exceeding two (2) square feet
 9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
 10. Flags or insignia of any nation, state, Township, community organization, or educational institution
- E. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses
1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.

2. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this Section, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
5. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.



4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.
- G. Sign Regulations Applicable to All Zoning Districts
1. All ground, wall and freestanding signs may include reader boards.
 2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
 3. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
 4. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. One (1) sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc.
 - b. The sign shall be no larger than sixteen (16) square feet in area, and not exceed eight (8) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than thirty-two (32) square feet in area, and not exceed eight (8) feet in height.
 - c. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - d. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
 5. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zone district, subject to the following restrictions:
 - a. No more than four (4) such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of twenty-four (24) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
 - e. Signs shall not cause a vision hazard at any road intersection, or driveway.
 6. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.

- b. No such sign shall exceed six (6) square feet in area or three (3) feet in height.
- c. Directional signs shall be limited to traffic control functions only.
- d. Signs shall not cause a vision hazard at any road intersection, or driveway.

H. Signs in each Zoning District shall be subject to the following regulations:

AG, LR, RR, MDR, and MHP Zoning Districts - Permitted Signs	
Ground signs for residential subdivisions, manufactured home parks, or other nonresidential uses allowed in the district	
Number	One (1) per major entrance
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than four (4) feet
Ground signs for schools	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line, and at least one-half (½) the required front yard setback for the district in which the use is located.
Height	No higher than six (6) feet
Signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet
Location	On wall of principal building facing street
Signs for home based businesses	
Number	One (1) per lot or parcel
Size	No greater than twenty-four (24) square feet
Location	On the wall of the building in which the use takes place, or in the front yard placed no closer than one-half (½) the required front yard setback from the front property line.
Signs for nonresidential uses	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed.

AG, LR, RR, MDR, and MHP Zoning Districts - Permitted Signs	
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line.
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels.
Location	Minimum of fifteen (15) feet from any side or rear property line.
Height	No higher than six (6) feet

GC and LI Zoning Districts - Permitted Signs	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel.
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet

GC and LI Zoning Districts - Permitted Signs	
Freestanding signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel.
Size	No greater than sixty (60) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.
Wall signs	
Number	One (1) per street frontage
Size	No greater than ten (10) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of one hundred (100) square feet.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

Gasoline stations		
Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than seventy-two (72) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.
	Additional Sign	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall have at least ten (10) feet of ground clearance
Temporary Signs (No permit required)	Number	Two (2)
	Size	No greater than nine (9) square feet each
	Location	Minimum of five (5) feet from front lot line, and fifteen (15) feet from any side or rear lot line
	Height	No higher than four (4) feet
Other permitted signs for gasoline stations	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.	
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
	One (1) non-illuminated credit card sign not exceeding two (2) square feet in area which may be placed on or near each gasoline pump.	

Billboards are permitted in the GC and LI districts only

Billboards shall be permitted as a principal use with Special Land Use approval (see Section 14.07, C) in the GC and LI Districts, and only as provided for in the Highway Advertising Act, being Act 106 of 1972, as amended.

Chapter 14

Special Land Uses

Section 14.01 Purpose

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Winfield Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 14.07, as applicable.

Section 14.02 Application Procedures

Application for a Special Land Use permit shall be made to the Zoning Administrator and shall include the following:

- A. Ten (10) copies of a site plan containing the information required by Section 13.01, C, 2.
- B. A completed application form.
- C. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.

Section 14.03 Notification, Hearing, and Review Procedures

- A. Notification. Upon receipt of an application for a Special Land Use permit, the Zoning Administrator shall cause:
 - 1. A notice to be published in a newspaper which circulates in the Township, that a request for Special Land Use approval has been received.
 - 2. Send by mail or personal delivery a notice of Special Land Use request to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupant of all structures within 300 feet.
 - 3. The notice shall be given not less than fifteen (15) days before the date of the public hearing.
(amended 4/8/2010)
 - 4. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - 5. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, the occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses,

or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

6. The notice shall describe the nature of the request, indicate the property which is the subject of the special land use request, state when and where the request shall be considered, and indicate when and where written comments will be received concerning the request.
- B. Following notice, the Planning Commission shall hold a public hearing on the Special Land Use permit application.
 - C. The Planning Commission shall make its recommendation of approval, approval with conditions, or denial of the special land use permit request to the Township Board. The Planning Commission shall base its recommendation upon the review and consideration of materials submitted with the application and the applicable standards of this Chapter.
 - D. If the Township Board finds the request meets all required standards, they shall approve the Special Land Use request.

Section 14.04 General Standards For Approval

- A. The Township Board shall approve, or approve with conditions, a Special Land Use permit request only upon a finding that all of the following general standards for approval are complied with:
 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in Section 14.07.
- B. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Township Board minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 14.05 Conditions of Approval

- A. The Township Board may impose reasonable conditions in conjunction with approval of a Special Land Use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 14.04 and the Specific Design Standards of Section 14.07.
- B. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act. *(amended 4/8/2010)*

Section 14.06 Approval Term and Expiration

A Special Land Use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The Special Land Use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the Special Land Use may be imposed as a condition of approval, provided that the use is of a finite nature, or the applicant voluntarily proposes a time limit. *(amended 4/8/2010)*

Section 14.07 Special Land Use Specific Design Standards

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Adult foster care group homes.
- B. Agricultural processing and warehousing.
- C. Billboards.
- D. Churches.
- E. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members.
- F. Commercial outdoor recreation facility.
- G. Commercial storage warehouses (mini-storage units).
- H. Community centers.
- I. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- J. Funeral homes and mortuaries.
- K. Gasoline stations.
- L. Golf courses and country clubs.
- M. Greenhouses and nurseries.
- N. Group day care homes.
- O. Home based businesses.
- P. Hotels and motels.
- Q. Kennels.
- R. Lumber yards and building material sales areas.
- S. Mining of natural resources, excluding forest related programs.
- T. Multiple family dwellings.
- U. Municipal buildings.
- V. Office buildings.
- W. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- X. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.

- Y. Planned unit developments.
 - Z. Public parks and recreation areas.
 - AA. Public or private campgrounds.
 - BB. Public or private schools.
 - CC. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
 - DD. Retail convenience shopping and personal service establishments.
 - EE. Retail sales accessory to a permitted use.
 - FF. Riding stables.
 - GG. Roadside stands.
 - HH. Sales of farm implements and commercial construction equipment.
 - II. Salvage yards and recycling centers.
 - JJ. Self-serve laundry mats.
 - KK. Sexually oriented businesses.
 - LL. Storage yards for contractor's equipment.
 - MM. Tool, die, gauge, and machine shops.
 - NN. Transportation terminals.
 - OO. Two-family dwellings.
 - PP. Vehicle wash establishments.
 - QQ. Vehicle service establishments.
 - RR. Vehicles sales areas.
 - SS. Veterinary hospitals and clinics.
 - TT. Warehousing facilities.
 - UU. Wireless communication towers and radio and television broadcast towers.
- A. Adult foster care group homes.
1. The use may not be closer than 1,500 feet to any of the following:
 - a. Another licensed Foster Care Facility or Group Day Care Home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Winfield and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
3. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
4. All playground equipment and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.

5. The property shall be consistent with the characteristics of the neighborhood.
6. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

B. Agricultural processing and warehousing.

1. Access driveways shall be located no less than seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
2. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the County Health Department.
3. On a site plan provided by the applicant the following information shall be outlined:
 - a. The size, nature, and character of the proposed use.
 - b. The extent of traffic congestion or hazard which would accompany such a use, i.e., the approximate number of trucks entering and exiting the site on a daily basis.
 - c. The frequency of use and hours of operation.
4. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
5. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.
6. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
7. The property shall be kept free of litter, and in a sanitary condition.

C. Billboards.

1. Two (2) signs may count as a single billboard, if the signs are placed back-to-back.
2. The maximum height of the signs shall be no higher than two (2) stacked, one-on-top-of-the-other, or no higher than that permitted in the district in which the billboard is located, whichever is lower.
3. The billboard shall be not larger than two hundred (200) square feet in area.
4. No billboards may be located within fifteen hundred (1,500) feet of another billboard.
5. The billboard may not be illuminated.
6. No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.

- D. Churches.
1. The property location shall be such that at least one (1) side of the property abuts and has access to a maintained public road.
 2. The parking lot shall be screened with a proper greenbelt in accordance with Section 3.10.
- E. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for the exclusive use of its members.
1. Minimum setback for the shooting ranges shall be at least two hundred fifty (250) feet from any property line.
 2. Hours of operation for outdoor shooting ranges shall be limited to: 8:00 a.m. to 9:00 p.m.
 3. Rifle, pistol, and archery ranges shall have adequate backstops.
 4. Parking for the use shall meet the standards for “assembly areas, auditoriums, and gymnasiums” in Section 13.02, C.
- F. Commercial outdoor recreation facility.
1. Minimum lot size of two (2) acres.
 2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
 3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in Section 3.10, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
 4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility.
 5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- G. Commercial storage warehouses (mini-storage units).
1. Minimum lot area shall be two (2) acres.
 2. No more than eighty five percent (85%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
 3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
 4. Fences shall be no higher than eight (8) feet, and shall be aesthetically pleasing, and be made of

an acceptable material, such as but not limited to redwood, cinder block, or chain link with slats.

5. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.
6. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
7. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
8. In addition to any standards in this section, outside storage shall also comply with the following:
 - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a height of eight (8) feet.
9. No toxic, hazardous, or flammable materials may be stored in such a unit.

H. Community centers.

1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 13.
2. The parcel on which the use is located shall front on at least one (1) side, on a maintained public road.
3. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height. Such play area shall be setback from any residential use at least fifty (50) feet.

I. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet which shall be landscaped.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.

5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
7. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.

J. Funeral homes and mortuaries.

1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public street.
4. Access driveways shall be located at least seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

K. Gasoline stations.

1. Minimum lot area shall be one (1) acre, and the minimum lot width shall be one hundred fifty (150) feet.
2. Pump islands shall be a minimum of thirty (30) feet from any public right-of-way or property line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade. Lighting in such canopies shall be flush with the underside of the canopy structure.
7. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
8. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
9. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

L. Golf courses and country clubs.

1. Minimum lot size of one hundred (100) acres is required for a regulation eighteen (18) hole golf course, or forty (40) acres for each nine (9) holes of a par-3 style course.
2. The site shall be so planned to provide all access directly onto or from a maintained public road.
3. All structures shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
6. Accessory uses like proshops, restaurants and lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members.

M. Greenhouses and nurseries.

1. All buildings shall be setback at least fifty (50) feet from all property lines.
2. Outdoor display areas shall be setback at least fifty (50) feet from all property lines, and shall be limited to an area equal to one-half (½) the square footage all buildings on the lot associated with the use.
3. Outdoor storage shall be limited to the rear yard only, and not be located closer than fifty (50) feet to the rear lot line.

N. Group day care homes.

Group day care homes shall meet those applicable standards as determined by the Zoning Administrator, for Adult Foster Care Group Homes, in Section 14.07, A.

O. Home based businesses.

1. With the Special Land Use application, the following information shall be included:
 - a. Type of business
 - b. Hours of operation
 - c. Number of employees
 - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
 - f. Anticipated traffic levels (customer, delivery vehicles, etc.)
2. No more than four (4) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.

3. Any need for parking generated by the conduct of such home business shall be provided off the street and not within the required front yard.
4. The home based business shall be conducted entirely within the dwelling or an approved accessory building. The home based business shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling. An accessory building used for the home based business shall not exceed one thousand (1,000) square feet.
5. The home based business shall not result in the alteration of the dwelling, nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings. Special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems except for the containment of small quantities of motor oil, lubricants, and anti-freeze), and other such systems shall not be permitted.
6. In addition to meeting the standards of this section and the special land use standards for approval, it shall be demonstrated that the home based business will not be detrimental to the commercial viability of the Township's commercially zoned districts.

P. Hotels and motels.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of twenty (20) feet.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

Q. Kennels.

1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
2. Dog runs and/or exercise area, and buildings where the dogs are maintained shall be located in the rear yard only.
3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
4. There shall be a solid wall or solid fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.
5. Parcel shall be five (5) acres or more in size.

6. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

R. Lumber yards and building material sales areas.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. Outdoor sales and display areas shall be limited to ten (10) square feet for each linear foot of building frontage.
5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.

S. Mining of natural resources, excluding forest related programs.

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback for the mining operation of fifty (50) feet from any property line, and seventy-five (75) feet from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road.
3. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty (50) feet from any property line, and one hundred (100) feet from any public road.
5. A minimum of twenty (20) acres is required for the use.
6. With application for the Special Land Use, an Operational Plan must be submitted for review by the Planning Commission and Township Board. If the Operational Plan meets the intent and

purpose of this Ordinance, the goals and objectives of the Township Master Plan, and is consistent with sound planning principles, the Township Board may approve the plan. The plan should provide at least the following information, but not limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans. The Operational Plan must be approved prior to issuance of a Zoning Permit.

7. Upon commencement of mining operations, the mining area shall be enclosed within a five (5) foot high fence, and “No Trespassing” signs shall be posted at most one hundred (100) feet apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one (1) or more of the following:
 - a. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.
 - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten (10) feet, and spacing of trees within rows no greater than ten (10) feet apart.
 - c. Masonry walls or solid fences which shall be constructed to a height at least five (5) feet.
9. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Winfield Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.
12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
 - a. The excavated area shall not retain stagnant water

- b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area
 - c. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal
 - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.
 - e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in the amount of \$10,000 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000 per each additional operation acre which exceeds the first five. The guarantee shall be provided in one (1) of the following forms:
- a. Cash
 - b. Certified check
 - c. Irrevocable bank letter of credit
 - d. Surety bond acceptable to the Planning Commission.

Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

17. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Zoning Administrator. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company.

T. Multiple family dwellings.

- 1. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of twenty (20) feet.
- 2. Maximum density for four (4) dwelling units per acre.
- 3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway for any other main building.
- 4. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half (1½) times the height of the taller building.
- 5. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
- 6. Off-street parking areas shall be hard surfaced.

- U. Municipal buildings.
 - 1. The proposed site shall front upon a maintained public road.
 - 2. Buildings and structures shall be setback at least one hundred (100) feet from all property lines and street rights-of-way.
- V. Office buildings shall meet those requirements outlined for "municipal buildings" under section 14.07, U, above.
- W. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
 - 1. Minimum setbacks of one hundred fifty (150) feet for all structures and storage yards shall be required.
 - 2. The use shall be in the building where such allied goods and assembled, repaired, altered, or stored.
 - 3. The offices and showrooms shall not occupy more than fifty percent (50%) of the floor area of the building or space the main use occupies.
 - 4. Outside storage shall not be permitted in any required setback area.
 - 5. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
 - 6. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.
- X. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
 - 1. Off-street parking shall be required as outlined for "Assembly areas, auditoriums, and gymnasiums" in Chapter 13.
 - 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
 - 3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
- Y. Planned unit developments.
 - 1. Description and Purpose.
 - a. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of

planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.

- b. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
 - c. Under this Subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public health, safety and general welfare of the people of the surrounding area.
2. Objectives and Qualifying Conditions.
- a. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:
 - (1) To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
 - (1) To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
 - (2) To encourage developers to use a more creative and imaginative approach in the development of areas.
 - (3) To encourage underground utilities that can be more efficiently designed when master planning a larger area.
 - (4) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the Township.
 - (5) To promote flexibility in design and permit planned diversification in the location of structures.
 - (6) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
 - (7) To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
 - (8) To insure a quality of construction commensurate with other developments in the Township.
 - b. Any proposed PUD must meet the following qualifying conditions:
 - (1) The tract of land for which a PUD application is received must be either in one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
 - (2) The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.

- (3) To be considered as a Residential PUD the proposed development must fulfill at least one (1) of the following conditions:
 - (a) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
 - (b) The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.
 - (c) The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.

- (4) Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
 - (a) General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards:
 - i. The standards outlined in Section 14.04;
 - ii. The standards of review for Site Plan Review in Section 13.01;
 - iii. The applicable standards of this subparagraph; and
 - iv. The applicable standards as may be established elsewhere in this Ordinance.

 - (b) Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to insure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval, and shall be enforced by the Zoning Administrator.

3. Application Procedures.

- a. An application for a PUD shall be submitted, and acted upon as a Special Land Use in accordance with the requirements of Chapter 14, and as noted in this subparagraph.

- b. In addition to the requirements of a Special Land Use, an application for a PUD shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 14.07, Y, 2, and other criteria imposed by this Ordinance affecting the PUD under consideration.

- c. Review and Approval - The Planning Commission shall review the application for a PUD, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the PUD application in accordance with the purpose of this Section, and the criteria for approval stated in Section 14.07, Y, 2. Other such standards contained in this Ordinance

that relate to the PUD under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.

4. Planned Unit Developments in a Residential District.
 - a. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Residential District:
 - (1) Single-family detached dwellings.
 - (2) Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the PUD.
 - (3) Multiple-family dwellings provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the PUD.
 - (4) Permitted Uses in the GC District, subject to the standards noted for non-residential uses in the PUD, Section, 14.07, Y, 5, f, and the requirements of the GC District.
 - b. Except as noted in Section 14.07, Y, 4, i, the maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one (1) Future Land Use category, the number of dwelling units shall be calculated on a proportionate basis.
 - c. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
 - d. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this Section.
 - e. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 14.07, Y, 4.
 - f. Non-Residential Uses.
 - (1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
 - (2) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - (3) Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood or the PUD.
 - (4) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - (5) Buildings designed for non-residential uses shall be constructed according to the following requirements:

- (a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - (b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

- g. Open Space - At least twenty percent (20%) of the site must be set aside, and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:
 - (1) Additional open space may be established to separate use areas within the PUD.
 - (2) Open space areas shall be large enough, and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - (3) Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.
 - (4) All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
 - (5) Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state and outline:
 - (a) that the open space is protected from all forms of development except as shown on the approved site plan;
 - (b) that the open space shall not be changed to another use without the consent of the Township;
 - (c) the proposed allowable use of the designated open space;
 - (d) that the designated open space is maintained by the parties who have an ownership interest in the open space;
 - (e) the scheduled maintenance of the open space; and,
 - (f) that the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.

- h. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.

- i. Open space preservation incentive - In order to preserve the maximum amount of open space, for PUDs in a Residential District, an increase in the total number of dwelling units may be permitted, according to the following requirements:
 - (1) PUDs providing at least thirty-five percent (35%) of open space in an undisturbed state shall be entitled an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
 - (2) PUDs providing between thirty-six percent (36%), and fifty percent (50%) of open space in an undisturbed state shall be entitled an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.

- (3) PUDs providing fifty-one percent (51%) of open space in an undisturbed state, or more, shall be entitled an additional twenty five percent (25%) of the number of dwelling units otherwise permitted by this Section.
 - (4) All open space provided under these provisions shall meet the following criteria:
 - (a) The open space shall not be part of any building lot included in the development.
 - (b) The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.
 - (c) Open space shall meet the requirements of Section 14.07, Y, 4, g.
5. PUDs in a Commercial District.
- a. The minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
 - b. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Commercial District:
 - (1) Retail Businesses where no treatment or manufacturing is required.
 - (2) Personal service establishments which perform services on the premises
 - (a) small appliance, television, radio, or watch repair shops,
 - (b) tailor shops,
 - (c) beauty salons or barber shops,
 - (d) photographic studios, and
 - (e) self-service laundries and pick-up dry cleaners.
 - (3) Banks, credit unions, and other financial institutions.
 - (4) Office buildings.
 - (5) Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
 - (6) Accessory buildings and uses customarily incidental to the foregoing uses.
 - c. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
 - d. Open space in a Commercial District, if provided, shall submit a conveyance as outlined in Sec. 14.07, Y, 4, g, (5).
7. PUDs in an Industrial District.
- a. The minimum area required for a parcel to be considered as an Industrial PUD shall be no less than ten (10) contiguous acres.
 - b. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in an Industrial District:
 - (1) Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.

- (2) Research and development facilities, including production activities which shall be limited to fifty (50) percent of the floor area of the building.
 - (3) Warehousing, including refrigerated and general storage.
 - (4) Motor freight, truck, and warehousing business.
 - (5) Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
 - (6) Related essential public services ancillary to the Industrial PUD.
 - (7) Accessory buildings and uses customarily incidental to the foregoing uses.
- c. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
 - d. Open space in PUDs in an Industrial District.
 - (1) A buffer strip, at least seventy-five (75) feet wide shall surround the site.
 - (2) No development shall be permitted in this buffer strip, except for street, utility easements, or driveways.
 - (3) This buffer strip shall exempt PUDs with an underlying Industrial District from the open space requirements in Section 14.07, Y, 4, g.
7. Required Conditions.
- a. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
 - b. Parking is required in accordance with Chapter 13.
 - c. Signs are permitted in accordance with the requirements of Chapter 13.
- Z. Public parks and recreation areas.
- 1. The use shall be located on property with direct access to a public road.
 - 2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of one hundred fifty (150) feet from all property lines.
 - 3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
 - 4. Access driveways shall be located at least one hundred fifty (150) feet from the nearest right-of-way line of any intersecting street, and two hundred (200) feet from the nearest edge of any other driveway.
 - 5. A proper buffer or greenbelt shall be provided and maintained between the subject use, and any adjacent residential uses, as outlined in Section 3.10.
 - 6. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
 - 7. All existing and proposed buildings shall be shown.
 - 8. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.

AA. Public or private campgrounds.

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of twenty-five (25) campsites.
3. The setback of a campsite, building, or facility from the property line must be at least fifty (50) feet.
4. The property must be screened with six (6) foot fencing or proper greenbelt when adjacent to a residential use, as outlined in Section 3.10.
5. Minimum lot size of ten (10) acres is required for the first twenty-five (25) sites, and one (1) acre for each additional fifteen (15) sites, or fraction thereof.
6. A camp-store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half (½) the required amount for retail outlets, as outlined in this ordinance.

BB. Public or private schools.

1. Minimum lot size:
 - a. For Elementary schools a minimum of five (5) acres.
 - b. For Secondary schools a minimum of ten (10) acres.
 - c. For trade, martial arts, or other professional or technical schools, a minimum of one (1) acre.
2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
4. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
5. The main school building shall be one hundred (100) feet from any property line.
6. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty (50) feet from any property line.

CC. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.

1. Security fencing six (6) feet in height shall be required around all outside storage.
2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.
3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless,

and a well-drained surface.

4. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in Section 3.10.
5. Outside storage shall not be permitted in any required yard setback area, furthermore, outside storage is limited to the side and rear yards of the premises.

DD. Retail convenience shopping and personal service establishments.

1. The off street parking area shall be paved or so treated to be free from dust, and shall be well drained.
2. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in Section 3.10.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

EE. Retail sales accessory to a permitted use.

1. The retail sales are shall not constitute more than ten (10) percent of the gross floor area of the building in which the sales take place.
2. No outdoor displays shall be permitted.
3. Off-street parking shall be increased by ten (10) percent of that required for the principal use, however in any case, not fewer than three (3) additional spaces shall be required.

FF. Riding stables.

1. The minimum lot size shall be ten (10) acres.
2. The maximum horse population shall be limited to one and one-half (1 ½) horses per acre.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. Height limitations must be followed for the district.
6. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
7. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.

8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards maybe imposed by the Planning Commission to maintain the health , safety, and welfare of the Township.

GG. Roadside stands.

1. The use may be permitted for up to seven (7) months in any one (1) calendar year.
2. Only farm produce may be sold.
3. The produce sold, shall be grown on the same premises as the roadside stand sits.
4. Off-street parking must be provided as outlined in this Ordinance.

HH. Sale of farm implements and commercial construction equipment.

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust.
2. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.10.
6. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
7. Minimum lot size of two (2) acres is required.

II. Salvage yards and recycling centers.

For Salvage Yards

1. Requests for a Special Land Use approval for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage material to be received, the methods of separation or recycling, and ultimate destination of waste materials. The

- applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a paved County primary road to ensure safe, direct transport of salvage to and from the site.
 3. No portion of the storage area shall be located within five hundred (500) feet of any residential use or district, or any church, school, park, or cemetery.
 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten (10) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvaged material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates, providing an opening not to exceed twenty-four (24) feet in width. Such gates shall provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
 5. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
 6. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 8. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage material be stored at a height exceeding the height of the storage area fence or wall.
 9. Piles of material shall be limited to encompassing not more than three hundred (300) square feet in area, and a twenty (20) foot separation shall be required between each pile.
 10. All portions of the storage area shall be accessible to emergency vehicles.
 11. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide, with continuous loop drives separating each row of vehicles.
 12. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.
 13. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 14. The property shall be no less than twenty (20) acres in size.
 15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

16. The Township Board may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Winfield Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

For Recycling Centers.

1. A minimum lot size of five (5) acres is required for the use.
2. Plans and specifications shall be submitted to the Planning Commission and shall include the following:
 - a. Specific location of the facility shown on a vicinity map.
 - b. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - c. Legal description and site boundaries.
 - d. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - e. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the township's waste water treatment facility.
 - f. The location of all structures and equipment.
 - g. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - h. The location of existing proposed utilities available to the site.
 - i. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - j. Daily clean up procedures.
 - k. Other details necessary as required by the Planning Commission.
3. A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight (8) feet in height and not less than ninety percent (90%) solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
4. The site must be located on a major paved County road, and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
5. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
6. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
7. Open burning shall not be carried on in a recycling facility.
8. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.

9. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
10. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

JJ. Self-serve laundry mats.

1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.
2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

KK. Sexually oriented business.

In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

A sexually oriented business shall be permitted if:

4. The use is located within a zone district where the use requires Special Land Use approval.
5. The use is not located within a one thousand (1,000) foot radius of another such use except that such restrictions may be waived by the Township Board, if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - c. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - d. That all applicable state laws and local ordinances will be observed.
 - e. Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of

the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
4. No sexually oriented business shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
5. No alcohol shall be served at any sexually oriented business.
6. No sexually oriented business shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
7. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
8. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any school, church, or park, and five hundred (500) feet from any residential use or zoning district, measured from lot line to lot line.

LL. Storage yards for contractor's equipment.

1. The storage area shall be within a totally enclosed building; or in the rear yard of the property inside a six (6) foot high solid fence or wall.
2. No repairs on the equipment shall be permitted, except as outlined in Section 3.10.
3. The use shall be adjacent to, and have direct access to a paved public road.
4. The area where the equipment is stored, and any driveways on the site, shall be paved, or treated so as to prevent dust.

MM. Tool, die, gauge, and machine shops.

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential district or use property line.
2. Access driveways shall be located no less than seventy five (75) feet from the nearest part of the intersection of any street or any other driveway.

NN. Transportation terminals.

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.

4. The lot area used for parking or display shall be paved or treated so as to prevent dust.
5. The parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.10.
7. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
8. The minimum required lot area shall be two (2) acres with a minimum lot width of two hundred (200) feet.
9. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

OO. Two-family dwellings.

1. Minimum lot area of two (2) acres for each two-family dwelling.
2. A minimum lot width of two-hundred (200) feet for each two-family dwelling.
3. Building setbacks and height requirements shall comply with the requirements for single-family dwellings as required for the District in which the use is located.
4. Two (2) off-street parking spaces shall be provided for each dwelling unit.
5. The building shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.

PP. Vehicle wash establishment.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district line.
3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. Where adjoining residentially zoned or used property, a proper buffer or greenbelt shall be installed and maintained, as outlined in Section 3.10.

QQ. Vehicle service establishments.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district.
2. Minimum lot area shall be one (1) acre, and minimum lot width shall be one hundred fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition. This area shall be paved with asphalt or concrete, and shall be no larger than five thousand (5,000) square feet.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 4.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
8. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

RR. Vehicle sales areas

Such uses shall meet all applicable provisions, as determined by the Zoning Administrator, for Vehicle Service Establishments, as outlined in subsection 14.07, QQ, above.

SS. Veterinary hospitals and clinics.

Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for Kennels, as outlined in subsection 14.07, Q, above.

TT. Warehousing facilities.

1. No parking shall be allowed within fifty (50) feet of a residence, or residential district.
2. The site shall be screened from all adjacent residential uses or districts.
3. All refuse containers shall be screened on at least three (3) sides, and located on a concrete pad.
4. No outdoor storage of any kind shall occur in the parking or site area.
5. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.

6. Security entry shall be required, restricting access to operators and users of the facility.
7. The use must be conducted in a building which fully encloses all activities.

UU. Wireless communication towers and radio and television broadcast towers.

The applicant must demonstrate that the construction of a new tower is necessary to best suit the applicant's needs, rather than placing an antenna on an existing tower, spire, or municipal structure. If the Township Board is convinced no other method is applicable, the following standards must be met:

1. Minimum lot area of one and one-half (1½) acres.
2. The tower and any other related appurtenances shall be fenced with a six (6) foot high fence.
3. The tower base must be at least one hundred (100) feet from any lot line.
4. The maximum height of the tower shall be three hundred (300) feet.
5. The tower facility shall be equipped to accommodate at least three (3) antennae, to encourage co-location.

X. Sawmills.

A sawmill includes any equipment set up to cut and/ or process logs or timber that is not portable and/or requires a special permit to be moved along a public roadway. Any sawmill will be required to meet or exceed the following non-exclusive list of restrictions:

1. The lot area upon which a sawmill may be established shall be no less than five (5) acres.
2. Any entity desiring to establish a sawmill within the district must adhere to the Agricultural District (AG) setback restrictions of Chapter 5, Section 504(E). In addition to any buildings on the site, the AG setback restrictions shall also include any and all raw timber, piled lumber, equipment, machinery, storage devices, and/or millings/bi-products used in relation to all sawmill operations.
3. All sawmills must ensure that stacked logs and lumber are stable to a maximum height of twenty (20) feet.
4. Dust, shavings, chips or slivers created throughout operation must have appropriate blower, collecting, exhaust and/or conveyor systems for proper refuse evacuation.
5. Hours of operation will be determined at time of site plan review.
6. Sawmills must make reasonable attempts at housing milling equipment and machinery such that the noise associated with milling operations is minimized.

Chapter 15

Zoning Board of Appeals

Section 15.01 Membership

- A. Continuation of Present Zoning Board of Appeals - The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 603 of the Michigan Zoning Enabling Act. *(amended 4/8/2010)*
- B. Composition and Terms - The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board for a three (3) year term. One (1) member shall be from the Planning Commission. The Chairperson of the Zoning Board of Appeals shall not be an elected official.
- C. Alternate Members - Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- D. Vacancies - Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- E. Officers - The Zoning Board of Appeals shall annually elect its own Chairperson, Vice Chairperson and Secretary.
- F. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, that member may consider and vote on other unrelated matters involving the same property. *(amended 4/8/2010)*

Section 15.02 Meetings

- A. Meetings - All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Two (2) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- B. Public Hearings - The Zoning Board of Appeals shall make no decision regarding a variance except after a public hearing is conducted by the Zoning Board of Appeals. Notice shall be given to all parties to the appeal stating the time and place of such hearing, and a notice shall be published in a newspaper with general circulation in the Township, no less than fifteen (15) days prior to the date of the public hearing. If the request involves a specific parcel of property, the above notice shall also be given to all owners of real property and to all occupants of structures within three hundred (300) feet of the property in question, in accordance with the Michigan Zoning Enabling Act. (*amended 4/8/2010*)

Section 15.03 Jurisdiction

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall have the authority to hear appeals from a decision made in respect to a rezoning, and in respect to a special land use request. The powers of the Zoning Board of Appeals include:

- A. Hearing of Appeals - To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing the provisions of this Ordinance.
- B. Granting of Variances - A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.
- C. Zoning Ordinance Interpretation - The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is uncertain.
- D. Granting of Temporary Uses and Buildings
1. The Zoning Board of Appeals may permit, upon proper application, temporary uses not otherwise permitted in the district. Such temporary uses shall not exceed a duration of six (6), however, the Zoning Board of Appeals may grant one (1) extension, of up to an additional six (6) concurrent months, when appropriate.
 2. The Zoning Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:
 - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property where the temporary use is permitted.
 - b. The granting of the temporary use shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

3. For temporary buildings, the procedure as outlined in Section 3.17 (Temporary Dwellings or Structures and Seasonal Dwellings), shall be followed.

Section 15.04 Decisions

- A. Procedure - An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. Filing - The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:
 1. Project Information, including:
 - a. the applicant's name;
 - b. name of the development;
 - c. the preparer's name;
 - d. north arrow;
 - e. complete and current legal description and size of property in acres; and
 - f. small scale location sketch of sufficient size and scale.
 2. Existing Features
 - a. property lines and dimensions;
 - b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
 - c. lot lines and all structures on the property, the Zoning Board of Appeals may require buildings and structures within one hundred (100) feet of the site's property lines, also be shown;
 - d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and
 3. Proposed Construction
 - a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. location and dimensions of parking spaces;
 - c. details of site circulation and access design, including:
 - i. indication of street right-of-way and pavement widths and pavement type;
 - ii. names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - iii. written verification of access easements or agreements, if applicable.

- C. Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- D. Decisions
1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance.
 2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
 3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. Record of Actions - For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all relevant material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- F. Appeals to Circuit Court - The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court , within 30 days after the decision of the Zoning Board of Appeals is certified in writing and signed by the Chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of the decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Township or the Michigan Zoning Enabling Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action. *(amended 4/8/2010)*
- G. Resubmission - No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

Section 15.05 Conditions of Approval

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act, and related to the standards by which the decision is reached. *(amended 4/8/2010)*

Section 15.06 Variance Procedures

- A. Authority for Variances - The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
- B. Granting of Non-Use Variances - A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
 - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
 - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - 5. The variance will not impair the intent and purpose of this Ordinance.
 - 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.
- C. Granting of Use Variances - A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
2. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is unique to that property and not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Such unique conditions or situations may include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - c. the use or development of the property immediately adjoining the property in question.
3. That the proposed use will not alter the essential character of the neighborhood or the intent of the Master Plan.
4. Prior to Zoning Board of Appeals decision on a request for a Use Variance, the Board of Appeals may request that the Planning Commission, upon presentation of the application by the applicant, consider such request and forward a report to the Board of Appeals. If requested by the Board of Appeals, such report shall be limited to the Planning Commission's review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification.

Section 15.07 Fees

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

Chapter 16 Administration

Section 16.01 Zoning Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:

- A. Issue Zoning Permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 16.02 Permits

- A. Zoning Permits
 - 1. No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued for such work.
 - 2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
 - 3. A record of all Zoning Permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
 - 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- B. Building Permits and Certificates of Occupancy
 - 1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit, or Zoning approval for such work has been issued by the Zoning Administrator.
 - 2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.
 - 3. Certificates of Occupancy, as required by the currently adopted Building Code for Winfield Township, shall also constitute certification of compliance with the Zoning Ordinance.
 - 4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person owning or renting the

property which is the subject of the Certificate.

- C. Fees for the inspection and issuance of Zoning Permits, Building Permits, or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Section 16.03 Enforcement

A. Violations

- 1. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this Ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.

For 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 for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- 2. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
- 3. Each day the violation occurs or continues shall be deemed a separate offense.
- 4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

B. Performance Guarantees

- 1. As a condition of approval of a site plan review, special use, or planned unit development, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- 2. Performance guarantees shall be processed in the following manner:

- a. Prior to the issuance of a Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
- b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a Zoning Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
- d. The Township Treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- e. When all of the required improvements have been completed, the obligor shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 16.04 Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one (1) or more owners of property in Winfield Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be given by at least one (1) publication notice in a newspaper of general local circulation, not less than fifteen (15) days prior to the date of said hearing. (*amended 4/8/2010*)
- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to Montcalm County for review, as provided in Zoning Act. The County shall, within thirty (30) days of receiving the request make a recommendation

to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.

- D. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be given one (1) notice in a newspaper of general circulation not more than fifteen (15) days prior to such hearing. *(amended 4/8/2010)*
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 16.05 Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 16.06 Repeal

The Zoning Ordinance adopted by Winfield Township, known as Ordinance No. , and all amendments thereto, is hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal includes the Official Zoning Map of the Winfield Township Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

Section 16.07 Enactment and Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Winfield Township. The effective date of this Zoning Ordinance is August, 2000.

Chapter 17
Open Space Development Regulations
(This chapter adopted by amendment, 07/17/02003)

Section 17.01 Description and Purpose

- A. The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD.
- B. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

Section 17.02 Qualifying Conditions

- A The tract of land for which an OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
- B The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within any Residential District. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations.
- C The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.

Section 17.03 Review Procedures

- A. Sketch Plan Approval
 - 1. To be considered as an OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.
 - 2. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or owner indicating permission to file such application.
 - b. Parallel Plan used to determine base density that meets the standards of Section 17.05, C.
 - c. Written documentation that the proposal meets the standards of Section 17.06.
 - d. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units with each phase and for the total OSD.
 - e. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - f. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - g. Ten (10) copies of a sketch plan meeting the requirements of preliminary site plans.
4. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.

B. Final Site Plan Approval

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one (1) or more phases.
3. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such an application.
 - b. Written documentation that the proposal meets the standards of Section 17.06.
 - c. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.

- d. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - e. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - f. Ten (10) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 17.05.
- 5. Failure to submit a final site plan for approval with the one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
 - 6. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.
 - 7. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the final site plan for the OSD. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, approval of the OSD.
 - 8. Major Changes in the final site plan shall be submitted to the Township pursuant to the above procedures applicable to the original application.

Section 17.04 Permitted Uses

The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:

- A. Single-family detached dwellings.
- B. Accessory buildings and uses customarily associated with single family detached dwellings.
- C. Agriculture.
- D. Private open space and recreational facilities for use by the residents of the OSD.

Section 17.05 Site Development Requirements

- A. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the OSD. Minimum floor area and height regulations for dwelling units shall conform to the Medium Density Residential District requirements.
- B. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Sections 17.05, C.
- C. Development Density
 - 1. Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which

shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
- b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

D. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:

1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
2. The OSD shall have a minimum of fifty percent (50%) open space.
3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
5. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
6. All open space shall be in the joint ownership of the property owners with the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

E. Development Setback

1. Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right of way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.

3. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
 4. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
 - a. Occupy at least seventy percent (70%) of lineal distance of the property line abutting any public street right-of-way.
 - b. Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - c. Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - d. Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
 5. OSD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- F. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved lining environment. To this end the following general guidelines will be considered by the Planning Commission and Township Board in evaluating proposed Open Space Developments.
1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
 2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas.
 3. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
 4. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their

natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.

5. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

Section 17.06 Review Standards

The following review standards will be used by the Planning Commission and Township Board in their consideration of an OSD. Before such developments may be approved the Township Board shall find:

- A. That the OSD meets the stated purposes of Section 17.01.
- B. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
- C. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
- D. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- E. That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
 1. To evaluate this review standard, the Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.
 2. Such additional information may also include the following provisions related to the objective of groundwater protection.
 - a. The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Montcalm County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - b. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the OSD.
 - c. Such additional studies may be required by the Planning Commission and/or

Township Board where one (1) or more of the following conditions are present:

- (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the OSD is to be placed, or on lots or parcels within a one (1) mile radius of the OSD site;
- (2) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the OSD site;
- (3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the OSD site.
- (4) Industrially used or zoned sites within a one (1) mile radius of the OSD site.
- (5) Existing residential development within a one (1) mile radius of the OSD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
- (6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the OSD site.
- (7) Any other condition which in the view of the Planning Commission and/or Township Board may require additional information regarding protection of groundwater.

- a. Prior to the issuance of a Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
- b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a Zoning Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
- d. The Township Treasurer will refund to the obliger portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- e. When all of the required improvements have been completed, the obliger shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

**TOWNSHIP BOARD
WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Township Board for Winfield Township held at the Township Hall on _____ and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.04 ENTITLED “DEFINITIONS – C” TO ADD THE TERM COMMERCIAL SOLAR SYSTEM; CHAPTER 2, SECTION 2.15 ENTITLED “DEFINITIONS – N” TO ADD THE TERM NONCOMMERCIAL SOLAR SYSTEM; AND CHAPTER 2, SECTION 2.19 ENTITLED “DEFINITIONS – S” TO ADD THE TERM SOLAR ENERGY SYSTEM; TO ENACT CHAPTER 3, SECTION 3.14, SUBSECTION 3.14(F) ENTITLED “NONCOMMERCIAL SOLAR SYSTEMS;” CHAPTER 3, SECTION 3.27 ENTITLED “SOLAR SYSTEMS;” CHAPTER 5, SECTION 5.05, SUBSECTION 5.05(O) ENTITLED “COMMERCIAL SOLAR SYSTEMS;” AND CHAPTER 14, SECTION 14.07, SUBSECTION 14.07(VV) ENTITLED “COMMERCIAL SOLAR SYSTEMS” OF THE ZONING ORDINANCE FOR WINFIELD TOWNSHIP.

THE TOWNSHIP OF WINFIELD (THE “TOWNSHIP”) ORDAINS:

Section 1. Amendment of Section 2.04. Chapter 2, Section 2.04 of the Zoning Ordinance for Winfield Township entitled “Definitions – C” is amended to add the term COMMERCIAL SOLAR SYSTEM as follows:

COMMERCIAL SOLAR SYSTEM - A solar energy system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for off-premises use or for the wholesale or retail sale of generated electricity to any person or entity. This term includes all solar energy systems that do not comprise a noncommercial solar system.

Section 2. Amendment of Section 2.15. Chapter 2, Section 2.15 of the Zoning Ordinance for Winfield Township entitled “Definitions – N” is amended to add the term NONCOMMERCIAL SOLAR SYSTEM as follows:

NONCOMMERCIAL SOLAR SYSTEM - A solar energy system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for on-premises use.

Section 3. Amendment of Section 2.19. Chapter 2, Section 2.19 of the Zoning Ordinance for Winfield Township entitled “Definitions – S” is amended to add the term SOLAR ENERGY SYSTEM as follows:

SOLAR ENERGY SYSTEM - Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

Section 4. Enactment of Subsection 3.14(F). Chapter 3, Section 3.14, Subsection 3.14(F) of the Zoning Ordinance for Winfield Township entitled “Noncommercial Solar Systems” is enacted and reads in its entirety as follows:

F. Noncommercial Solar Systems.

1. Noncommercial solar systems are only permitted as an accessory use.
2. The exemptions provided in paragraphs 3.14(A)(4) and 3.14(B)(5) does not apply to noncommercial solar systems.
3. Noncommercial solar systems must comply with the requirements of the zoning district in which they are located.
4. Noncommercial solar systems must comply with the following:
 - a. Photovoltaic and thermal panels must be either ground-mounted or roof-mounted:
 - i. Ground-mounted panels must comply with the following:
 - (1) Panels may not exceed a height of eight (8) feet when measured from the ground to the top of the panel when oriented at maximum tilt.
 - (2) Panels may not cover more than twenty percent (20%) of the lot upon which they are located as calculated using the total surface area of the panels when oriented parallel to the ground.
 - ii. Roof-mounted panels must comply with the following:
 - (1) Panels must be parallel to the roof surface.
 - (2) Panels must be located at least thirty-six (36) inches below the peak of the portion of the roof upon which they are mounted.

- (3) Panels must be located at least **thirty-six (36)** inches from the edge of the portion of the roof upon which they are mounted.
- b. All collection lines, wires, conduits, and cables must be located underground.
- c. Screening is required around all ground-mounted photovoltaic and thermal panels, transformers, inverters, and similar equipment. Screening may be comprised of fencing, greenery, or a combination thereof. Screening must obscure the ground-mounted photovoltaic and thermal panels, transformers, inverters, and similar equipment from the view of adjacent lots and public road rights-of-way to the greatest extent feasible.
- d. Minimum setback requirements for photovoltaic and thermal panels, transformers, inverters, or similar equipment will be equal to the principal building setback for the district in which they are located.
- e. The noise pressure level generated by a noncommercial solar system must not exceed 40 dB(A) Lmax as measured at the perimeter of the lot upon which it is located and any public road rights-of-way.
- f. Photovoltaic and thermal panels must not produce any glare that interferes with the use of neighboring lots, private roads, and public road rights-of-way.
- g. Noncommercial solar systems must be operated in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- h. A noncommercial solar system, or any part thereof, must be completely **decommissioned within one (1) year if it has been abandoned**, or not been in substantial operation for a period of **one (1) year**. This includes a noncommercial solar system, or any part thereof, that was never operational, or if construction has been substantially halted for a period of one (1) year.

Section 5. Enactment of Section 3.27. Chapter 3, Section 3.27 of the Zoning Ordinance for Winfield Township entitled “Solar Systems” is enacted and reads in its entirety as follows:

Section 3.27 Solar Systems.

- A. Unless authorized by and operated in strict compliance with the provisions of this Ordinance, noncommercial solar systems and commercial solar systems are prohibited within the Township.

- B. The purpose of the regulations in this Ordinance concerning noncommercial solar systems and commercial solar systems is to protect the health, safety, and welfare of the residents of the Township; provide for the safe, effective, efficient, and orderly operation of commercial and noncommercial solar systems within the Township; protect and preserve historic agricultural and recreational activities within the Township; protect and preserve the Township’s environmental and ecological assets, wetlands, and other ecological and environmentally sensitive areas; protect and preserve the open spaces, views, and rural aesthetics of the Township; to maintain a reasonable balance of land uses; and to provide regulations that balance the often-competing interests of property owners, their neighbors, and the community.

Section 6. Enactment of Subsection 5.03(O). Chapter 5, Section 5.05, Subsection 5.05(O) of the Zoning Ordinance for Winfield Township entitled “Commercial Solar Systems” is enacted and reads in its entirety as follows:

O. Commercial Solar Systems.

Section 7. Enactment of Subsection 14.07(VV). Chapter 14, Section 14.07, Subsection (VV) of the Zoning Ordinance for Winfield Township entitled “Commercial Solar Systems” is enacted, added to the list of special land uses, and reads in its entirety as follows:

VV. Commercial Solar Systems.

1. Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this subsection 14.07(VV):
 - a. Abandonment. A commercial solar system, or any part thereof, is abandoned if it has not been in substantial operation for a period of one (1) year. This includes a commercial solar system, or any part thereof, that was never operational, or if construction has been halted for a period of one (1) year.
2. Application Requirements. In addition to any other requirements imposed by this Ordinance, an application must contain the following:
 - a. The escrow deposit as required by paragraph VV(4).
 - b. The name, address, and phone number of the applicant, any authorized representatives of the applicant, the proposed operator if known, and the owners of the property being utilized as a part of the commercial solar system.
 - c. Project description identifying the planned capacity in megawatts; construction sequence and timeline; development phases if any; rated useful life of photovoltaic and thermal panels, transformers, and inverters; and possible future expansions.

- d. If the applicant is not the property owner, an affidavit or evidence of an agreement establishing that the applicant has the permission of the property owner to apply for the special land use.
- e. Scaled renderings depicting the three typical views of the commercial solar system, including one view from the public road rights-of-way.
- f. A Site plan showing the size and location of all proposed buildings, structures, and equipment including but not limited to transformers by type, inverters by type, and photovoltaic and thermal panels by type; required setbacks; lot lines; signage; fences; greenbelts, vegetation, and screening; drainage systems; easements; public rights-of-way; private roads; floodplains; bodies of water; lighting; proposed access routes; distribution, transmission, gen-tie, and collection lines; and land elevations. The site plan must be drawn to scale and must indicate how the commercial solar system will be connected to substations.
- g. Noise impact study and noise level map.
- h. Glare study and glare map.
- i. Environmental and ecological impact studies detailing the effect the construction and operation of the commercial solar system will have on the lots for which the commercial solar system is the principal use as well as the surrounding area and a plan for mitigating the negative environmental and ecological impacts. The impact study and mitigation plan must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, neighboring properties, utilities and infrastructure, noise, glare, light pollution, waste disposal, and any other relevant factors.
- j. Proof of environmental compliance, including compliance with Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91-Soil Erosion and Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other applicable laws and rules in force at the time the application is considered by the Planning Commission.
- k. A transportation plan for construction and operational phases of the commercial solar system including any applicable agreements with the County Road Commission and the Michigan Department of Transportation.

- l. A decommissioning plan that complies with the requirements of paragraph VV(5).
- m. A decommissioning estimate that complies with the requirements of paragraph VV(6).
- n. Any other documentation reasonably required to demonstrate the proposed commercial solar system will comply with the requirements of this Ordinance.
- o. A complete and unredacted safety manual from the manufacturer for the type of solar panels to be used.

3. Specific Requirements.

- a. Commercial solar systems are only permitted on lots twenty (20) acres in size or larger.
- b. Commercial solar systems on lots enrolled in the System Land and Open Space Preservation Program under Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324. 36101 *et seq.*), as amended, must maintain strict compliance with the applicable Michigan Department of Agriculture and Rural Development guidance and requirements.
- c. No more than 25% of any lot may be covered by buildings, structures, or equipment related to a commercial solar system. Lot coverage for photovoltaic and thermal panels will be calculated using the total surface area of the panels when oriented parallel to the ground.
- d. Photovoltaic and thermal panels must be ground-mounted and may not exceed a height of twelve (12) feet when measured from the ground to the top of the panel when oriented at maximum tilt.
- e. All above-ground buildings, structures, and equipment must be setback a minimum of 150 feet from all lot lines and a minimum of 150 feet from all public road rights-of-way. Setback from photovoltaic and thermal panels will be calculated from the edge of the panels when oriented parallel to the ground. If the commercial solar system is the principal use for adjoining lots, the setbacks requirements of this subparagraph 3(e) do not apply to the lot lines shared by those lots for which the commercial solar system is the principal use. Setback requirements of this subparagraph 3(e) do not apply to perimeter fencing and greenbelt screening.

- f. Inverters and transformers must be setback a minimum of 500 feet from all lot lines and a minimum of 500 feet from all public road rights-of-way. If the commercial solar system is the principal use for adjoining lots, the setbacks requirements of this subparagraph 3(f) do not apply to the lot lines shared by those lots for which the commercial solar system is the principal use.
- g. Greenbelt screening is required around the perimeter of the commercial solar system and along any public road rights-of-way.
 - i. Greenbelt screening must obscure the commercial solar system buildings, structures, and equipment to the greatest extent feasible. The greenbelt must consist of shrubbery, trees, grasses, and other plant species that provide a visual screen. All greenbelt screening must be properly maintained. Existing vegetation will be maintained to the greatest extent possible.
 - ii. The greenbelt must consist of at least three staggered rows of evergreen trees that are at least six (6) feet tall at the time of planting. Trees will be spaced in a manner that facilitates healthy growth and maximizes visual screening. Space between trees will not exceed twelve (12) feet.
 - iii. The Township Board may waive or modify the requirements of subparagraph 3(g)(ii) as a condition of approval if it finds that existing vegetation or other proposed greenbelt planting fulfills the requirements of subparagraph 3(g)(i). The Township Board may require a performance guarantee in order to ensure compliance with the requirements of subparagraph 3(g).
- h. Lighting of the commercial solar system must be limited to the minimum light necessary for safe operations. Illumination from any lighting must not extend beyond the perimeter of the lots comprising the commercial solar system.
- i. The commercial solar system must not produce any glare that interferes with the use of neighboring lots, private roads, or public rights-of-way.
- j. The commercial solar system must be enclosed by perimeter fencing that meets the requirements of the National Electric Code, as amended. Perimeter fencing must be located inside the greenbelt screening. Barbed wire is prohibited in perimeter fencing. There must be a minimum of three gated points of entry along the perimeter of the commercial solar system in order to provide multiple points of entry for emergency services personnel.
- k. The noise pressure level generated by the commercial solar system must

not exceed 45 dB(A) Lmax as measured at the perimeter of the lots for which the principal use is the commercial solar system or any public road rights-of-way. If the commercial solar system is the principal use for adjoining lots, the setbacks requirements of this subparagraph 3(k) do not apply to the lot lines shared by those lots for which the commercial solar system is the principal use.

- l. All collection lines, wires, conduits, and cables must be located underground. Distribution, transmission, and gen-tie lines within the commercial solar system may only be located above-ground when required by the State of Michigan or federal agency having jurisdiction.
- m. Knox boxes containing keys, contact information, and commercial solar system schematics must be provided at all gated entrances for emergency personnel access.
- n. Commercial solar systems must obtain and operate in accordance with all applicable governmental permits and approvals.
- o. Commercial solar systems must operate in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- p. The lots for which the principal use is the commercial solar system must be planted and maintained to achieve an overall score of at least 76 on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites, as amended. Excluding the greenbelt area, any plantable portion of the lots not included in pollinator plantings must be maintained in accordance with United States Department of Agriculture - Natural Resource Conservation Service Conservation Cover Standard 327, as amended.
- q. All existing drain tile must be properly maintained in working order.

4. Escrow Account.

- a. The applicant must fund an escrow account with the Township at the time of application.
- b. The escrow account must remain funded for sixty (60) calendar days following the Township Board's final determination regarding the special land use application.
- c. The escrow account amount will be determined from time-to-time by resolution of the Township Board and is intended to cover the Township's cost regarding technical or legal matters related to the processing of the application.
- d. The Township may draw upon the escrow account to cover the Township's actual costs regarding technical or legal matters related to

the processing of the application.

- e. The applicant will be entitled to the return of all unused funds of the escrow account sixty (60) calendar days following the Township Board's final determination on the application.
- f. If the Township requires the applicant to replenish the escrow account and the applicant fails to do so within fourteen calendar days after receiving notice, the application will be deemed abandoned and the Township will take no further action regarding the application.
- g. The escrow account will be maintained by the Township consistent with the applicable Government Accounting Standard Board requirements. The Township may deposit escrow funds into any Township account with a depository financial institution. The Township need not segregate the escrow funds or deposit the escrow funds into an interest-bearing account. The applicant will not be entitled to any interest on the escrow funds.

5. Decommissioning.

- a. A commercial solar system, or any part thereof, must be fully decommissioned within 180 calendar days of abandonment.
- b. Decommissioning requires the complete removal and disposal of all commercial solar system components, including but not limited to, buildings, structures, equipment to include photovoltaic and thermal panels, transformers, and inverters; signage; fences; transmission, distribution, and collection lines; other lines, wires, conduits, and cables. The removal of greenbelt screening is not required. Within one growing season, the lots previously comprising the commercial solar system must be planted with perennials that will stabilize the soil and prevent soil erosion.
- c. The Township may draw upon the security posted pursuant to paragraph VV(6) and complete the decommissioning if the decommissioning as required by this paragraph VV(5) is not timely completed.

6. Decommissioning Financial Security.

- a. To ensure the proper and timely decommissioning of the commercial solar system, the property owner must maintain financial security from the issuance of the special land use permit through the completion of the commercial solar system's final decommissioning.
- b. The security must be in the form of 1) a noncancellable surety bond on terms and from a financial institution acceptable to the Township

naming the Township as the sole beneficiary or 2) an irrevocable letter of credit on terms and from a financial institution acceptable to the Township naming the Township as the sole beneficiary. The duration of the security will be termed to the completion of the decommissioning of the commercial solar system as required by paragraph VV(5).

- c. The amount of security will be determined by the Township Board on a case-by-case basis and will reasonably approximate the cost of decommissioning that portion of the commercial solar system on the property in question. Such security amount will not include salvage values. The applicant will provide the Township with an initial decommissioning estimate at the time of application.
- d. The security will be reviewed every five years by the Township Board. The property owner will provide the Township Board with a then-current decommissioning estimate. Any increase or modification to the security must be provided to the Township within thirty calendar days of request.
- e. Required financial security must be filed with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

7. Insurance Requirements.

- a. The property owner must maintain the following insurance coverage naming the Township as an additional insured from the issuance of the special land use permit through the completion of the commercial solar system's final decommissioning.
 - i. Commercial general liability insurance in an amount not less than Two Million Dollars (\$2,000,000.00) for injury or damage arising out of a single occurrence.
 - ii. Liability insurance for sudden and accidental pollution and environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- b. Insurance coverage must be on terms reasonably acceptable to the Township. The certificate of insurance must list the Township as the certificate holder and additional insured. The certificate of insurance must contain a clause stating that coverage may not be canceled, revoked, or modified without a minimum of thirty days' notice to the Township.

- c. The required insurance must be on file with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

8. Penalty.

- a. A violation of this subsection 14.07(VV) or a condition of a commercial solar system special land use permit constitutes a municipal civil infraction punishable by a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) in addition to costs of prosecution and any other costs permitted at law.

Section 8. Conflict.

- A. Except as otherwise expressly stated herein, nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with federal law, or any law of the State of Michigan.

Section 9. Repealer.

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, repealed.

Section 10. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Section 11. Effective Date.

This Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Township Supervisor

Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Winfield Township Board at the date, time, and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

Township Clerk

Planning Commission Hearing:
Adopted:
Published:
Effective:

**TOWNSHIP BOARD
WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Township Board for Winfield Township held at the Township Hall on _____ and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.02 ENTITLED “DEFINITIONS – A;” CHAPTER 2, SECTION 2.04 ENTITLED “DEFINITIONS – C;” CHAPTER 2, SECTION 2.15 ENTITLED “DEFINITIONS – N;” AND CHAPTER 2, SECTION 2.23 ENTITLED “DEFINITIONS – W;” TO ENACT CHAPTER 3, SECTION 3.14, SUBSECTION 3.14(G) ENTITLED “ANEMOMETER TOWERS;” CHAPTER 3, SECTION 3.14, SUBSECTION 3.14(H) ENTITLED “NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEMS;” CHAPTER 3, SECTION 3.28 “WIND ENERGY CONVERSION SYSTEMS;” CHAPTER 5, SECTION 5.03, SUBSECTION 5.03(P) ENTITLED “COMMERCIAL WIND ENERGY CONVERSION SYSTEMS;” AND CHAPTER 14 SECTION 14.07, SUBSECTION 14.07(WW) ENTITLED “COMMERCIAL WIND ENERGY CONVERSION SYSTEMS” OF THE ZONING ORDINANCE FOR WINFIELD TOWNSHIP.

THE TOWNSHIP OF WINFIELD (THE “TOWNSHIP”) ORDAINS:

Section 1. Amendment of Section 2.02. Chapter 2, Section 2.02 of the Zoning Ordinance for Winfield Township entitled “Definitions – A” is amended to add the term ANEMOMETER TOWER as follows:

ANEMOMETER TOWER - A structure, including all guy wires and accessory facilities, that has been constructed for the purpose of mounting an anemometer or similar equipment to collect and document wind data.

Section 2. Amendment of Section 2.04. Chapter 2, Section 2.04 of the Zoning Ordinance for Winfield Township entitled “Definitions – C” is amended to add the term COMMERCIAL WIND ENERGY CONVERSION SYSTEM as follows:

COMMERCIAL WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for off-premises use or for the wholesale or retail sale of generated electricity to any person or entity. This term includes all wind energy conversion systems that do not comprise a noncommercial wind energy conversion system.

Section 3. Amendment of Section 2.15. Chapter 2, Section 2.15 of the Zoning Ordinance for Winfield Township entitled “Definitions – N” is amended to add the term NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM as follows:

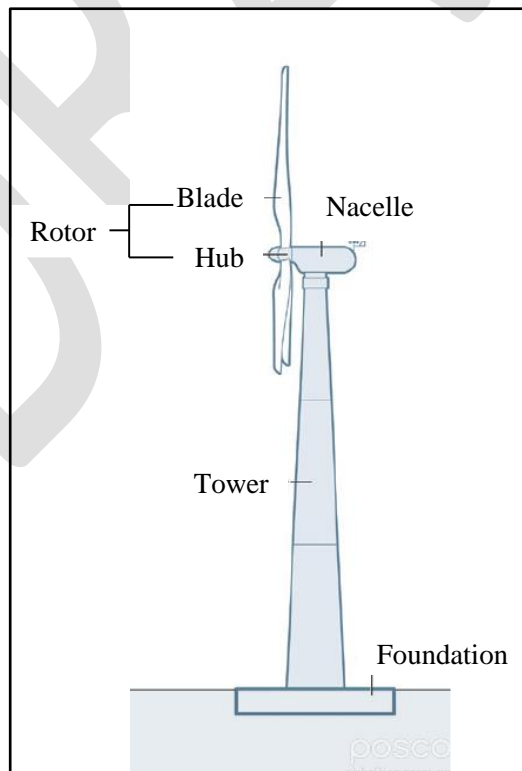
NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system and any related buildings, structures, and equipment for which the principal design, purpose, or use is to provide energy for on-premises use.

Section 4. Amendment of Section 2.23. Chapter 2, Section 2.23 of the Zoning Ordinance for Winfield Township entitled “Definitions – W” is amended and reads in its entirety as follows:

WASTE DUMPSTER - A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

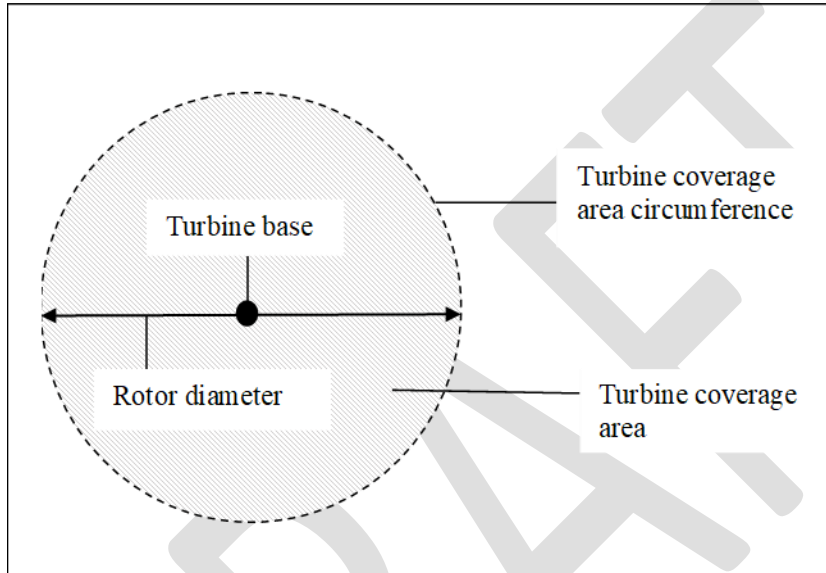
WIND ENERGY CONVERSION SYSTEM - Any part of a system, including but not limited to wind turbines, inverters, transformers, lines, wires, conduit, and cables that convert wind energy into electricity or any other form of usable energy, stores such electricity or any other form of usable energy, or transfers such electricity or any other form of usable energy.

WIND TURBINE - A device that converts wind energy into electrical energy. A wind turbine is generally comprised of a foundation, tower, rotor hub, rotor blades, and nacelle. See below figure.



WIND TURBINE COVERAGE AREA (Turbine coverage area) - The total area within a circle, that when viewed from above the wind turbine, is centered on the wind turbine base with a diameter equal to the rotor diameter. See below figure.

The term **WIND TURBINE COVERAGE AREA CIRCUMFERENCE (Turbine coverage area circumference)** - The circumference of the wind turbine coverage area. See below figure.

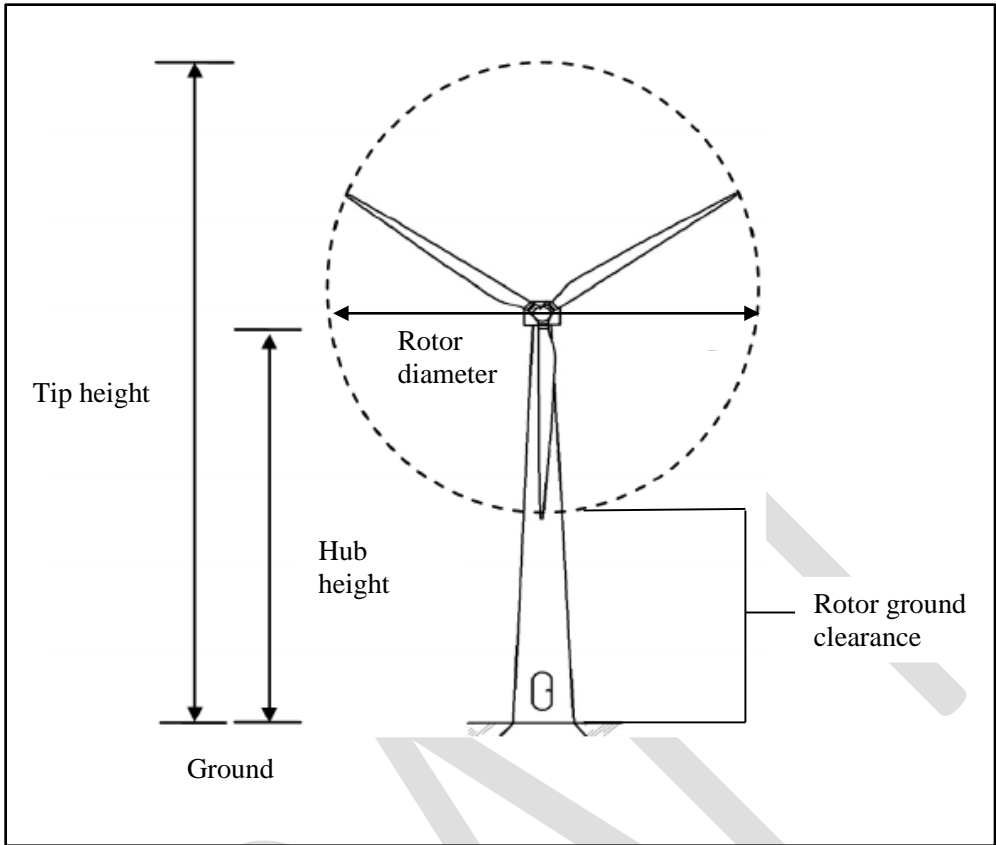


WIND TURBINE ROTOR DIAMETER (Rotor diameter) - The diameter of the circle swept by the wind turbine blades. See below figure.

WIND TURBINE ROTOR GROUND CLEARANCE (Rotor ground clearance) - The distance as measured from the ground to the tip of the rotor blade at its lowest vertical position. See below figure.

WIND TURBINE HUB HEIGHT (Hub height) - The distance as measured from the ground to the center of the rotor hub. See below figure.

WIND TURBINE TIP HEIGHT (Tip height) - The distance as measured from the ground to tip of the rotor blade at its most upright vertical position. See below figure.



WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 5. Enactment of Subsection 3.14(G). Chapter 3, Section 3.14, Subsection 3.14(G) of the Zoning Ordinance for Winfield Township entitled “Anemometer Towers” is enacted and reads in its entirety as follows:

G. Anemometer Towers

1. Anemometer towers are only permitted as an accessory use in the following districts: AG – Agricultural and RR – Rural Residential.
2. The maximum height of anemometer tower shall not exceed 300 feet.
3. The exemptions provided in paragraphs 3.14(A)(4) and 3.14(B)(5) do not apply to anemometer towers.
4. Anemometer towers shall comply with the requirements of the zoning district in which they are located.

5. Minimum setback requirements for anemometer towers **must be a minimum of 1.1x the tip height of the tower.**

Section 6. Enactment of Subsection 3.14(H). Chapter 3, Section 3.14, Subsection H is of the Zoning Ordinance entitled “Noncommercial Wind Energy Conversion Systems” is enacted and reads in its entirety as follows:

H. Noncommercial Wind Energy Conversion Systems.

1. Noncommercial wind energy conversion systems are only permitted as an accessory use in the following districts: AG – Agricultural and RR – Rural Residential.
2. The exemptions provided in paragraphs 3.14(A)(4) and 3.14(B)(5) do not apply to noncommercial wind energy conversion systems.
3. Noncommercial wind energy conversion systems must comply with the requirements of the zoning district in which they are located.
4. Noncommercial wind energy conversion systems must comply with the following:
 - a. Wind turbines must be ground-mounted.
 - b. Wind turbines must have a minimum ground clearance of ten **(15) feet.**
 - c. Tip height may not exceed **100 feet.**
 - d. Minimum setback requirements for wind turbines, transformers, inverters, or similar equipment will be equal to the greater of the principal building setback for the district in which they are located, or twice the height of the wind turbine, transformer, inverter, or similar equipment in question, **or per the recommendation of the manufacturer as listed in the safety manual, whichever is greater.**
 - e. Noncommercial wind energy conversion systems must comply with all setback, height, and lot coverage requirements for the district in which they are located. Wind turbine coverage area will be included in any lot coverage calculations. Wind turbine setbacks will be measured from the lot line to the turbine area circumference.
 - f. All collection lines, wires, conduits, and cables must be located underground.
 - g. The noise pressure level generated by a noncommercial wind energy conversion system must not exceed 45 dB(A) Lmax as measured at the

perimeter of the lot upon which it is located and any public road rights-of-way.

- h. Wind turbines must be painted with a single, subdued, non-reflective, matte finish.
- i. Noncommercial wind energy conversion systems must be operated in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- j. A noncommercial wind energy conversion system, or any part thereof, must be completely **decommissioned within one (1) year if it has been abandoned**, or not been in substantial operation for a period of one (1) year. This includes a noncommercial wind energy conversion system, or any part thereof, that was never operational, or if construction has been substantially halted for a period of one (1) year.

Section 7. Enactment of Section 3.28. Chapter 3, Section 3.28 of the Zoning Ordinance for Winfield Township entitled “Wind Energy Conversion Systems” is enacted and reads in its entirety as follows:

Section 3.28 Wind Energy Conversion Systems.

- A. Unless authorized by and operated in strict compliance with the provisions of this Ordinance, anemometer towers, noncommercial wind energy conversion systems, commercial wind energy conversion systems are prohibited within the Township.
- B. The purpose of the regulations in this Ordinance concerning anemometer towers and wind energy conversion systems is to protect the health, safety, and welfare of the residents of the Township; provide for the safe, effective, efficient, and orderly operation of commercial and noncommercial wind energy conversion systems within the Township; protect and preserve historic agricultural and recreational activities within the Township; protect and preserve the Township’s environmental and ecological assets, wetlands, and other ecological and environmentally sensitive areas; protect and preserve the open spaces, viewscales, and rural aesthetics of the Township; to maintain a reasonable balance of land uses; and to provide regulations that balance the often-competing interests of property owners, their neighbors, and the community.

Section 8. Enactment of Section 5.03(P). Chapter 5, Section 5.03, Subsection 5.03(P) of the Zoning Ordinance for Winfield Township “Commercial Wind Energy Conversion Systems” is enacted and reads in its entirety as follows:

P. Commercial Wind Energy Conversion Systems.

Section 9. Enactment of Subsection 14.07(WW). Chapter 14 Section 14.07, Subsection WW of

the Zoning Ordinance for Winfield Township entitled “Commercial Wind Energy Conversion Systems” is enacted, added to the list of special land uses, and reads in its entirety as follows:

WW. Commercial Wind Energy Conversion Systems.

1. Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this subsection 14.07(WW):
 - a. Abandonment. A commercial wind energy conversion system, or any portion thereof, is abandoned if it has not been in substantial operation for a period of one (1) year. This includes a commercial wind energy conversion system, or any part thereof, that was never operational, or if construction has been halted for a period of one (1) year.
2. Dual Principal Use.

Commercial wind energy conversion systems are permitted as a dual principal use in conjunction with the following principal uses: crop farming, animal or fowl husbandry, greenhouses and nurseries, and mining of natural resources (excluding forest-related programs).

3. Application Requirements. In addition to any other requirements imposed by this Ordinance, an application must contain the following:
 - a. The escrow deposit as required by paragraph WW(5).
 - b. The name, address, and phone number of the applicant, any authorized representatives of the applicant, the proposed operator if known, and the owners of the property being utilized as a part of the commercial wind energy conversion system.
 - c. Project description identifying the planned capacity in megawatts; construction sequence and timeline; development phases if any; rated useful life of wind turbines, transformers, and inverters; and possible future expansions.
 - d. If the applicant is not the property owner, an affidavit or evidence of an agreement establishing that the applicant has the permission of the property owner to apply for the special land use.
 - e. Scaled renderings depicting the three typical views of the commercial wind energy conversion system, including one view from the public road rights-of-way.
 - f. A site plan showing the size and location of all proposed buildings, structures, and equipment including but not limited to transformers by type, inverters by type, wind turbines by type; required setbacks; lot

lines; signage; fences; vegetation; drainage systems; easements; public rights-of-way; private roads; floodplains; bodies of water; lighting; proposed access routes; distribution, transmission, gen-tie, and collection lines; and land elevations. The site plan must be drawn to scale and must indicate how the commercial wind energy conversion systems will be connected to substations.

- g. Noise impact study and noise level map.
- h. Shadow flicker study and map.
- i. Electromagnetic signal interference study and map.
- j. Environmental and ecological impact studies detailing the effect the construction and operation of the commercial wind energy conversion systems will have on the lots for which the wind energy conversion system is the principal use as well as the surrounding area and a plan for mitigating the negative environmental and ecological impacts. The impact study and mitigation plan must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, drainage, areas of aesthetic or historic importance, archeological or cultural concerns, neighboring properties, utilities and infrastructure, noise, light pollution, shadow flicker, waste disposal, and any other relevant factors.
- k. Proof of environmental compliance, including compliance with Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91-Soil Erosion and Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other applicable laws and rules in force at the time the application is considered by the Planning Commission.
- l. Demonstrated consultation with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines.
- m. A transportation plan for construction and operational phases of the commercial wind energy conversion systems including any applicable agreements with the County Road Commission and the Michigan Department of Transportation.
- n. A decommissioning plan that complies with the requirements of paragraph WW(6).
- o. A decommissioning estimate that complies with the requirements of paragraph WW(7).

- p. Any other documentation reasonably required to demonstrate the proposed commercial wind energy conversion systems will comply with the requirements of this Ordinance.
- q. A complete and unredacted safety manual from the manufacturer for the type of wind turbines to be used.

4. Specific Requirements.

- a. Commercial wind energy conversion systems are only permitted on lots twenty (20) acres in size or larger.
- b. Commercial wind energy conversion systems on property enrolled in the Farm Land and Open Space Preservation Program under Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994 (MCL 324. 36101 *et seq.*), as amended, must maintain strict compliance with the applicable Michigan Department of Agriculture and Rural Development guidance and requirements.
- c. No more than twenty-five percent (25%) of any lot may be covered by structures or buildings related to a wind energy conversion system. Wind turbine coverage area will be used when calculating the coverage area for individual wind turbines.
- d. Wind turbines may not exceed a maximum tip height of 300 feet.
- e. Wind turbines must have a minimum ground clearance of 100 feet.
- f. Wind turbines must be spaced in accordance with the manufacturer's recommendations.
- g. Wind turbines must be painted with a single, subdued, non-reflective, matte finish.
- h. Wind turbines must be equipped with automatic braking, governing, or feathering systems consistent with industry best practices to prevent uncontrolled rotation or over-speeding.
- i. Wind turbines must have lightning protection consistent with industry best practices.
- j. Wind turbines must be equipped with ice-detection and ice-prevention or de-icing technology consistent with industry best practices in order to prevent unsafe operation and ice throws.

- k. Total shadow flicker must not exceed **20 hours per year or 5 minutes per day, whichever is less**, on any lot for which the principal use is not a commercial wind energy conversion system or at any one point on a public right-of-way **or dwelling on a non-participating lot**.
- l. All above-ground structures and equipment including but not limited wind turbines, transformers, and inverters must be setback a minimum of **750 feet** from all lot lines and a minimum of **750 feet** from all public rights-of-way, **or per the recommendation of the manufacturer as listed in the safety manual, whichever is greater**. Wind turbine setbacks will be measured from the lot line to the turbine area circumference. If a commercial wind energy conversion system is a principal use for more than one lot, the setbacks requirements of this subparagraph 3(l) do not apply to the lot lines shared by those lots for which a commercial wind energy conversion system is a principal use.
- m. All above-ground structures and equipment including but not limited wind turbines, transformers, and inverters must be setback a minimum of two (2) miles from all lots with frontage on Winfield Lake or Indian Lake. Wind turbine setbacks will be measured from lot line to the turbine area circumference.
- n. **Lighting and ADLS. A lighting plan for the commercial wind energy conversion system must be submitted by an applicant. Such plans must describe all lighting that will be utilized for a proposed project. Such a plan shall include the planned number and location of lights, light color, and whether any lights will be flashing. All lighting must comply with FAA regulations and shall be consistent with any requirements from other governing local, state, or federal agencies. As part of the lighting plan, applicants must submit the detailed plans to install an Aircraft Detection Lighting System (ADLS) that manages the proposed commercial wind energy conversion system lighting to reduce illumination when unnecessary unless an applicant demonstrates that an applicable local, state, or federal rule or law prohibits use of an ADLS on a particular project. All Wind Energy Facilities must be equipped with an ADLS to minimize lighting unless prohibited by governing law. Lighting must be wildlife friendly to the extent feasible.**
- o. The noise pressure level generated by the commercial wind energy conversion system must not exceed 45 dB(A) Lmax as measured at the perimeter of the lots for which a principal use is the commercial wind energy conversion system or any public road rights-of-way. If a commercial wind energy conversion system is a principal use for more than one lot, the setbacks requirements of this subparagraph 4(p) do not apply to the lot lines shared by those lots for which a commercial wind energy conversion system is a principal use.

- p. All collection lines, wires, conduits, and cables must be located underground. Distribution, transmission, and gen-tie lines within the commercial wind energy conversion system may only be located above-ground when required by the State of Michigan or federal agency having jurisdiction.
- q. Knox boxes containing keys, contact information, and commercial wind energy conversion system schematics must be provided at all gated entrances for emergency personnel access.
- r. Commercial wind energy conversion systems must obtain and operate in accordance with all applicable governmental permits and approvals.
- s. Commercial wind energy conversion systems must be constructed and operate in accordance with all applicable laws, ordinances, codes, rules, and regulations.
- t. Commercial wind energy conversion systems must be constructed and operated in a manner that does not produce unreasonable negative environmental and ecological impacts.
- u. Commercial wind energy conversion systems must be constructed and operated in a manner that does not produce unreasonable electromagnetic interference.
- v. All existing drain tile must be properly maintained in working order.
- w. All portions of the wind energy conversion system must be upgraded with new technology as it becomes available, as to reduce noise, visual impacts, shadow flicker, ice throw or any other potential safety hazards.

5. Escrow Account.

- a. The applicant must fund an escrow account with the Township at the time of application.
- b. The escrow account must remain funded for sixty (60) calendar days following the Township Board's final determination regarding the special land use application.
- c. The escrow account amount will be determined from time-to-time by resolution of the Township Board and is intended to cover the Township's cost regarding technical or legal matters related to the processing of the application.
- d. The Township may draw upon the escrow account to cover the Township's actual costs regarding technical or legal matters related to

the processing of the application.

- e. The applicant will be entitled to the return of all unused funds of the escrow account sixty (60) calendar days following the Township Board's final determination on the application.
- f. If the Township, requires the applicant to replenish the escrow account and the applicant fails to do so within fourteen calendar days after receiving notice, the application will be deemed abandoned and the Township will take no further action regarding the application.
- g. The escrow account will be maintained by the Township consistent with the applicable Government Accounting Standard Board requirements. The Township may deposit escrow funds into any Township account with a depository financial institution. The Township need not segregate the escrow funds or deposit the escrow funds into an interest-bearing account. The applicant will not be entitled to any interest on the escrow funds.
- h. The Township may draw upon the escrow account to fund any necessary upgrades as required by paragraph WW(4).

6. Decommissioning.

- a. A commercial wind energy conversion system, or any part thereof, must be fully decommissioned within 180 calendar days of abandonment.
- b. Decommissioning requires the complete removal and disposal of all commercial wind energy conversion system components, including but not limited to, buildings, structures, equipment to include transformers, inverters, wind turbines, wind turbine foundations; signage; fences; transmission, distribution, and collection lines; other lines, wires, conduits, and cables. Within one growing season, the portion of the lots previously comprising the commercial wind energy conversion system from which buildings, structures, and equipment have been removed or where the soil was otherwise disturbed must be planted with perennials that will stabilize the soil and prevent soil erosion.
- c. The Township may draw upon the security posted pursuant to paragraph WW(7) and complete the decommissioning if the decommissioning as required by this paragraph WW(6) is not timely completed.

7. Decommissioning Financial Security.

- a. To ensure the proper and timely decommissioning of the commercial wind energy conversion system, the property owner must maintain

financial security from the issuance of the special land use permit through the completion of the commercial wind energy conversion system's final decommissioning.

- b. The security must be in the form of 1) a noncancellable surety bond on terms and from a financial institution acceptable to the Township naming the Township as the sole beneficiary or 2) an irrevocable letter of credit on terms and from a financial institution acceptable to the Township naming the Township as the sole beneficiary. The duration of the security will be termed to the completion of the decommissioning of the commercial wind energy conversion system as required by paragraph WW(6).
- c. The amount of security will be determined by the Township Board on a case-by-case basis and will reasonably approximate the cost of decommissioning that portion of the commercial wind energy conversion system on the property in question. Such security amount will not include salvage values. The applicant will provide the Township with an initial decommissioning estimate at the time of application.
- d. The security will be reviewed every five years by the Township Board. The property owner will provide the Township Board with a then-current decommissioning estimate. Any increase or modification to the security must be provided to the Township within thirty calendar days of request.
- e. Required financial security must be filed with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

8. Insurance Requirements.

- a. The property owner must maintain the following insurance coverage naming the Township as an additional insured from the issuance of the special land use permit through the completion of the commercial wind energy conversion system's final decommissioning.
 - i. Commercial general liability insurance in an amount not less than Two Million Dollars (\$2,000,000.00) for injury or damage arising out of a single occurrence.
 - ii. Liability insurance for sudden and accidental pollution and environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.

- b. Insurance coverage must be on terms reasonably acceptable to the Township. The certificate of insurance must list the Township as the certificate holder and additional insured. The certificate of insurance must contain a clause stating that coverage may not be canceled, revoked, or modified without a minimum of thirty days' notice to the Township.
- c. The required insurance must be on file with the Township Clerk following approval of the special land use, but prior to the issuance of any special land use permit or commencement of the approved use.

9. Penalty.

- a. A violation of this subsection 14.07(WW) or a condition of a commercial wind energy conversion system special land use permit constitutes a municipal civil infraction punishable by a fine of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) in addition to costs of prosecution and any other costs permitted at law.

Section 10. Conflict.

- A. Except as otherwise expressly stated herein, nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with federal law, or any law of the State of Michigan.

Section 11. Repealer.

- A. Ordinance No. _____ entitled "AN ORDINANCE TO IMPOSE A MORATORIUM ON THE CONSTRUCTION AND OPERATION OF OFFSITE WIND ENERGY SYSTEMS, WIND ENERGY FACILITIES, AND MET TOWERS" is repealed.
- B. Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, repealed.

Section 12. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Section 13. Effective Date.

This Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Township Supervisor

Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Winfield Township Board at the date, time, and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

Township Clerk

Planning Commission Hearing:
Adopted:
Published:
Effective:

**TOWNSHIP BOARD
WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Township Board for Winfield Township held at the Township Hall on _____ and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3.02 ENTITLED “MAIN BUILDING OR USE;” TO ENACT CHAPTER 3, SECTION 3.29 OF THE ENTITLED “PERFORMANCE GUARANTEE;” AND TO AMEND CHAPTER 16 SECTION 16.03 SUBSECTION 16.03(A) ENTITLED “VIOLATIONS” OF THE ZONING ORDINANCE FOR WINFIELD TOWNSHIP.

THE TOWNSHIP OF WINFIELD (THE “TOWNSHIP”) ORDAINS:

Section 1. Amendment of Section 3.02. Chapter 3, Section 3.02 of the Zoning Ordinance for Winfield Township entitled “Main Building or Use” is amended and reads in its entirety as follows:

Section 3.02 Principle Building and Use.

- A. Unless specifically authorized by this Ordinance, not more than one principal (main) use may be located on any one lot.
- B. Unless specifically authorized in this Ordinance, not more than one principal (main) building may be located on any one lot.
- C. Uses permitted by right or by special land use shall be considered principal uses.
- D. Subsection 3.02(B) above does not apply to related industrial or commercial buildings, multiple family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

Section 2. Enactment of Section 3.29. Chapter 3, Section 3.29 of the Zoning Ordinance for Winfield Township entitled “Performance Guarantee” is enacted and reads in its entirety as follows:

3.28. Performance Guarantee.

To ensure compliance with the Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, irrevocable

letter of credit, or surety bond acceptable to the Township be deposited with the Township Clerk. The performance guarantee must be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit.

Section 3. Amendment of Subsection 16.03(A). Chapter 16 Section 16.03, Subsection 16.03(A) of the Zoning Ordinance for Winfield Township entitled “Violations” is hereby amended and reads in its entirety as follows:

A. Violations

1. Any individual or entity that violates this Ordinance or violates any provision or condition imposed by the Planning Commission, Township Board, or Zoning Board of Appeals pursuant to this Ordinance, will be responsible for a municipal civil infraction and subject to fines, costs, and other remedies as provided by law.
2. The owner(s) of any building, structure, or property which is in violation of this Ordinance or in violation of any provision or condition imposed by the Planning Commission, Township Board, or Zoning Board of Appeals pursuant to this Ordinance, will be responsible for a municipal civil infraction and subject to fines, costs, and other remedies as provided by law.
3. Unless otherwise specifically provided in this Ordinance, the fine for a municipal civil infraction will be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense, and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for subsequent offenses. For purposes of this paragraph, “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 for which said individual or entity admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses.
4. Each day during which any violation continues is deemed a separate offense.
5. A violation of this Ordinance is declared to be a nuisance *per se* subject to abatement.
6. The rights and remedies provided to the Township under this Ordinance are cumulative.
7. Nothing in this Ordinance will be interpreted to preclude the Township from pursuing other remedies available at law or equity.

- 8. Nothing in this Ordinance shall be interpreted to limit the authority of the Township to revoke an approval previously granted for a violation of this Ordinance. Such right is expressly reserved to the extent permitted by law.

Section 4. Conflict.

- A. Except as otherwise explicitly stated herein, nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with federal law, or any law of the State of Michigan.

Section 5. Repealer.

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Section 7. Effective Date.

This Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Township Supervisor

Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Winfield Township Board at the date, time, and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

Township Clerk

Planning Commission Hearing:
Adopted:
Published:
Effective:

DRAFT

WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN
(Ordinance No. 2023-01-12)

At a regular meeting of the Township Board for Montcalm Township held at the Township offices on January 12, 2023, beginning at 8:10 p.m., the following Ordinance was offered for adoption by Township Board Member JULIA P. and was seconded by Township Board Member Ryan V.:

**AN ORDINANCE TO AMEND SECTION 2.A. OF
WINFIELD TOWNSHIP ORDINANCE NUMBER 6-09,
ENTITLED THE "PLANNING COMMISSION
ORDINANCE"**

THE TOWNSHIP OF WINFIELD (the "Township") ORDAINS:

Section 1. Amendment of Section 2.A., Ordinance No. 6-09. That Section 2.A. of Ordinance Number 6-09 is hereby amended to read in full as follows:

Section 2. Membership.

- A. The Commission shall consist of five (5) members appointed by the Township Board. To be qualified to be a member and remain a member of the Commission, an individual shall meet all of the following qualifications:
1. Shall be qualified elector of the Township;
 2. Shall not hold any elected office or employment with the Township, unless an ex officio;
 3. Shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board representative to the Commission; and
 4. Shall comply with any policy(ies) adopted by resolution of the Township Board with respect to ethical obligations not otherwise inconsistent with Act 33.

Section 2. Remainder of Ordinance No. 6-09. Except as expressly set forth herein, all provisions of Ordinance No. 6-09 shall be and remain in effect.

Section 3. Effective Date. This Ordinance shall take effect the day following its publication in the manner and as authorized by law.

The vote in favor of this Ordinance was as follows:

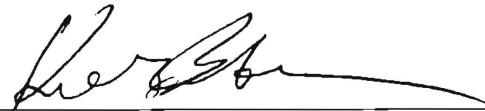
YEAS: JULIA POTRATZ, KEN BLOOM, RYAN VANSOLKEMA

NAYS: STEVE COLE CATHY KILLINGER

ABSENT/ABSTAIN: NONE

ORDINANCE DECLARED ADOPTED.

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Winfield Township at the time, date, and place specified above pursuant to the required statutory procedures.

By 

Ken Bloom
Winfield Township Clerk

Planning Commission update 1/12/2023

Planning Commission

Effective upon day following Publication in Daily News

- Ken Kool 3 year term: Ending January 2026
- George Hubbard 2 year term: Ending January 2025
- Ken Fisk 1 year term: Ending January 2024
- Julia Potratz Board Liaison
- **New Appointee Derek Dickerson to 1 year term: Ending January 2024**

WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO. 6-15-22

**ORDINANCE AMENDING WINFIELD TOWNSHIP ZONING ORDINANCE
TO REGULATE WIND ENERGY FACILITIES**

At a meeting of the Township Board of Winfield Township, Montcalm County, Michigan, (“Township”) held at the Winfield Township Hall on June 15, 2022 at 7:30 p.m., Township Board Member John Black moved to adopt the following ordinance, which motion was seconded by Township Board Member Colleen Stebbins.

An Ordinance to amend the Winfield Township Zoning Ordinance to regulate the development and use of Wind Energy Facilities and MET Towers within the Township.

Winfield Township, Montcalm County, Michigan, ordains:

Article 1. Section 5.03 of the Township Zoning Ordinance is hereby amended to read as follows:

Section 5.03 Special Land Uses

No land or buildings in the AG District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Riding stables.
- D. Public or private campgrounds.
- E. Mining of natural resources, excluding forest related programs.
- F. Agricultural processing and warehousing.
- G. Planned unit developments.
- H. Kennels.
- I. Veterinary hospitals and clinics.
- J. Home based businesses.
- K. Deer, Elk, or other cervine farms.
- L. Open Space Development, subject to the requirements of Chapter 17.
- M. Sawmill.
- N. Wind Energy Facilities (located within Wind Energy Utility Area).
- O. MET Towers (located within Wind Energy Utility Area).

Article 2. Section 14.07 of the Township Zoning Ordinance is hereby amended to add “WW. Wind Energy Facilities” as a listed special land use subject to specific design standards and to add the following additional subsection WW:

Section 14.07 Special Land Use Specific Design Standards

WW. Wind Energy Facilities

1. Definitions. The following definitions shall apply to the issuance of special land use permits and the approval of site plans for Wind Energy Facilities:

Ambient: The Sound Pressure Level exceeded 90% of the time or L₉₀.

dB(A): The Sound Pressure Level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of Sound Pressure and sound density.

FAA: The Federal Aviation Administration.

Habitable Structure: Any structure primarily used for living or business purposes by humans, which includes, but is not limited to, working, sleeping, eating, cooking, recreation, office use, or any combination thereof. A structure primarily used for storage incidental to a land use or a structure that is only incidentally used or not intended for use by humans, shall not be considered a Habitable Structure.

Hub Height: When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub.

MET Tower: A meteorological tower used for the measurement of wind speed.

Michigan Tall Structures Act (MCL 259.481, et seq): Governs the height of structures in proximity to airport related uses and is included as a standard in the Township Zoning Ordinance in regard to Wind Energy Facilities.

Non-Participating Lot: Any lot or property in the Township not within the boundaries of a Wind Energy Facility. The boundaries of a Wind Energy Facility are deemed as: (1) all lands where a developer has obtained executed legal interests with landowners to use lands to site Wind Energy Facility improvements; and (2) all lands that a developer has obtained executed legal interests with landowners consenting to Wind Energy Facility improvements in the Township but do not site improvements on their lands (also referred to as a “no-facilities lease”).

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

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy System casting shadows on the ground and stationary objects, such as a window in a dwelling.

Single WECS for On-Site Service Only: A single wind turbine placed upon a lot with the intent to service the energy needs of only that lot upon which the structure is placed.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction; the pressure of the sound measured at a receiver.

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

Tip Height: When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the Rotor (the tip of the wind turbine blade).

Wind Energy Facility: An electricity generating facility consisting of one or more wind turbines under common ownership or control, and includes substations, MET Towers, cables/wires, and other buildings and improvements accessory to such facility, with the main purpose is to supply electricity to off-site customers.

Wind Energy Facility Special Land Use Permit: A permit issued upon compliance with the standards outlined in the Township Zoning Ordinance regarding Wind Energy Facilities.

Wind Energy System: An improvement which converts wind energy into electricity through the use of a wind turbine generator and includes the blades and tower as well as related electrical equipment (also referred to in this Ordinance as a wind turbine). This does not include wiring to connect the Wind Energy System to the grid.

Wind Energy Utility Area: Lands specified by the Winfield Township Zoning Ordinance that allow the construction, operation, and maintenance of Wind Energy Facilities and MET Towers in the Agricultural (AG) Zoning District and consists of all lands besides those that: (1) would be in an area bound by the western boundary of the Township, north to Yankee Road, east to North Bailey Road, and south to the portion of Deaner Road that runs east to west in the Township (to create a complete rectangular boundary, the bounded area shall assume the continuation of all roadway boundaries so as to intersect with each other such as North Bailey Road to Deaner Road) and (2) are at least three-quarters (0.75) of a mile from the water's edge of Winfield Lake and Krampe Lake. Wind Energy Facilities may not be constructed, operated, or maintained

on any other lands within the Township (including lands that may otherwise be outside the described lands above but are not within the AG Zoning District).

2. Special Land Use Permit and Site Plan Review.

a. Wind Energy Facilities, except for Single WECS for On-Site Service Only, shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Special Land Use Permit and Site Plan Approval pursuant to the Zoning Ordinance. The Wind Energy Facilities Special Land Use Permit and Site Plan must be reviewed and approved pursuant to standards contained herein, as well as other applicable standards in this Zoning Ordinance. In addition to other submissions required by the Zoning Ordinance for site plan review and to obtain a special land use permit, an applicant proposing a Wind Energy Facility must submit the following site plan materials:

1. Contact Info. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, and key company contacts with titles.
2. Narrative. A narrative describing the proposed Wind Energy Facility, including an overview of the project.
3. Site Plan Documents. Site plan (GIS) shape file overlay, electronic file and paper copy of the site plan for the property showing existing and proposed features such as buildings, structures, roads (rights of way), applicable utility easements, county drains, land uses, zoning districts, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones, and Non-Participating Lots), underground and overhead wiring (including depth underground), access roads (including width), substations, laydown yards, and other associated improvements.
4. Drawings. Details or drawings shall show features in the design of a typical tower and its base that upon removal of said tower will allow restoration of the soil at the site to a depth of four feet.
5. Construction Schedule. Anticipated construction commencement date and anticipated completion date.
6. Parcel List. A list of all parcels that form the boundaries of the proposed Wind Energy Facility and evidence, such as executed leases with property owners, that shows the applicant has land rights for such parcels.

7. Emergency and Safety Plan. All applicants must submit a written document documenting how the applicant or operator will respond to emergencies during construction, operation, and decommissioning of the project including fire suppression, general emergency/disaster response, police protection, and injuries to persons related to the project. Applicants shall provide written evidence that applicable fire suppression, police protection, and emergency medical service providers approve of such plan. Moreover, the required plan must also address how the proposed Wind Energy Facility will ensure safety for residents in the Township including, but not limited to, safeguards against turbine malfunctions and how the setbacks of turbines from adjacent properties and roadways are sufficient to reasonably avoid safety impacts to township residents.
 8. Environmental Assessment. An applicant shall submit an environmental assessment assessing the potential impact of a proposed Wind Energy Facility on endangered species, eagles, birds, plants, and other wildlife.
 9. Upon reasonable request, the Planning Commission can require an applicant to submit additional application materials including reports that are reasonably related to demonstrating compliance with a standard of the Zoning Ordinance.
- b. Compliance Application Materials. The following shall be included and/or be utilized as standards when preparing, submitting, and reviewing a special land use permit and the site plan for a Wind Energy Facility, except for Single WECS for On-Site Service Only.
1. Applicant shall show evidence of compliance with all applicable local, state, and federal regulations and laws, including but not limited to:
 - i. Part 31 Water Resources Protection (MCL 324.3101, *et seq.*)
 - ii. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101, *et seq.*), and the corresponding County Ordinance.
 - iii. Part 301 Inland Lakes and Streams (MCL 324.30101, *et seq.*)
 - iv. Part 303 Wetlands (MCL 324.30301, *et seq.*)
 - v. All other applicable laws and rules in force at the time of Application.
- c. Visual Appearance, Lighting, Power Lines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
1. Wind turbines shall be mounted on tubular towers and painted a non-reflective, non-obtrusive color. The appearance of turbines, towers, and buildings shall be

maintained throughout the life of the Wind Energy Facility (i.e., condition of paint, signs, landscaping, etc.).

2. Wind turbines and MET Towers shall not be artificially lighted, except for to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 3. Wind turbines shall not be used for displaying any advertising except of reasonable identification of the manufacturer or operator of the Wind Energy Facility.
 4. The electrical collection system shall be placed underground at a depth designed to accommodate any agricultural land use to the maximum extent practicable. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.
- d. Lighting and ADLS. A lighting plan for a Wind Energy Facility must be submitted by an applicant. Such plans must describe all lighting that will be utilized for a proposed project. Such a plan shall include the planned number and location of lights, light color, and whether any lights will be flashing. All lighting must comply with FAA regulations and shall be consistent with any requirements from other governing local, state, or federal agencies. As part of the lighting plan, applicants must submit the detailed plans to install an Aircraft Detection Lighting System (ADLS) that manages the proposed Wind Energy Facility's lighting to reduce illumination when unnecessary unless an applicant demonstrates that an applicable local, state, or federal rule or law prohibits use of an ADLS on a particular project. All Wind Energy Facilities must be equipped with an ADLS to minimize lighting unless prohibited by governing law.
- e. Ice Detection Safety System. Applicants shall install an ice detection safety system on each wind turbine, such as a system installed by a turbine manufacturer to monitor ice formations on a wind turbine and to facilitate immediate shutdown of any turbine if ice is detected that would present a safety risk to nearby persons or property. The Township may waive this requirement if an applicant demonstrates that a mechanical or other function of a turbine (including operation activities) prevents risks of injury to persons or property caused by ice formations.
- f. Application Escrow Account. An escrow account shall be funded by an applicant when an applicant applies for a special land use permit for a Wind Energy Facility. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the special land use permit review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township

attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.

- g. Shadow Flicker Analysis. Applications for a Wind Energy Facility shall include a document indicating anticipated Shadow Flicker generated by each Wind Energy System that is part of a proposed Wind Energy Facility and that demonstrates how a proposed project will meet Shadow Flicker requirements. Should a project be approved and constructed under this Ordinance, applicants or operators shall prepare a post-construction Shadow Flicker analysis in a form acceptable to the Township demonstrating that a Wind Energy Facility as constructed meets all Shadow Flicker requirements. An applicant may not utilize or assume shadow flicker mitigation (e.g., new screening, plantings, blinds, etc.) in any model submitted to the Township for such a use to meet Shadow Flicker requirements.
- h. Sound Study Analysis. Applicants must provide a document outlining anticipated Sound Pressure Levels generated by each Wind Energy System that is part of a proposed Wind Energy Facility. The application document must demonstrate how a proposed project will meet sound requirements in this Ordinance. Should a project be approved and constructed under this Ordinance, applicants or operators shall prepare a post-construction sound study in a form acceptable to the Township demonstrating that a Wind Energy Facility as constructed meets all applicable sound requirements. Furthermore, the Township may require any applicant or operator of a Wind Energy Facility to submit supplemental sound studies every five (5) years or other interval determined appropriate by the Planning Commission after construction of a Wind Energy Facility to ensure that the Wind Energy Facility is continuing to comply with sound requirements in this Ordinance through the life of the project.
- i. Complaint Resolution Plan. Applicants must submit a written plan that outlines a complaint resolution process to allow members of the public to file written complaints regarding alleged Zoning Ordinance or Township approval violations that allows an applicant or operator of a project to either remedy such complaints or to otherwise respond to the complaints. A complaint resolution plan must detail

how an applicant or operator will: (1) establish a form for complaints; (2) make contact information publicly available for complaints; and (3) report complaints and actions taken by the applicant and/or operator to the Township Board and Planning Commission at least on a monthly basis. The complaint resolution process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process may not preclude the Township from independently acting on a complaint before a response from an applicant, owner, or operator of a Wind Energy Facility.

- j. Insurance Coverage. An applicant shall insure each Wind Energy Facility at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2022 dollars based on CPI).
- k. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility, except for Single WECS for On-Site Service Only. All setback measurements below shall be measured from the center of the base of a wind turbine.
 - 1. Habitable Structures: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, or any other Habitable Structure a distance no less than the greater of (a) two (2) times its Tip Height, or (b) one thousand three hundred twenty (1,320) feet. A wind turbine shall be at least 1640 feet from a Habitable Structure on a Non-Participating Lot.
 - 2. Shadow Flicker Minimization: Wind turbines shall be placed such that shadow flicker to any Habitable Structure occurs no more than 30 hours per year.
 - 3. Property Line Setbacks: Except as set forth in this section, wind turbines shall not be subject to a property line setback with respect to adjacent lots that are not Non-Participating Lots so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access roads is encouraged along internal property lines.
 - 4. Boundaries with Non-Participating Lots: Wind turbines shall not be located within two (2) times its Tip Height of the property line of a Non-Participating Lot.
 - 5. Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.1 times its Tip Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

6. Railroads or "Rails to Trails": Each wind turbine shall be set back from the nearest Railroad or "Rails to Trails" a distance no less than 400 feet or 1.5 times its Tip Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Railroad or "Rails to Trails."
- l. Compliance with Site Plan: Following the completion of construction, the applicant shall certify that all construction is completed pursuant to site plans submitted by an applicant.
- m. Wind Turbine/Tower Height: The Applicant shall demonstrate compliance with the Michigan Tall Structures Act (MCL 259.481, *et seq.*), FAA guidelines, and local airport zoning as part of the approval process. A wind turbine's Tip Height shall not exceed 665 feet.
- n. Noise: Wind Energy Facilities shall not exceed 45 dB(A) (Leq-10 minute) as measured at the exterior of Habitable Structures on Non-Participating Lots. If the Ambient Sound Pressure Level exceeds dB(A) the standard shall be Ambient dB(A) plus 5 dB(A). Wind Energy Facilities shall not exceed 55 db (A) (Leq 10-minute) as measured at the exterior of Habitable Structures on other properties other than Non-Participating Lots. If the Ambient Sound Pressure Level exceeds 55 db (A) the standard shall be Ambient dB(A) plus 5 dB(A).
- o. Minimum Ground Clearance: The blade tip of any wind turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
- p. Signal Interference: No Wind Energy Facility shall be installed in a location where its proximity to existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- q. Safety.
 1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 2. Wind turbine towers shall not be climbable on the exterior.
 3. All access doors to wind turbine towers and electrical equipment shall be lockable.
 4. Appropriate warning signals shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

5. Appropriate signage for emergency contact information shall be located at each wind turbine tower.
- r. Transportation: Applicants shall submit to the Township and either the Montcalm County Road Commission or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and proof of a performance guarantee acceptable to the appropriate agency in an amount necessary to ensure repair of any damage to the public roads and associated infrastructure caused by construction of a Wind Energy Facility or any of its elements.
 - s. Application Fee: An application for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the Township Board. This schedule shall be based on the cost of the Township of the review, which may be adjusted from time-to-time.
3. Specific Special Land Use Standards for Wind Energy Facilities.
 - a. Wind Energy Facility Special Land Use Purpose and Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of Wind Energy Facilities within the Township, in an effort to protect the health, welfare, safety, and quality of life of the general public, and ensure compatible land uses in the vicinity of the areas affected by Wind Energy Facilities.
 - b. Regulatory Framework.
 1. Zoning. A Wind Energy Facility may be authorized by special land use permit on lands that are within the Wind Energy Utility Area, subject to provisions and standards of this Section and the general Special Land Use Permit and Site Plan Review requirements of the Zoning Ordinance and other applicable federal, state, county, and local laws and/or regulations. Wind Energy Facilities may not be constructed, operated, or maintained on any other lands in the Township.
 2. Principal or Accessory Use. A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or part of such facility on such lot. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming

use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to all applicable provisions of this Zoning Ordinance.

- c. **Applicability.** The requirements in the Township Zoning Ordinance in regards to Wind Energy Facilities shall apply to all Wind Energy Facilities. In addition to other general standards in this Zoning Ordinance, Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a Wind Energy Facility.
- d. **Certification.** Any approval for Wind Energy Facilities shall require the Applicant to provide a post-construction certification that the project complies with applicable codes and industry practices. Applicant shall provide an as-built GIS shape file, electronic file, and paper site plan.
- e. **Inspections.** The Applicant's maintenance and inspection records shall be generated annually and are subject to audit by the Township. Inspection records shall contain current contact information and be updated whenever the contact information changes.
- f. **Continuing Enforcement Escrow Deposit.** An applicant or owner of a Wind Energy Facility must provide a continuing escrow deposit to be held by the Township which shall be funded in cash or by other financial instrument deemed acceptable by the Township prior to the commencement of construction of any Wind Energy Facility and shall be maintained by the Wind Energy Facility owner until the Wind Energy Facility has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and any terms of a special land use permit including conditions, which costs can include, but are not limited to, reasonable fees for legal, planning, and engineering expenses incurred by the Township, as well as costs for any reports or studies which the Township determines are reasonably related to enforcement of the Ordinance and any special land use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the Wind Energy Facility owner to place additional monies into escrow with the Township. If the escrow deposit amount falls below a minimum amount determined by the Township, the owner of the Wind Energy Facility has 30 days to replenish the account back up to the minimum amount. All continuing escrow deposit funds unused by the Township shall be returned without interest once a Wind Energy Facility is decommissioned.
- g. **Decommissioning.** An Applicant shall submit a plan describing the intended disposition of a Wind Energy Facility at the end of its useful life and shall describe

any agreement with landowners regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the disposition of the improvement and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed commercial operation. Any tower/turbine left unused or inoperable for over 24 months shall be deemed to be abandoned by the applicant/owner and must be decommissioned. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning and it must be an amount determined by the Township Board satisfactory to meet all decommissioning obligations under this Ordinance and shall not credit salvage values towards decommissioning costs. Furthermore, applicants must enter into a decommissioning agreement, in a form acceptable to the Township Board, that memorializes an applicant's decommissioning obligations.

4. Requirements for Single WECS for On-Site Service Only. Single WECS for On-Site Service Only that are designed and intended to service the energy needs of only the property where the structure is located may be approved in any zoning district as a Special Land Use exempt from any Zoning Ordinance requirements prohibiting two principal land uses on one parcel, provided the property upon which the Single WECS is to be located is at least three and one-half (3-1/2) acres in size and subject to the special land use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as all of the following:
 - a. The tower shall not exceed a height of 80 feet.
 - b. The blade diameter (tip to tip) shall not exceed 100 feet.
 - c. The height of the overall WECS (with the blade in the vertical position) shall not exceed 130 feet above ground level (at normal grade).
 - d. The distance of the tower from all property lines shall be at least two (2) times the WECS height.
5. MET Towers, Towers Only. If an applicant desires to site a MET Tower(s) alone (without wind turbines, substations, and other improvements typically associated with a Wind Energy Facility) they may apply for such a land use by submitting all information necessary for a special land use permit and site plan under the Zoning Ordinance and the information required below, but otherwise do not have to provide information required to site a Wind Energy Facility. Any project consisting of MET Towers and other improvements consistent of a utility-scale wind project (wind turbines, collection lines, laydown yards, substations, etc...) shall require application materials required for a Wind Energy Facility.

a. Required MET Tower Application. An applicant shall submit to the Township the following:

1. Land Rights. Documentation showing ownership or other legal interest in the subject property that will host a MET Tower, including copies of any executed property leases or other land evidence of a legal interest in the subject property.
2. Proposed construction schedule.
3. Narrative outlining the use and purpose of the MET Tower(s), including the entire proposed lifespan of the tower(s) from pre-construction through decommissioning, the anticipated active data collection period, and a description of how existing uses and purposes of the subject property will be preserved.
4. All applicable materials required for general special land use permit applications and site plans:
5. A security plan including methods to prevent unauthorized climbing.
6. A decommissioning plan to restore lands hosting a MET Tower to a substantially similar state as before the improvement. The Township may require an applicant to post a performance guarantee in an amount and form acceptable to the Township to ensure decommissioning.
7. A lighting plan including a description of lighting to be on the MET Tower and how such lighting complies with applicable local, state, and/or federal laws and regulations (e.g., lighting required by the FAA).
8. Any information deemed by the Planning Commission to be reasonably related to a requirement of the Zoning Ordinance.

b. Setbacks. MET Towers shall be subject to the following setback requirements:

1. Property Lines and Habitable Structure. No part of a MET Tower may be closer than 400 feet or 200% of MET Tower height, whichever is greater, to any Habitable Structure or property line.
2. Public Roadways. No part of a MET Tower may be closer than 400 feet or 1.1x of MET Tower height, whichever is greater, to any public roadway.

- c. SLUP Limitation. The Township may limit the duration of a special land use permit for a MET Tower to facilitate removal of the tower after data collection.
- d. MET Towers may only be located within the Wind Energy Utility Area. MET Towers shall be exempt from any Zoning Ordinance requirements prohibiting two principal uses on a parcel.

Article 3. Savings Clause. Except as expressly amended or repealed by this Ordinance, the balance of the Winfield Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article 4. Severability. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Article 5. Effective Date. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, except as otherwise provided by MCL 125.3402.

Article 6. Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The vote to adopt this Ordinance was as follows:

YEAS: John Black, Colleen Stebbins, Phyllis Larson

NAYS: Steve Cole, Cathy Killiger

ABSENT/ABSTAIN: -0-

ORDINANCE DECLARED ADOPTED.

Phyllis Larson
Phyllis Larson, Winfield Township Supervisor

**WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO. ____**

**ORDINANCE AMENDING WINFIELD TOWNSHIP ZONING ORDINANCE
TO REGULATE SOLAR ENERGY SYSTEMS**

At a meeting of the Township Board of Winfield Township, Montcalm County, Michigan, (“Township”) held at the Winfield Township Hall on _____, 2021 at _: _ a.m., Township Board Member _____ moved to adopt the following ordinance, which motion was seconded by Township Board Member _____.

An Ordinance to amend the Winfield Township Zoning Ordinance to regulate the development and use of Solar Energy Systems within the Township.

WINFIELD TOWNSHIP, MONTCALM COUNTY, MICHIGAN, ORDAINS:

Article 1. Section 5.03 of the Township Zoning Ordinance is hereby amended to read as follows:

Section 5.03 Special Land Uses

No land or buildings in the AG District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 14:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Riding stables.
- D. Public or private campgrounds.
- E. Mining of natural resources, excluding forest related programs.
- F. Agricultural processing and warehousing.
- G. Planned unit developments.
- H. Kennels.
- I. Veterinary hospitals and clinics.
- J. Home based businesses.
- K. Deer, Elk, or other cervine farms.
- L. Open Space Development, subject to the requirements of Chapter 17.
- M. Sawmill.
- N. Large Solar Energy Systems.

Article 2. Section 14.07 of the Township Zoning Ordinance is hereby amended to add “WW. Large Solar Energy Systems” as a listed special land use subject to specific design standards and to add the following subsection WW:

Section 14.07 Special Land Use Specific Design Standards

WW. Solar Energy Systems.

1. Definitions. The following definitions shall apply to the issuance of special land use permits and the approval of site plans for Solar Energy Systems:

Alternative Energy: Renewable energy sources, such as wind, flowing water, solar energy, and biomass, which create less environmental damage and pollution than fossil fuels and offer an alternative to nonrenewable resources.

Photovoltaic Device: A system of components that generates electric energy from sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.

Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy System, Abandoned (Small or Large): Any Solar Energy System, Solar Array, or combination of Photovoltaic Devices, that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of twelve months.

Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery, or consumption of the generated energy by more than one end user, and the power output of that system is equal to or greater than 25 kW.

Solar Energy System, Small: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other technology, primarily for personal or agricultural consumption by a single end user at the same property upon which the solar energy system is located, or otherwise with a generating capacity of less than 25 kW. Small Solar Energy Systems are permitted in any zoning district as an accessory use, subject to the requirements of the Zoning Ordinance.

Unreasonable Safety Hazard: Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness, or personal injury may occur to any member of the public, including but not limited to, trespassers or

emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

2. Special Land Use Permit and Site Plan Review Standards for Large Solar Energy Systems:

A. Purpose and Intent: The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems as a special land use.

B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for other special land use permits:

1. A site plan.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical elevation scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.

9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Montcalm County Road Commission or Michigan Department of Transportation (“MDOT”) approval as appropriate and shall be planned to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance, or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomical, or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical, or an Abandoned Solar Energy System.
13. A copy of the manufacturer’s safety measures.
14. Planned lighting protection measures.
15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - a) Impact on area water resources.
 - b) Impact on air quality.
 - c) Noise impacts caused by the Solar Energy System.
 - d) Impact on utilities and infrastructure.
 - e) Protection of neighboring property owners and children.
 - f) Impact on wildlife.
 - g) Effects on floodplains and wetlands.
 - h) Unique farmlands or soils.
 - i) Areas of aesthetic or historical importance.
 - j) Archeological or cultural concerns.
 - k) Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.

16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Montcalm County Drain Commissioner.
 17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase such energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential only to the extent and as authorized by Michigan law.
 18. Additional detail(s) and information as required by the special land use requirements of the Zoning Ordinance, or as required by the Township Planning Commission or Township Board.
- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a special land use permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special land use permit review process, which shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special land use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special land use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township or County (as shown by approval by the Township or County) as a condition of any special land use permit under this section.

- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- F. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components, or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less. The height shall be measured from the natural grade at the base of the Solar Array, device, component, or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. Setbacks: A minimum setback distance of one-hundred (100) feet from all property boundaries and all public rights-of-way on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - 1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including, without limitation, between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the special land use permit.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of 4 feet in height and shrubs 2 feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than 7 feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within 6 months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than 6 consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special land use permit previously granted.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or financial guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- K. Signage: No lettering, company insignia, advertising, graphics, or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special land use permit, or other applicable law.
- L. Noise Emissions: No component of any Large Solar Energy System shall emit noise exceeding a sound pressure level of 45 dB(A) as measured at the outside perimeter of the project. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day with no more than one occurrence per day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.

- O. Distribution, Transmission, and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomical, or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and financial instrument for submittal to the Township Board for review prior to issuance of the special land use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade. No concrete, piping, or other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within 170 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System special land use permit unless it finds that all the applicable standards for special land use permit contained in this Ordinance are met.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System special land use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved by the Township Board shall be recorded in the Township Board's meeting minutes. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk and one copy shall be returned to the applicant's authorized representative.

- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the special land use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start, or restart the Large Solar Energy System until the condition has been corrected. Applicants shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicants shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Montcalm County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to ensure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, an applicant shall be required to post continuing security and a continuing escrow deposit prior to the commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
1. Continuing Restoration Security: If a special land use permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with Township Clerk after a special land use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount

determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that the System, or a material portion of the System is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of a special land use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the special land use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

X. Conditions: In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special land use.

Y. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special land use permit is granted and must be completed within a period of three (3) consecutive years from the date a special land use permit is granted. The Township Board may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved special land use permit being rendered null and void.

Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret,

the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Michigan law.

AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate the System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

3. Requirements for Small Solar Energy Systems as Accessory Uses: Small Solar Energy Systems are permitted accessory uses in any zoning district, subject to the requirements of Section 3.14 and the following standards:

A. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory use under the requirements applicable to an accessory structure and buildings within the zoning district in which the Small Solar Energy System is located.

B. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Small Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.

C. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that the Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Small Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Small Solar Energy System is located.

D. Any Small Solar Energy System mounted on the roof of a property must be installed within the edges of the roof, the peak, the eave, or the valley.

E. No Small Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.

- F. All Small Solar Energy Systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- G. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- H. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, greenbelts, and landscaping sufficient to provide an all-seasons complete visual barrier.
- I. All power transmission lines from a ground mounted Small Solar Energy System to any building or other structure shall be located underground.
- J. Any Small Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Small Solar Energy System are maintained according to industry standards, and that no portion of the Small Solar Energy System is in a blighted, unsafe, or substandard manner.
- K. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.

Article 3. Effect and Repeal. Except as expressly amended by this ordinance amendment, the rest of the Township Zoning Ordinance remains unchanged and in full force and effect. Adoption of this Ordinance by the Township Board shall to the extent applicable: (1) repeal Ordinance No. 11.4.21, which also governed Solar Energy Systems, but has not yet taken effect; and (2) prevent Ordinance No. 11.4.21 from taking effect.

Article 4. Severability. Should a court of competent jurisdiction determine that any portion of this ordinance amendment is invalid or unconstitutional, that shall not effect any other portions of this ordinance amendment, which shall remain in full force and effect.

Article 5. Effective Date. This ordinance amendment shall become effective seven (7) days after this ordinance amendment, or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this ordinance amendment was as follows:

YEAS: _____

NAYS: _____

ABSENT / ABSTAIN: _____

This Ordinance is declared to be duly adopted.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance that was:

1. Adopted by the Winfield Township Board at the time, date, and place specified above pursuant to the required statutory procedures.
2. Published by summary following its adoption in the _____ newspaper, a newspaper that circulates within Winfield Township, on _____, 2021.
3. Recorded one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.
4. Filed as an attested copy with the Montcalm County Clerk on _____, 2021.

Respectfully submitted,

Colleen Stebbins
Winfield Township Clerk

**WINFIELD TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF CORRECTED ZONING ORDINANCE AMENDMENT
SOLAR ENERGY SYSTEMS**

ORDINANCE NO. __

On _____, 2021, the Winfield Township Board voted to adopt Ordinance No. __, which adopts a corrected zoning ordinance amendment to the Winfield Township Zoning Ordinance to, among other things, authorize Large Solar Energy Systems in the Township AG District by special land use permit and establish comprehensive zoning regulations related to Solar Energy Systems. The corrected amendment to the Zoning Ordinance removes an errant inclusion of authorizing the use "Wind Energy Facility or Wind Energy Conversion Facility (WECS)" in the AG District and makes various typographical adjustments to a zoning ordinance amendment voted on November 4, 2021. Copies of the complete text of the corrected Ordinance were and are available at the Winfield Township Hall at 15212 Howard City Edmore Rd (M-46), Howard City, MI 49329 by appointment.

The Ordinance has the following sections and catch lines: Article 1: Amendment of Section 5.03 of the Zoning Ordinance; Article 2: Adding Section 14.07 (WW) to the Zoning Ordinance; Article 3: Effect and Repeal; Article 4: Severability; and Article 5: Effective Date, which is seven days from the publication of this notice, or as otherwise provided by referendum provision in MCL 125.3402.

Published by Order of the Township Board
Colleen Stebbins
Winfield Township Clerk
(989) 352-7448

Publication Date: _____, 2021

Section 14.07 Special Land Use Specific Design Standards

VV. Sawmills.

A sawmill includes any equipment set up to cut and/ or process logs or timber that is not portable and/or requires a special permit to be moved along a public roadway. Any sawmill will be required to meet or exceed the following non-exclusive list of restrictions:

1. The lot area upon which a sawmill may be established shall be no less than five (5) acres.
2. Any entity desiring to establish a sawmill within the district must adhere to the Agricultural District (AG) setback restrictions of Chapter 5, Section 504(E). In addition to any buildings on the site, the AG setback restrictions shall also include any and all raw timber, piled lumber, equipment, machinery, storage devices, and/or millings/bi-products used in relation to all sawmill operations.
3. All sawmills must ensure that stacked logs and lumber are stable to a maximum height of twenty (20) feet.
4. Dust, shavings, chips or slivers created throughout operation must have appropriate blower, collecting, exhaust and/or conveyor systems for proper refuse evacuation.
5. Hours of operation will be determined at time of site plan review.
6. Sawmills must make reasonable attempts at housing milling equipment and machinery such that the noise associated with milling operations is minimized.

STATE OF MICHIGAN
COUNTY OF MONTCALM
TOWNSHIP OF WINFIELD
LAND DIVISION ORDINANCE
ORDINANCE: 03-01

Adopted: 01/09/03

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF WINFIELD

MONTCALM COUNTY, MICHIGAN,

ORDAINS:

SECTION I
TITLE

This ordinance shall be known and cited as the Winfield Township Land Division Ordinance.

SECTION II
PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III
DEFINITIONS

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

A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing body" - the Township Board.

SECTION IV PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

D. A land transfer between adjoining landowners.

SECTION V APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be approved by the Township Board.

B. Proof of fee ownership of the land proposed to be divided.

C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

F. A fee to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act shall be determined by the township board.

SECTION VI PROCEDURE FOR REVIEW OF APPLICATIONS

FOR LAND DIVISION APPROVAL

A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20

day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

A. All parcels created by the proposed division(s) have a minimum width:

Agricultural District – 200 feet

Lakeside Residential District – 75 feet

Rural Residential District – 200 feet

Medium Density Residential District – 150 feet, unless public water and sewer serves the lot, then the minimum lot width may be reduced to 85 feet.

General Commercial – 150 feet

Light Industrial – 150 feet

as measured at the road frontage specified in the Winfield Township zoning ordinance.

B. All such parcels shall contain a minimum area of:

Agricultural District – 2 acres

Lakeside Residential District – 11,000 square feet

Rural Residential District – 2 acres

Medium Density Residential District – 1 acre, unless public water and sewer serves the lot, then the minimum lot size may be reduced to 15,000 square feet.

General Commercial – 22,000 square feet.

Light Industrial – 45,000 square feet.

C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites, and with exception of the agricultural district which is limited to a ratio of depth to width of two and a half to one. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.

E. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

SECTION VIII CONSEQUENCES OF NONCOMPLIANCE WITH

LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the township or county prosecuting attorney and gives written

notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction including actual costs of prosecution. In no case, however, shall costs of less than \$9.00 nor more than \$750.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Pursuant to Section 267 of the Land Division Act, an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION X REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI EFFECTIVE DATE

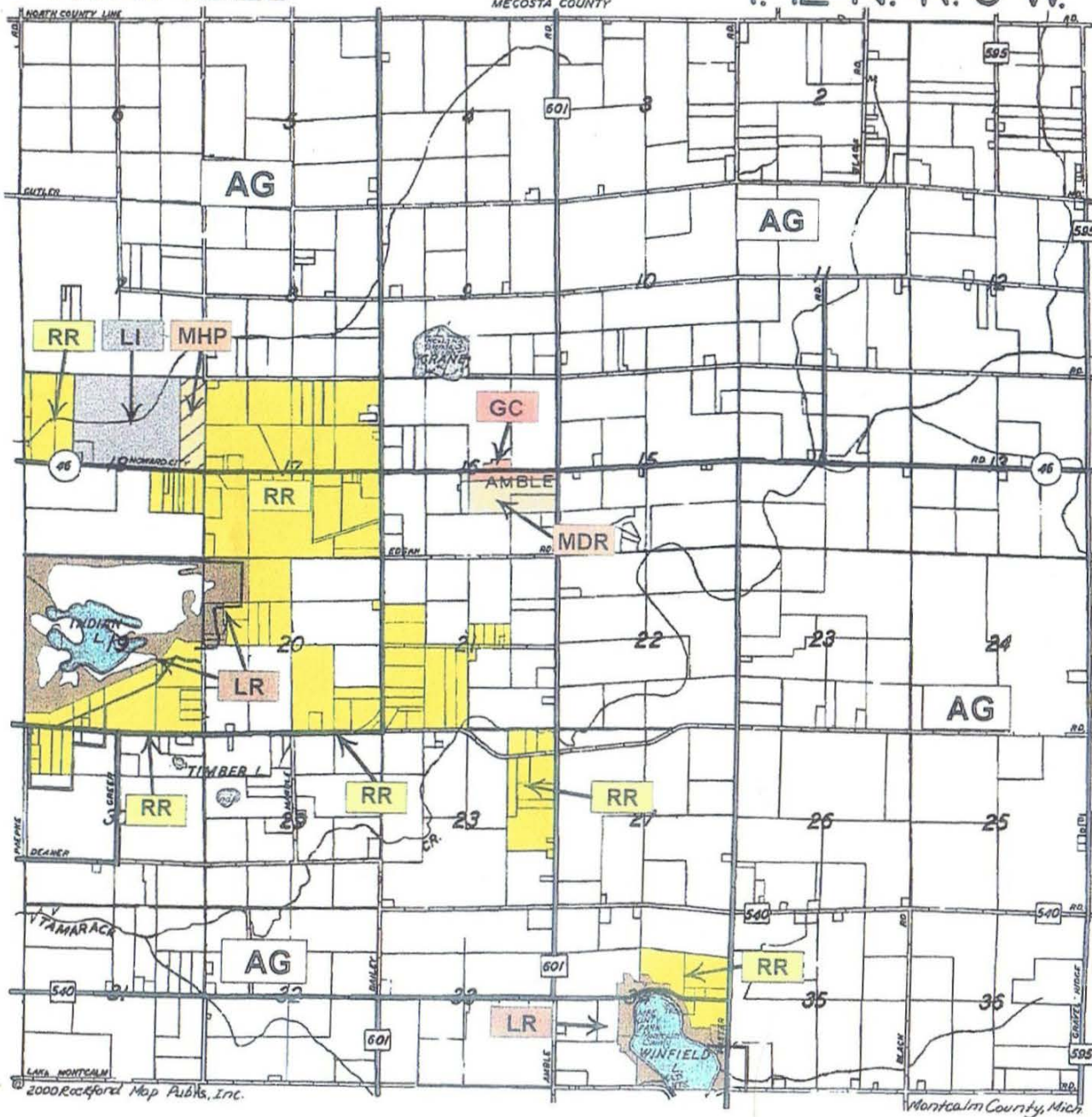
This ordinance shall take effect upon publication following its adoption.

TOWNSHIP OF WINFIELD

Clerk: Colleen Stebbins, 7569 Gravel Ridge Rd, Lakeview, MI 48850
(989) 352-7448

WINFIELD

T. 12 N.-R. 9 W.



Winfield Township Montcalm County, MI

ZONING MAP

-  AG - Agricultural
-  RR - Rural Residential
-  LR - Lakeside Residential
-  MDR - Medium Density Residential
-  MHP - Manufacture Home Park
-  GC - General Commercial
-  LI - Light Industrial

LSL

LANGWORTHY
STRADER
LEBLANC &
ASSOCIATES, INC.

August, 2000



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