

Newfield Township Zoning Ordinance

Draft: November 18, 2025

ADOPTED:

EFFECTIVE:

AS AMENDED:

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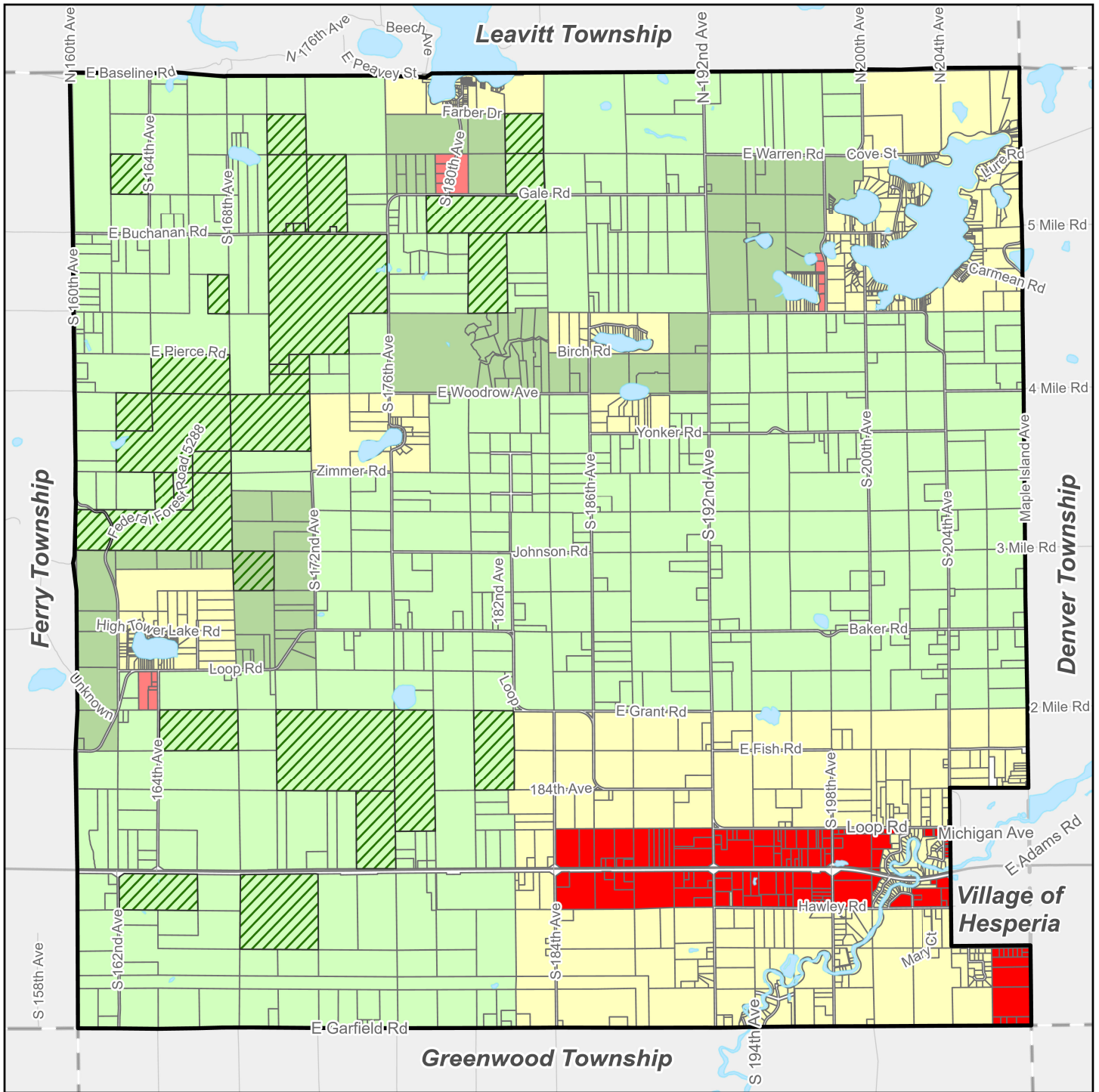
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Article 1

Zoning Map



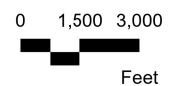
Zoning Map

Newfield Township, Oceana County, Michigan

Recommended for Adoption: October 9, 2025

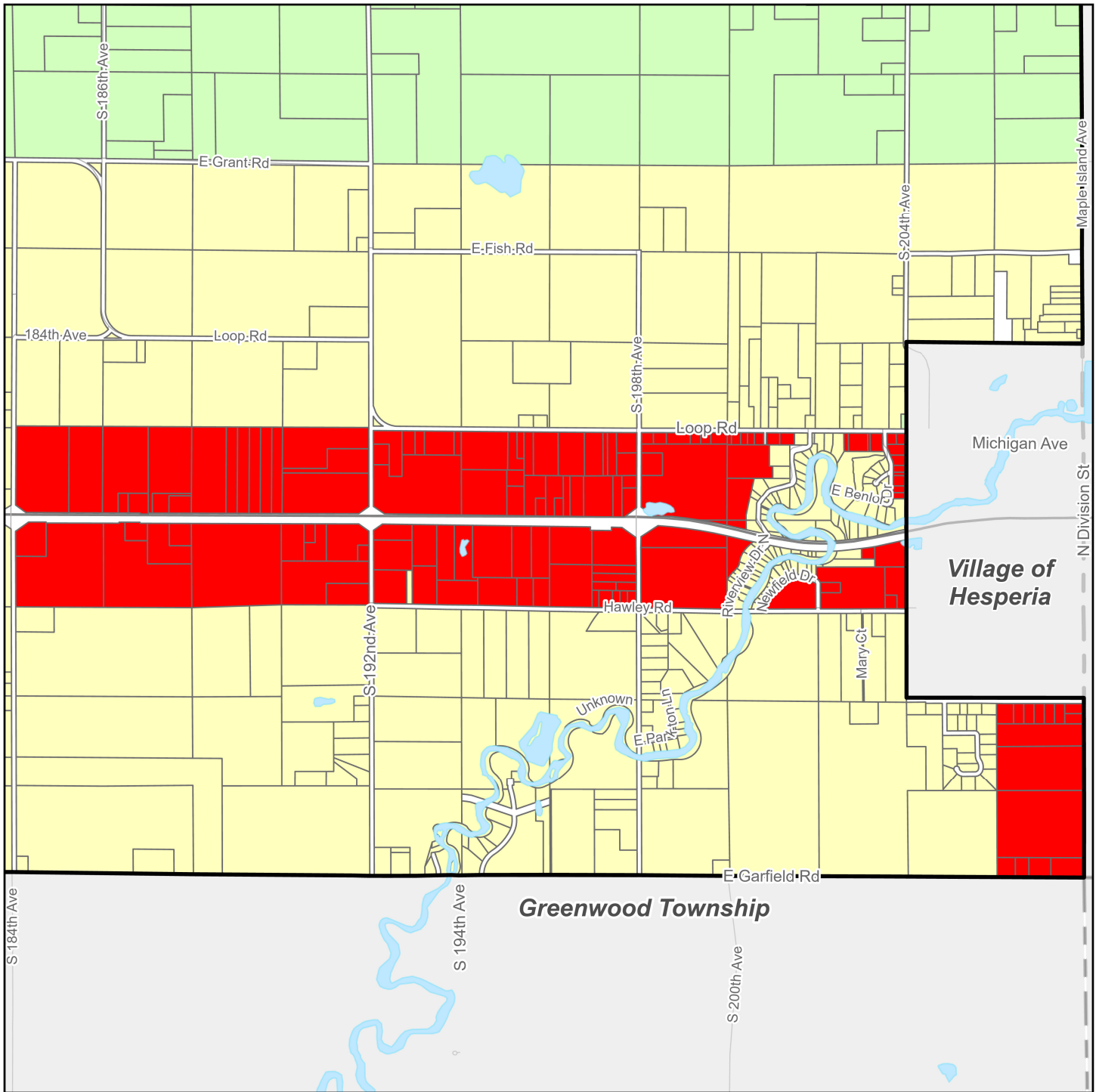
LEGEND

- A-1, Agricultural Recreational
- RR, Rural Residential
- R-1, Residential, Lakes and Streams
- E, Enterprise
- C-1, Hamlet/Maritime Commercial
- Village
- State Owned Land



Basemap Source: Michigan Center for Geographic Information, Version 17a.
Data Source: Newfield Township, 2025.
McKenna, 2025.





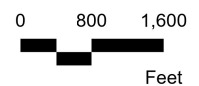
Zoning Map Zoom In

Newfield Township, Oceana County,
Michigan

Recommended for Adoption: October 9, 2025

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Data Source: Newfield Township, 2025.
McKenna, 2025.*



Article 2

Title, Purpose, and Scope

Section 2.01 Title

This Ordinance shall be known as the Newfield Township Zoning Ordinance.

Section 2.02 Purpose

A Zoning Ordinance established comprehensive zoning regulations for the portion of Newfield Township, outside the incorporated limits of cities and villages, in accordance with the provisions of Michigan Act 110 of 2006, as amended, and all acts amendatory thereof, to promote the public health, safety, and general welfare by dividing the Township into zones and regulating therein the uses of land and structures.

Section 2.03 New Construction

All new construction greater than two hundred (200) square feet of area within Newfield Township shall require a zoning permit from the Zoning Administrator.

Section 2.04 Demolition

All demolition requires a demolition permit if the structure is over two hundred (200) square feet in area.

Section 2.05 Zoning Affects Every Structure and Use

Except as herein specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with all provisions herewith.

Section 2.06 Contrary to Public Improvement Projects

Where the Zoning Administrator of the Township certifies that structures on un-platted areas are or may be in conflict with Village, County, or State improvement projects such as water, sewer, roads, etc. No building permits shall be issued until such conflicts have been resolved.

Section 2.07 Other Laws, Codes, Ordinances, and Regulations

Nothing in this Zoning Ordinance shall relieve the owner of a lot or structure from complying with any other law, code, ordinance or regulation. If there is an apparent conflict between such law, code, ordinance or regulation, an attempt shall be made to satisfy the requirements of both provisions. If resolution of the conflict cannot be achieved, then the greater standard shall apply.

Section 2.08 Establishment of Districts

- (A) **General:** For the purpose of the Zoning Ordinance, the unincorporated areas of the Township are hereby divided into zoning districts, as shown on the Zoning Map, which together with all explanatory matter thereon, is hereby incorporated, referenced and declared to be a part of this Zoning Ordinance. Said districts shall be known as:
- (1) A-1 Zoning District – General Agricultural
 - (2) RR Zoning District – Rural Residential
 - (3) R-1 Zoning District – Residential Lakes & Streams
 - (4) E Zoning District – Enterprise
 - (5) C-1 Zoning District – Hamlet/Maritime Commercial
- (B) **Zoning District Map:** The boundaries of zoning districts enumerated are hereby established as shown on the Newfield Township Zoning District Map, as amended, which accompanies this text, and which map, with all notations, references and other information of this Zoning Ordinance shown thereon, shall be as much a part as if fully described herein. One (1) certified copy of the Zoning District Map, as amended, is to be maintained and kept up to date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township. A certified copy of the Zoning District Map together with any amendments thereto, shall be filed with the Oceana County Planning Commission.
- (C) **Boundaries of Districts:** Where uncertainty exists as to the boundaries of districts, as shown on the Newfield Township Zoning Map, as amended, the following rules shall apply:
- (1) Boundaries indicated, as approximately following the centerlines of right-of-way of streets, highways, and alleys, shall be construed to follow such centerlines.
 - (2) Boundaries indicated approximately following Platted lot lines shall be construed as following such lot lines.
 - (3) Boundaries indicated approximately following Township limits shall be construed as following the Township limits.
 - (4) Boundaries indicated as following rivers and streams should be construed to follow the approximate centerline of such river or stream, and in the event of change in such river or stream, should be construed as moving with the actual centerline.
 - (5) Boundaries indicated as parallel to, or extensions of, features indicated in subdivisions A through D above, shall be so construed. The scale of the map, as amended, shall determine distances not specifically indicated on the Newfield Township Zoning District Map.

- (6) Where the street or property layout existing on the ground is at variance with that shown on the Zoning District Map, or where due to scale, lack of details there is uncertainty, contradiction, or conflict as to the intended location of any Zoning District boundaries shown thereon, interpretation concerning the exact location of District boundary lines shall be determined, upon written application to the Zoning Board of Appeals, pursuant to Article 12.
- (D) **Change of Zoning District Map:** Any unauthorized change of the Zoning District Map of whatever kind by person or persons shall be considered a violation of this Zoning Ordinance and punishable as described in the Newfield Township Civil Infraction Ordinance.

Section 2.09 Purpose and Intent of Districts

For the purposes of this Ordinance, Newfield Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

- (A) **A-1, General Agriculture District.** This district is established to support stable, viable agricultural operations. The primary use of the district area is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. It is the intent of this district to encourage consolidation of commercial and industrial agricultural uses.
- (B) **RR, Rural Residential District.** It is the intent of this district to accommodate some residential growth in a managed setting so as to efficiently and effectively utilize land and limit conflicts with agriculturally productive lands and to preserve woodland environments, where possible.
- (C) **R-1, Lakes and Streams Residential District.** This district is established to continue to support local residential developments surrounding the Village of Hesperia and the larger bodies of water within the Township. As these areas are anticipated to continue to grow in population, the continued regulation of developments in these areas will be essential for supporting sufficient housing development.
- (D) **E Enterprise District.** This district is intended to provide commercial products and services, and also make available resources and services essential to high quality light industrial development, including manufacturing, office/research, warehousing and distribution, and other similar light and low impact industrial uses, while also guarding against the encroachment of these uses into districts where they may be considered incompatible. The creation of smaller, local operations is preferable to larger businesses in this district, though both types would be permitted under this classification.
- (E) **C-1 Hamlet/Maritime Commercial.** The purpose of this district is to allow for small-scale, rural-character retail uses at key Township crossroads and near lakes, to support to population in those areas. This district is not intended to create large-scale commercial zones, but rather to create isolated clusters of retail uses to support rural character and quality of life.

Article 3

Table of Permitted Uses

Section 3.01 Table of Permitted Uses

P Permitted By Right
 S Permitted by Special Use Permit
 Blank Prohibited

Use	A-1	RR	R-1	E	C-1
Adult Day Care Home	S	S	S		S
Adult Entertainment					
Agriculture	P	P		P	
Agritourism	P	P		S	
Airport and Airport Hangers	S				
Bank				P	P
Barber Shops/Beauty Shops				P	P
Brewpub/Microbrewery/Distillery				S	S
Campground	S			S	
Child Care Center (Non-Home-Based)		S		S	
Dwelling Units					
Single-Family Detached	P	P	P	P	P
Single-Family Attached (Townhouse)		P	P		
Accessory Dwelling Unit	S	S	S	S	S
Multiple-Family (2+ Units- including Senior Housing)		S		S	
Manufactured Housing Community		S		S	
State-Licensed Residential Facility (non-Daycare)	S	S	S		
Essential Services	P	P	P	P	P
Family Day Care Home	S	S	S		
Funeral Home and Mortuary				S	
Gravel Pit	S			S	
Government or Public Building	S	S		S	
Group Day Care Home	S	S	S		
Home Occupation	P	P	S	P	P
Hotel			S	S	S

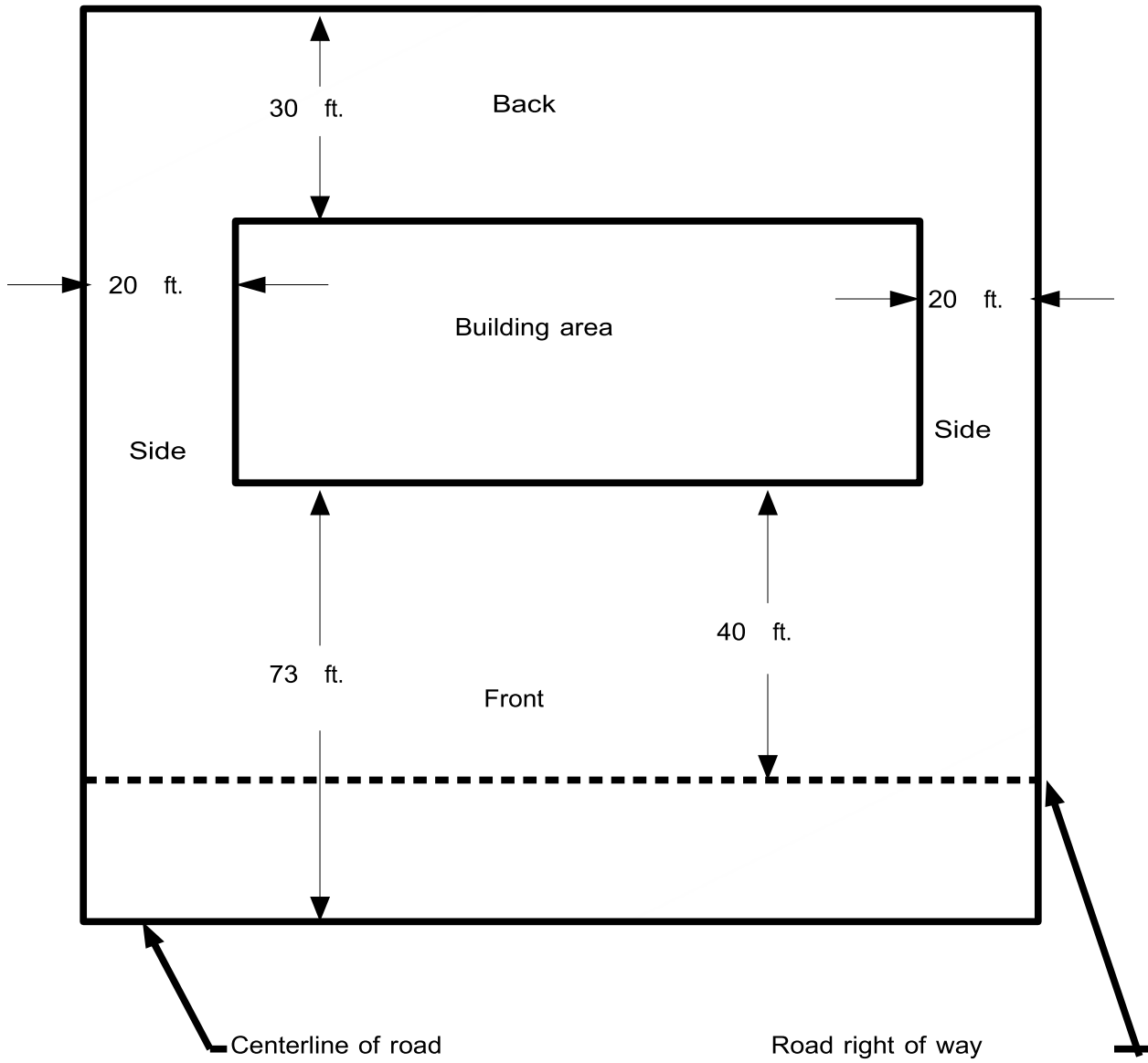
Use	A-1	RR	R-1	E	C-1
Institution of Higher Education	S			S	S
Kennel	P	S		P	
Manufacturing				S	
Marihuana Land Uses		See Section 5.22			
Medical or Dental Clinic		P		P	
Mini-Warehouse/Self-Storage				S	
Office	P	P	S	P	S
Pet Shop and Pet Grooming	P	P	S	P	S
Preserve/Conservation Area	P	P	P	P	P
Primary/Secondary School (Non-Public)	S	S		S	
Propane Storage Facility				S	
Recreation - Indoor	S	S	S	S	S
Recreation - Outdoor	S	S	S	S	S
Religious Institution	S	S	S	S	
Restaurant/Bar/Other Food Service	S	S	S	S	P
Retail Store				P	P
Shooting Range	S			S	
Solar Energy System – Small		See Section 5.37			
Solar Energy System – Large		See Section 5.37			
Stables for Horses	P	P			
Theater	S			S	S
Utility-Scale Battery Energy Storage Systems	S			S	
Utility Structures and Substations	S	S	S	S	S
Vehicle Dealership				P	
Vehicle Filling Stations (Gas Stations)				S	
Vehicle Repair	S	S		P	
Vehicle Wash	S	S		P	
Veterinary Clinics	P	S		P	
Wind Energy Conversion Systems		See Section 5.47			
Wireless Telecommunications	S	S		S	

Article 4

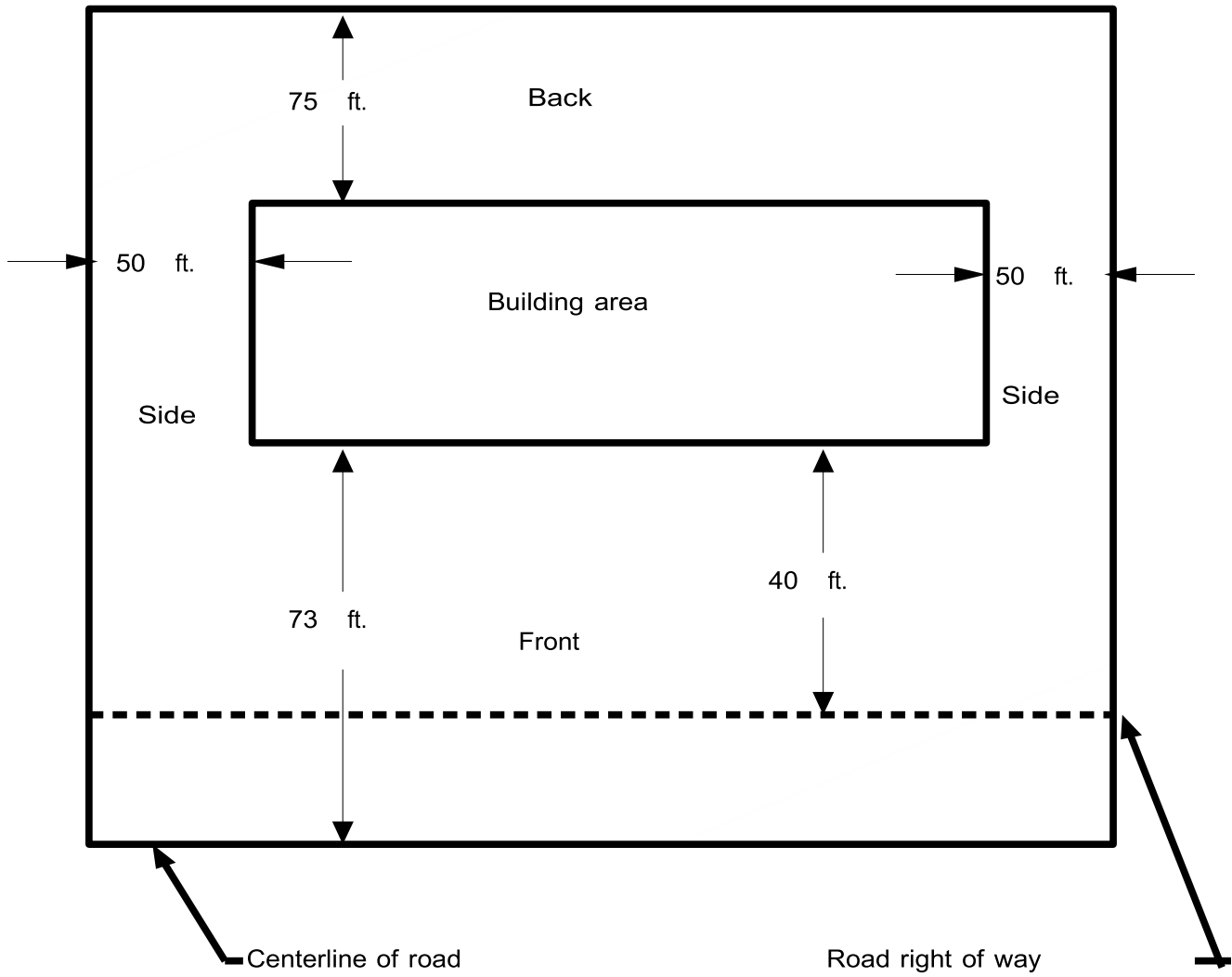
Schedule of Regulations

Section 4.01 Setback Requirements

	Minimum Lot Dimensions		Maximum Structure Height		Minimum Required Setback (in feet)		
	Area	Width (Feet)	Stories	Feet	Front Yard	Each Side Yard	Rear Yard
A-1	2 acres	150	2.5	35	40	50	75
RR	1 acre	150	2.5	35	40	25	35
R -1	25,000 square feet	80	2.5	35	40	20	30
E	1 acre	80	2.5	35	30	10	35
C-1	25,000 square feet	80	2.5	35	30	10	35



R-1 Residential Lakes and Streams Setbacks



A-1 Agricultural Setbacks

Section 4.02 Redivision of Substandard Lots

Where two (2) or more adjacent lots are under single ownership at the time this chapter becomes applicable thereto, and each of such lots contains less than ninety (90) percent of the zone district width and area requirements, such lots shall be re-divided and utilized in conformance with this chapter; provided, however, that in any residential zone, a single-family dwelling may be constructed on any substandard lot of record in single ownership, regardless of its area or width if the owner thereof does not own nor can acquire adjoining property, provided, however it shall meet the setback requirements of Section 4.01.

Section 4.03 Moving of House, Building, or Structure

No pre-existing home, building, or structure shall be moved into the Township of Newfield from a point outside the Township limits, or shall be moved from one location in the Township to another until the owner of the home, building or structure submits a site plan for review to the Newfield Township office, which shows the location of the home, building, or structure on the new proposed location, insuring that it can meet all required setbacks, and secures the necessary permits from the Zoning Administrator.

Section 4.04 Zoning Violations

- (A) Under the provisions of this ordinance, no person shall perform any of the following:
- (1) Perform any construction without a zoning permit unless considered exempt from the provisions provided within this ordinance.
 - (2) Change the present grade of land, unless the change will make the grade closer to the present road grade in front of the building lot. Under no circumstances can any grade existing be changed that is likely to cause erosion or water drainage to any adjacent property.
 - (3) Obtain a zoning permit for a structure unless such structure is located on land with access width of at least sixteen (16) feet to a road, which is adopted into the County Road System, and certified as such.
 - (4) Use of a structure in violation of the land uses allowed in the zoned district in which it is located; nor can any building be converted from one use to a different use without first obtaining a Zoning Permit and a building permit.
 - (5) No dwelling shall have less than two hundred and forty (240) square feet of floor space area, measured by the exterior circumference, excluding porches, stoops, entrance ways, and other non-winterized portions of the house. No duplex shall have less than one-thousand and eighty (1080) square feet of floor space area. Measured by the exterior circumference, excluding porches, stoops, entranceways and other non-winterized portions of the house.
- (B) Any of the above actions performed without the express consent of the Zoning Administrator or their designee shall result in a Zoning Violation and will be enforced as such.

Section 4.05 Area Requirement

No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in size or area below the minimum requirement set forth herein. Yard or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

Section 4.06 Yard Space, General

The required yard space for each building, structure, or use shall fall entirely upon land within the district or districts, in which the use is permitted.

Section 4.07 Plat Violations

Where the Zoning Administrator determines that an area is proposed for subdivision in violation of the State Plat Act, No. 288, of 1967, no building permits shall be issued.

Section 4.08 State Regulations

Recreational Condos and Cluster Housing will be regulated by State laws and will only be approved by Newfield Township Board.

Article 5

Uses

Section 5.01 Intent

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of a size or type, or that possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

Section 5.02 Adult Day Care Home

- (A) **Definition:** Daytime care of any part of the day, but less than 24-hour care, for functionally impaired adults, provided through a structured program of social and rehabilitative and/or maintenance services, within a residential home.
- (B) **Standards:** No additional standards.

Section 5.03 Adult Entertainment

- (A) Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, it is in the best interest of this orderly and better development of the community to limit such "Special" uses to a particular location.

In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within one thousand (1000) feet of two other such uses nor within three hundred (300) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.

- (1) Adult bookstore
- (2) Adult motion picture theater
- (3) Adult mini motion picture theater
- (4) Adult smoking or sexual paraphernalia store
- (5) Massage parlor

- (6) Host or hostess establishments offering socialization with a host or hostess for a consideration
- (7) Pool or billiard halls
- (8) Open dance hall
- (9) Pawn shop
- (10) Pinball or video game arcade or establishment
- (11) Sauna, hot tub or other similar health or body improvement or enjoyment enterprises.
- (12) Any combination of the following.

(B) **Definitions:** For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:

- (1) **Adult bookstore:** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, or an establishment with segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater:** An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined, for observation by patrons therein.
- (3) **Adult motion picture theater:** An enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store:** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal. Or for smoking, ingesting or inhaling marihuana, narcotics or other stimulating or hallucinogenic drug related substance.
- (5) **Massage parlor:** An establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof, by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.
- (6) **Pool or billiard hall:** An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards, or similar activities.
- (7) **Open Dance Hall:** An establishment where open public dancing by patrons is available during at least four days per week or without partners furnished by the establishment.
- (8) **Host or Hostess Establishment:** Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or member’s fee.
- (9) **Pawn Shop:** An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

- (10) **Sauna, hot tub or other similar health or body improvements enterprises:** Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male or female customers with or without supervision or participation employees or independent contractors of the business.
- (11) **Pinball or Video Game Arcade or Establishment:** Establishments where the principal business consists of customer-operated games or entertainment experience of mechanical, electronic, device or devices engaged by a customer.

Section 5.04 Agritourism

- (A) **Definition:** The practice of visiting an agribusiness, horticultural, or farm, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- (B) **Standards:** The following provisions shall apply to agritourism operations:
 - (1) **Purpose and Intent:** The purpose and intent of this section is to allow and regulate operations and businesses that invite the public to engage with and experience the inner workings of agriculture and food production. In combination with a conventional farm, the following activities may constitute an agricultural tourism event: ongoing uses such as a winery and tasting room, frequent seasonal uses such as a cider mill, or one-time events such as carnivals, or other events of varying time frames including bonfires, cooking demonstrations, corn mazes, fishing pond, food service, petting farms, seasonal you-pick fruits and vegetables, animal displays, pony rides, wagon/sleigh/hay-rides, nature trails, picnic facilities, educational classes, historical agriculture exhibits, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.
 - (2) **Review Standards.** All agritourism uses shall require Planning Commission review, which shall review and grant a recommendation for approval to the Zoning Administrator should the agritourism use meet the requirements of this Section. The Zoning Administrator will grant the approved permit upon recommendation for approval. This application shall not incur a fee on the applicant.
 - (3) **Size.** For the purposes of determining whether an agritourism use should be a principal permitted use or special land use, such operations are classified “Minor” or “Major” based on the following characteristics:

	Minor Operation ^{a, b}	Major Operation ^b
Time Span ^c	Less than or equal to 3 weeks/event	More than 3 weeks/event
Event Acreage ^d	Less than or equal to 5 acres	More than 5 acres
Number of Events	One or two per calendar year	Three or more per calendar year
Number of Attendees	Less than or equal to 50 at any one time	More than 50 at any one time

Footnotes:

- (a) Agricultural tourism operations must satisfy all four criteria to be considered Minor.
- (b) Minor and major operations require site plan approval. Major operations also require special land use approval.

- (c) By way of example, a minor tourism operation could include one that is open for business 21 consecutive days or one that is open 3 weekends within a 3-week period.
 - (d) Event acreage includes the land occupied by the event plus ancillary facilities (such as parking), and not necessarily the total acreage of the parcel on which the event is located.
- (4) Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.
- (5) Buildings.** More than one (1) Building may be permitted per parcel. Unless a building is exempt because it is an agricultural structure.
- (6) Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use, based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.
- (7) Restrooms.** A sufficient number of restrooms shall be available for public use, based on an evaluation, by the Planning Commission, of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).
- (8) Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.
- (9) Planning Commission Waivers**
- (a) The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.
 - (b) The Planning Commission may waive any requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control. Regardless of whether the lot is paved or not, all requirements of Article 8 must be met.
- (10) Exclusions.** The provisions in this subsection do not apply to the following uses, which are regulated elsewhere in this Ordinance:
- (a) Nature centers or demonstration farms.
 - (b) Recreation facilities.
 - (c) Outdoor events.
 - (d) Roadside stands.
 - (e) Distilleries.
 - (f) Bed-and-breakfast establishments.
 - (g) Brewpubs and Microbreweries.
 - (h) Any use for which zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS), such as farm markets.

Section 5.05 Barber Shop or Beauty Shop

- (A) **Definition:** Includes day spas and spas. A personal service establishment offering any of a variety of health and beauty services including hair, nails, make-up, massage, and other related services.
- (B) **Standards:** No additional standards.

Section 5.06 Brewpub/Microbrewery/Distillery

- (A) **Definition:** A manufacturing establishment for alcoholic drinks that also includes a service area where customers can eat or drink. A manufacturing establishment for alcoholic drinks that does not provide a service area where customers can eat and drink shall be considered “manufacturing.”
- (B) **Standards:**
 - (1) The following regulations shall apply to brewpubs:
 - (a) On-premises sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the relevant Michigan state law.
 - (b) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. Open storage of bottles, pallets, or other containers must be surrounded by a 6 foot high privacy fence.
 - (c) No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use by the Zoning Administrator. Outside table service may be permitted in areas not designated for parking or loading/unloading, subject to the requirements of Section 5.27.
 - (2) The following regulations shall apply to microbreweries:
 - (a) A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers, pursuant to the relevant Michigan state law.
 - (b) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. Open storage of bottles, pallets, or other containers must be surrounded by a 6 foot high privacy fence.
 - (c) No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use by the Zoning Administrator. Outside table service may be permitted in areas not designated for parking or loading/unloading.
 - (3) The following regulations shall apply to **distilleries**:
 - (a) Copies of all required state and federal licenses shall be submitted to the Township.

- (b) Grains and other products used in the distilling process may be stored in a detached structure, provide that any such structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. Open storage of bottles, pallets, or other containers must be surrounded by a 6 foot high privacy fence.

Section 5.07 Campground

- (A) **Definition:** A facility for overnight stays in non-permanent structures, cabins, tents, or recreational vehicles.
- (B) **Standards.** The following regulations shall apply to campgrounds.
 - (1) No site shall be occupied by the same tenant for more than 120 consecutive days during the period of June 1 through September 15. Occupancy during the period of September 16 through May 31 shall not exceed 30 consecutive days.
 - (2) A site in a campground shall have access from either a public or internal private roadway.
 - (3) Required Setbacks:
 - (a) Front: 15 feet from the road right-of-way
 - (b) Side or Rear (from nearest adjacent cabin or lot line, whichever is closer): 10 feet
 - (4) The maximum number of persons allowed to occupy a site shall be limited to eight (8).
 - (5) All construction of amenities, including but not limited to, bath/shower houses, swimming pools, community buildings, laundry facilities, etc., shall be in accordance with the Michigan Building Code, as amended. All electrical, plumbing and mechanical work shall be in compliance with applicable State of Michigan Codes, as amended.
 - (6) Internal private road rights-of-way shall not be less than forty (40) feet wide. The driving surface shall have an aggregate surface a least twenty (20) feet of width and at least a 2-foot-wide shoulder on each side. The right-of-way shall be free of obstructions, provide free and easy access to abutting sites, and shall be maintained in a passable and reasonably dust-free condition. The campground owner shall ensure that vehicles do not park in the road right-of-way.
 - (7) A campground shall be served by municipal water and sewer, or an approved alternative.
 - (8) All connections to the water distribution system, as well as the top of the site sewer connections, shall be located above the elevation defining the 100-year flood plain.
 - (9) A campground shall provide customer site piping to convey water from the service connection to the points of use within the campground, as provided for in the Safe Water Drinking Act, Public Act 399 of 1976, as amended, and rules promulgated under the Act. A campground shall provide a private sewer collection system as permitted by the Michigan Department of Environment, Great Lakes, and Energy meeting the requirements of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended, and rules promulgated under the Act.

Section 5.08 Cemetery

- (A) **Definition:** Land used for the burial of the dead, including a columbarium, crematory, and mausoleum.

- (B) **Standards:** The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:
- (1) **Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.
 - (2) **Accessory Buildings.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review.
 - (3) **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be set back a minimum of four hundred (400) feet from the boundary line of any residential district.
 - (4) **Location of Entrances.** Entrances to cemeteries shall be from a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.

Section 5.09 Child Care Center (Non-Home Based)

- (A) **Definition:** A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services
- (B) **Standards:** No additional standards.

Section 5.10 Crop Cultivation

- (A) **Definition:** The growing of plants for commercial sale.
- (B) **Standards:** No additional standards.

Section 5.11 Drive-Thru

- (A) **Definition:** A facility designed to serve customers in their cars from a window in the building, so that the cars are idled while being served, rather than parked
- (B) **Standards:** The following regulations shall apply to businesses with drive-thru service.
- (1) **Minimum Frontage.** The site shall have a minimum of two hundred (200) feet of frontage on primary road or highway.
 - (2) **Location of Driveways.** Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).

- (3) **Control of Sound Level.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

Section 5.12 Dwelling Units

(A) Single-Family

- (1) **Definition:** A room, or rooms, within one independent structure, connecting together constituting a separate, independent dwelling unit for one family.
- (2) **Standards:** No additional standards.

(B) Multiple-Family, Senior Housing, and Townhouse.

- (1) **Definition:** A building or complex of multiple buildings where each building contains at least two dwelling units. Buildings or complexes designed for senior housing, but not including assisted living, shall be considered “multi-family housing” for purposes of this Ordinance.
- (2) **Standards:** The following site development standards shall apply to multiple family and housing developments:
 - (a) **Maximum Density:** A multiple-family housing development shall not exceed ten units per gross acre of land.
 - (b) **Access to Roads.** Multiple-family developments shall have direct access to a county primary road or state highway.
 - (c) **Utilities.** Multiple-family developments containing more than two dwelling units shall be served by public water and sewer. Expansions and connections shall not be the financial responsibility of the Township.
 - (d) **Community Amenities.** Community amenities such as swimming pools, tennis courts, storage garages, playgrounds, laundry facilities, and other amenities shall be permitted as accessory uses, with the approval of the Planning Commission during the Special Use Approval process. Community amenities within residential housing complexes must be open to the residents only, and not to the general public (except as guests of a resident), unless the amenity would be permitted in the district as a principal use, in which case the management of the complex may choose to open the facility to the general public.

(C) Manufactured Housing

- (1) **Definitions:**
 - (a) **Manufactured Home:** A building or portion of a building designed for long-term residential use that is designed to be transported to the site in a nearly complete form.
 - (b) **Manufactured Housing Community:** A lot containing more than two manufactured homes.
- (2) **Standards:** Before the installation of any mobile/manufactured home in the Township of Newfield, the following requirements must be met.
 - (a) Septic, plumbing, electrical and building permits must be obtained.
 - (b) Units shall have a Michigan State Construction Code Commission or Bureau of Construction Code Label.

- (c) The applicant must have a recommended foundation set-up as specified by the manufacturer under mobile/manufactured home.
- (d) Mobile/manufactured homes shall be tied down according to manufacturer's specifications or in an approved manner.
- (e) Mobile/manufactured homes shall be skirted with a non-combustible material and securely fastened at the top and bottom.
- (f) Any additions will have to meet State Code, No. 1401, for more information contact Building Inspector.
- (g) No mobile/manufactured home or building hereafter erected shall be used or occupied in whole, or in part, until Building Inspector has issued the Certificate of Occupancy.
- (h) Two (2) mobile/manufactured homes cannot be fastened together unless specifically designed for this purpose.
- (i) Mobile/manufactured homes must have a title and a recorded parcel number.
- (j) Mobile/manufactured homes shall be a minimum of fourteen (14) feet in width exclusive of any additions and must meet at least one (1) of the following:
 - (i) Is built to 1989 HUD Standards as evidenced by the intact seal and is constructed using 1996 compliant materials (Sheeting on exterior walls, OSB on flooring) or
 - (ii) Built to 1996 HUD Standards and retains the manufacturer's certificate of compliance including the HUD red and silver seal affixed as per the manufacturer or
 - (iii) Meets 1996 BOCA code or
 - (iv) Meets 2000 HUD Manufactured Home standards and has the manufacturer's certification as evidenced by the intact seal.
- (k) Mobile/manufactured homes must be less than twenty (20) years old.
- (l) Mobile/manufactured homes must be inspected and found in compliance by Newfield Township Building Inspector.
- (m) **Permits:** After an acceptable site for a Mobile/manufactured Home Park is obtained, the Zoning Administrator shall issue a zoning permit.
- (n) **Compliance:** The structure shall comply with all of the provisions of the Fire Code and Zoning Ordinance.
- (o) **Replacing of existing Mobile/manufactured Homes:** Old mobile/manufactured home to be removed within sixty (60) days of occupancy of new mobile/manufactured home.

(D) **Accessory Dwelling Units**

- (1) **Definition:** A second dwelling unit associated with the principal dwelling which cannot be sold or leased separately from the principal dwelling unit.
- (2) **Standards:** The following regulations shall apply to accessory dwelling units:
 - (a) Accessory Dwelling Units must be approved by Special Use prior to construction. See Section 3.01.

- (b) **Residence an Incidental Use.** The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
 - (i) Accessory dwelling units shall be established subordinate to owner-occupied homes only by means of a fully-enclosed, insulated and heated space, which may be attached to the principal structure, or may be in a detached accessory building.
 - (ii) Only one (1) such accessory residence shall be permitted on each parcel.
 - (iii) The total floor area of the accessory residence shall not exceed the floor areas of the principal residence.
 - (iv) Detached accessory residences must be at least 20 feet wide in all dimensions.
- (c) **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.

(E) **State Licensed Residential Facilities (Non-Daycare).**

- (1) **Definition:** Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.
- (2) **Standards:** State Licensed Residential Facilities, except Child Day Care Homes or Group Day Care Homes shall be subject to the following:
 - (a) Facilities requiring special use approval shall not be located nearer than 1,500 feet to another State Licensed Residential Facility that required special use approval.
 - (b) Off-street parking spaces shall be provided in a quantity sufficient to accommodate employees of the facility and visitors. However, the extent of pavement coverage of the front yard shall be limited to be visually compatible with the surrounding area.
 - (c) The home and property shall be maintained in a manner consistent with the visible characteristics of the surrounding neighborhood.

Section 5.13 Funeral Home or Mortuary

- (A) **Definition:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.
- (B) **Standards:** The following regulations shall apply to Funeral Homes and Mortuaries:
 - (1) **Assembly Area.** Adequate assembly area shall be provided off-street for at least 15 vehicles to be used in funeral processions.
 - (2) **Accessory Dwelling.** An accessory dwelling may be provided within the main building of the funeral home or within an accessory building.

Section 5.14 Government and Public Building

- (A) **Definition:** Principal structures dedicated to the use by the public or government operations. For the purposes of this Ordinance, Government or Public buildings shall include libraries, museums, municipal offices, County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government. **Exceptions:** Primary/Secondary Schools Institutions of Higher Education, public recreational facility buildings shall be defined as described in this section, and shall not be considered Government or Public buildings
- (B) **Standards:** No additional standards.

Section 5.15 Family Day Care Home

- (A) **Definition:** A private home (where the licensee permanently resides as a member of the household) with the approved capacity of 1 to 6 minor children to be cared for less than 24 hours a day unattended by a parent or legal guardian. The limit on the number of children at a Family Child Care Home does not include children who are related to an adult member of the family by blood, marriage or adoption. It includes care to an unrelated minor child for more than 4 weeks in a calendar year.
- (B) **Standards:**
- (1) **Location.** Such facilities shall be located in the permanent residence of the operator.
 - (2) **Number of Employees.** Such facilities shall have no more than one full-time equivalent non-resident employee. This shall be considered an exemption from the prohibition on non-resident employees in a home-based businesses in Section 5.18.
 - (3) **Fencing.** The perimeter of any yard used for play or instruction shall be enclosed by a fence that is a minimum of four (4) feet in height to prevent children from departing or entering the yard without permission of an adult employee or the operator.

Section 5.16 Gravel Pits

- (A) **Definition:** The removal or recovery from a given lot by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged, and provision of those materials to another party for financial consideration. Said definition does not include common household gardening, agricultural operations, construction of roadways, driveways, structures, or site improvements, or the creation of ponds.
- (B) **Procedures & Conditions:** Commercial gravel pits, including the removal of any soil resources in areas greater than one (1) acre are permitted in E and A-1 Districts when authorized by the Planning Commission by Special Land Use after public hearing. The following procedures and conditions shall be met before approval of any such proposal is given.
- (1) Any owner, lessee or other person shall file an application with the Planning Commission, which shall contain the following information:
 - (a) Name of owner of lands from which removal is to be made.
 - (b) Proposed method of removal and equipment to be used in the removal.
 - (c) Proposed method of restoration of the area after removal of the resources is completed.

- (2) The application may be accompanied by a map of the parcel indicating all buildings, street, drainage facilities and natural features within two hundred (200) feet thereof if the Planning Commission deems necessary.
- (3) **Necessary Documents:** The application may be accompanied by three (3) copies of a site plan drawn to scale of 1" (one inch) = 50 feet or larger containing the following information if the Planning Commission deems it necessary:
- (a) Site boundaries and dimensions.
 - (b) Location of proposed structures on site and dimensions of said structures.
 - (c) Street entrances and exits, parking and other circulation features.
 - (d) General topography (2-foot intervals) of the site and all natural features on the site.
 - (e) Land uses adjacent to the site within three hundred (300) feet.
 - (f) Proposed landscaping, screening and walls.
 - (g) Proposed alterations of topography and drainage patterns.
 - (h) Propose sewage disposal and water supply.
 - (i) Other information as may be required for a particular use as delineated in this section of the Zoning Ordinance.
 - (j) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. All truck traffic shall be directed away from residential streets.
- (4) Where quantities of earth are to be removed from the parcel, a topographic contour plan of proposed restoration elevations might be presented with the application, if the Planning Commission deems necessary.
- (5) Prior to holding a public hearing the Planning Commission will submit the application and the required maps to the Oceana County Planning Commission for study and opinion and may, if they deem it necessary, seek the advice of the County Road Commission or an engineer designated by the County, the County Drain Commissioner and the Soil Conservation Service to determine that the proposed use will not severely threaten the public safety or the property rights of others and that the Sedimentation Control Standards of the Oceana Soil Conservation Service will be met.
- (6) In making its final decision, the Township Board shall determine that the following conditions have to be met by the applicant:
- (a) No business or industrial structures or buildings of a permanent nature shall be erected, except when the mining activity occurs in a Commercial District where such buildings are a permitted use.
 - (b) No truck parking or truck storage shall be located within two hundred (200) feet of any adjacent residence, or within fifty (50) feet of any adjoining property.
 - (c) No part of the removal shall take place closer than seventy-five (75) feet from centerline of road, unless Township Board approves otherwise.

- (d) The proposed restoration elevations will be compatible with the surrounding areas, and adequate safeguards will be made to ensure proper drainage.
- (e) The property will be restored by the replacement of topsoil and appropriate planting shall stabilize such soil.
- (f) All truck traffic shall be directed away from residential streets.
- (g) A performance bond or cash shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined area prior to the commencement of any such mining or excavating operation. The amount of the guarantee shall be not less than Two Thousand (2000) dollars per acre proposed to be mined or excavated in the following twelve (12) months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Zoning Ordinance and the applicant's filed plan. No more than ten (10) acres to be worked at a time.
- (h) If operations cease for a period of twelve (12) months, the bond will be rescinded if the area is cleaned up.
- (i) **Hours:** The crushing operations shall be restricted to the hours of 7:00 a.m. until 7:00 pm and no operations shall be allowed on Sundays and Holidays.

Section 5.17 Group Day Care Home

- (A) **Definition:** A private home with the approved capacity of 7 to 12 minor children for less than 24 hours a day unattended by a parent or legal guardian. The limit on the number of children does not include children who are related to an adult member of the family by blood, marriage or adoption. It includes care to an unrelated minor child for more than 4 weeks in a calendar year.
- (B) **Standards:**
 - (1) The use must comply with all applicable State and Federal laws for Group Day Care Homes.

Section 5.18 Home Occupations

(A) Definitions.

- (1) **Home Occupation.** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises. Home Occupations shall be permitted accessory to residential uses in all zoning districts and shall require a Zoning Permit from the Zoning Administrator.
- (2) **Home-Based Business.** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit, but which has employees that live off-site, and/or engages in onsite, in-person, retail sales and/or repair of large-scale products such as vehicles, boats, or furniture, and/or provides on-site lessons to any students at a given time. Home-Based Businesses shall be permitted accessory to residential uses in all zoning districts and shall require a Zoning Permit from the Zoning Administrator.

(B) Standards: The table below shows the regulations applicable to home occupations and home-based businesses.

Regulation	Home Occupation	Home Based Business
Use of Accessory Buildings	Office, storage, or production	Office, storage, repair, production, or sales
Deliveries	United States Postal Service or private delivery company	United States Postal Service, private delivery company, or two-axle vehicle operated by the home-based business or a vendor of that business
Allowable Hours Open to the Public	Prohibited	8:00 a.m. to 6:00 p.m.
Exterior Alterations to the Home	Prohibited	No more than ten percent expansion of footprint or height to accommodate facilities for business
Outdoor Storage	Prohibited	Must be enclosed within screening fence at least six feet high
Signage	Freestanding signage as permitted in zoning district	Freestanding signage as permitted in zoning district
Outdoor Activities (including production, repair, services, lessons, etc.)	Prohibited	Must be enclosed within screening fence at least six feet high

- (C) **Materials Storage.** Materials, supplies, and merchandise shall be stored within a principal or accessory structure in a manner that does not pose a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, and shall not result in a change of use of the property or an activity prohibited by the Michigan Building Code.

- (D) **Performance Standards.** The business shall not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Lessons or instruction may produce noise generated by a person's voice or noise produced by a person's recreational activity that is detectable beyond the property lines. Furthermore, the business shall not generate any electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a residential dwelling unit.
- (E) **Marihuana Caregivers.** Licensed medical marihuana caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall be considered home occupations and shall be subject to all regulations of this section applicable to home occupations. No more than one caregiver shall operate on any given lot.

Section 5.19 Hotel

- (A) **Definition(s):** A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms connected by interior hallways, consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.
- (B) **Standards:** The following regulations shall apply to motels and hotels:
 - (1) **Design.** Each unit shall contain at least a bedroom and bath and a minimum gross floor area of one hundred (100) square feet.
 - (2) **Services.** Motels and hotels shall provide customary motel and hotel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Section 5.20 Institution of Higher Education

- (A) **Definition:** A facility dedicated to providing education and training primarily to persons that have already earned a high school diploma or equivalent.
- (B) **Standards:** No additional standards.

Section 5.21 Manufacturing

- (A) **Definitions:**
 - (1) **Manufacturing (Generally):** A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
 - (2) **Manufacturing - High Intensity:** A use meeting the definition of manufacturing that, in the opinion of the Zoning Administrator, could have a substantial negative impact on surrounding residents, businesses, and/or the environment, including, but not limited to, noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, impact on watersheds, significant use of natural resources or public services, or causing land on neighboring properties to become unstable or unbuildable. Additionally, all manufacturing uses encompassing more than 100,000 square feet of building, or outdoor storage or operational space, shall be

considered High Intensity. Appeals of determinations by the Zoning Administrator that a manufacturing use is “high intensity” shall be to the Zoning Board of Appeals.

- (3) **Manufacturing – Low Intensity:** A use meeting the definition of manufacturing that, in the opinion of the Zoning Administrator, does not meet the definition of “Manufacturing – High Intensity.”
- (B) **Standards:** Manufacturing, whether determined to be “Low Intensity” or “High Intensity” shall only be approved if the Planning Commission determines that any potential negative impacts, such as noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, or causing land on neighboring properties to become unstable or unbuildable, have been sufficiently mitigated by site design. The Planning Commission may impose additional landscaping, setback, or operational requirements on a manufacturing use, through the Special Use process, in order to mitigate negative impacts.

Section 5.22 Marihuana Businesses

- (A) **Definitions.** The definitions in the Newfield Township Marihuana Administrative Ordinance shall apply within this section.
- (B) **Limit on Number of Permits.** The number of marihuana permits available shall be as described in Newfield Township Marihuana Administrative Ordinance. The cap on the number of permits shall supersede in this section, and the Township shall have no obligation to approve any marihuana businesses above and beyond the caps established in Newfield Township Marihuana Administrative Ordinance.
- (C) **Allowable Marihuana Businesses:** The Township hereby authorizes the operation of the following types of Commercial Marihuana Facilities, subject to the number of available Permits issued in this Section:
 - (1) Marihuana Growers, Class A
 - (2) Marihuana Growers, Class B
 - (3) Marihuana Growers, Class C
 - (a) Class C commercial marihuana facilities permits shall be limited to 10 facilities in an area bound by Gale Road to the north, Garfield to the south, 200th to the east, and 160th to the west.
 - (4) Marihuana Growers, Excess
 - (5) Marihuana Processors
 - (6) Marihuana Safety Compliance Facilities
 - (7) Marihuana Secure Transporters
- (D) **Allowable Zoning Districts for Commercial Marihuana Permits/Facilities.** Grow permits and processor permits may be done in A-1 or E. Compliance facility permits and transporter permits are only allowed in E.
- (E) **Prohibited Marihuana Businesses:** It shall be unlawful for any person to engage in, or be issued a Permit for, the operation of the following Commercial Marihuana Facilities in the Township:
 - (1) Marihuana Microbusiness
 - (2) Marihuana Retailer

- (3) Marihuana Event Organizer
- (4) Temporary Marihuana Event
- (5) Designated Consumption Establishment

(F) **Additional Requirements:**

- (1) Additional requirements based on license class and zoning district:

- (a) Grow Permits in zoning district A-1 or E

- (i) Minimum lot size of 5 acres.
- (ii) 150 ft. front setback from center of road
- (iii) 100 ft side setbacks
- (iv) 100 ft rear setbacks
- (v) The setbacks referenced in Subsection above and below shall be calculated by drawing the shortest possible straight line from the lot line to the nearest area or building of the Permitted Property or Premises that contains, or may contain at any time, marihuana, including marihuana plants, marihuana plant waste, and seasonal storage areas of dried or fresh frozen marihuana.
- (vi) **Screening of Grow Operations.** Screening of Grow Operations. All facilities must provide screening in addition to the fencing. The screening shall consist of one of the following options:
 - 1) Solid metal fencing (i.e. metal panels) of a minimum 6 feet in height (this will serve as both the fencing requirement and the screening requirement) OR
 - 2) Chain link or wire metal fencing with an opaque mesh covering, **AND** screening consisting of one of the following:
 - a) A berm, seeded with grass to prevent blowing dust, at least six feet in height OR
 - b) A berm, seeded with grass to prevent blowing dust, and landscaped such that the height of the berm, plus the height of the landscaping (at planting) is at least six feet OR
 - c) Landscaping, at least six feet tall at planting and creating a complete screen.
- (vii) Minimum of 200 ft from any neighboring residential structure (but not the property line).
- (viii) Parking – 1.5 parking spaces (each space requires 180 sq ft per ordinance) per employee proposed (this would allow some extra parking for state inspectors, etc.)
- (ix) Any lighting visible from a public place or adjacent private residence shall be downcast so as to not interfere with neighboring residence.
- (x) Quiet times as outlined in current ordinance other than as allowed under “Right to Farm”.

- (b) **Processing Permits in zoning district A-1 or E**

- (i) Minimum lot size of 4 acres.
 - (ii) 150 ft. front setback from center of road
 - (iii) 100 ft. side and rear setbacks
 - (iv) Minimum 200 ft. distance from any neighboring residences, calculated by drawing the shortest possible straight line between the Permitted Premises/Property and the exterior wall of an occupied residential structure.
 - (v) Screening of operation in addition to that prescribed by state law – minimum 6-foot screening by shrubs, or trees, landscape berm, or solid fencing on front and sides of parcel. If not, a standalone facility located within a permitted grow facility. All facilities are required to provide landscape screening through shrubs, trees, or landscape berm, except those that provide fencing made of solid materials.
 - (vi) Parking – 2 parking spaces per employee as described in permit application. 180 sq ft per parking space per the current ordinance.
 - (vii) Driveway shall be in compliance with OCRC requirements.
 - (viii) Quiet times as outlined in current ordinance
- (c) Safety Compliance Facility Permits in zoning district E**
- (i) Setback requirements as in all E permits
 - (ii) Parking – in compliance with Article 8
 - (iii) Transport vehicles must be stored in a secured area, which shall be enclosed by fencing or other physical barrier.
 - (iv) Egress/ingress – in compliance with local building codes.
- (d) Transporter Permits in zoning district E**
- (i) Setback requirements as in all E permits
 - (ii) Minimum 1.5 parking spaces (as defined by ordinance, 180 sq ft. each) per employee proposed.
 - (iii) Transport vehicles shall be stored in a secured area, which shall be enclosed by fencing or other physical barrier.
 - (iv) Parking lot– in compliance with local building and egress zoning codes.
 - (v) Egress/ingress in compliance with OCRC requirements.
- (2)** No person shall operate a Commercial Marihuana Facility at any time for any location within the Township unless a then currently effective Permit for that person at that location has been issued under this Ordinance.
- (3)** Commercial Marihuana Facilities shall operate only as allowed under this Zoning Ordinance and the Newfield Township Marihuana Administrative Ordinance.
- (4)** The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable state or local laws, regulations, codes, or ordinances.

- (5) No Permit shall be granted or renewed for a Commercial Marihuana Facility in a residence or in any area of the Township where the predominant land uses, at the time of the permit application, within 0.25 miles of the proposed Commercial Marihuana Facility are residential housing structures upon lots that are an average size of less than two (2) acres.
- (G) **Other Laws and Ordinances.** In addition to the terms of this Ordinance, any Commercial Marihuana Facility shall comply with all Township Ordinances, including without limitation the Newfield Township Marihuana Administrative Ordinance, and with all other applicable state and local ordinances, laws, codes, and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable state or local ordinances, laws, codes, or regulations, the terms of the more restrictive ordinance, law, code or regulation shall control.
- (H) **Application for and Renewal of Permits.** The application requirements shall be as described in The Newfield Township Marihuana Administrative Ordinance.
- (I) **Additional Conditions.** The Township Board may impose such reasonable terms and conditions on a Commercial Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section 5.23 Medical or Dental Clinic

- (A) **Definition:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.
- (B) **Standards:** No additional standards.

Section 5.24 Mini-Warehouse/Self-Storage

- (A) **Definition:** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage facilities.
- (B) **Standards:**
 - (1) **Lot Area.** The minimum lot size for mini-warehouses and portable storage units shall be three (3) acres.
 - (2) **Permitted Use.** Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site. Electrical service, except for lighting, is prohibited within storage units.
 - (3) **Resident Manager.** Subject to Planning Commission approval, a resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.

Section 5.25 Office

- (A) **Definition:** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.
- (B) **Standards:** No additional standards.

Section 5.26 Open-Air Business

- (A) **Definition:** Any commercial use that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:
- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
 - (2) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
 - (3) Outdoor display and sale of garages, swimming pools, playground equipment, and uses
- (B) **Standards:** The following regulations shall apply to Open-Air Businesses, whether operated year-round or on an intermittent basis:
- (1) **Parking Setback.** Parking shall be setback a minimum of fifteen (15) feet from any road right-of-way line, unless otherwise noted.
 - (2) **Lot Width.** The minimum lot width for open-air businesses shall be two hundred (200) feet.
 - (3) **Loading and Parking.** All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

Section 5.27 Outdoor Event

- (A) **Definition:** A musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free, and at which the anticipated attendance is 500 people or greater.
- (B) **Standards:**
- (1) Outdoor Events are permitted by special use permit in the districts listed in Section 3.01 and must meet the following standards:
 - (a) **Parcel Size.** Outdoor Events shall be permitted only on parcels that are three (3) acres or larger.
 - (b) **Hours of Operation.** Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Planning Commission upon finding that longer hours will have no impact on use of surrounding property.

- (c) **Fencing.** The premises shall be completely enclosed by a six (6) foot tall fence of sufficient strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. The Township Fire Department shall determine the number of required gates in the fence based on the proposed number of attendees.
- (d) **Parking.** Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly marked barrier-free spaces shall be provided in accordance with the schedule in Article 8. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Article 8 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.
- (e) **Traffic Circulation and Control.** A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the Township Police and Fire Departments. The sponsors of the Outdoor Event shall pay for the cost of such traffic control.
- (f) **Security Guards.** A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the Township Police Department determines that greater or fewer guards are needed to preserve order and protection of property on and around the site of the Outdoor Event.
- (g) **Potable Water.** Potable water shall be available in sufficient quantity and pressure for drinking and sanitation purposes for the entire Outdoor Event, including under conditions of peak demand. The water supply shall comply with applicable County and State laws and regulations.
- (h) **Toilet Facilities.** A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.
- (i) **Liquid Waste Disposal.** Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.

- (j) **Solid Waste Disposal.** Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.
- (k) **Electrical Service.** A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Zoning Administrator. All electrical wiring shall be installed in compliance with the Michigan Building Code.
- (l) **Noise Control.** Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.
- (m) **Illumination.** Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.
- (n) **Communications Facilities.** An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the Township Police Department.
- (o) **Overnight Facilities.** Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight. Overnight use of the premises by performers or employees of the Outdoor Event may be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.
- (p) **Signs.** Signs shall comply with the standards for signage in Article 10.
- (q) **Food Service.** If food service is made available, it shall be delivered only through concessions licensed and operated in accordance with State and County laws and regulations.
- (r) **Medical Facilities.** If determined necessary by the Township Police Department, emergency medical facilities shall be provided on the premises for the duration of the event.
- (s) **Prohibited Activities.** It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.
- (t) **Fire Protection.** Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Department. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Township Fire Department, shall be provided. Open fires are prohibited.

- (u) **Performance Guarantee.** A performance guarantee shall be deposited with the Township to assure proper clean-up of the site in accordance with the clean-up plan that is required with the application.
- (v) **Insurance.** The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Supervisor. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination of the insurance.

Section 5.28 Pet Shop and Pet Grooming

(A) **Definition(s):**

(B) **Standards:**

- (1) **Enclosure.** Pets shall not be permitted outside of enclosed buildings while being kept on the site.
- (2) **Clean and Sanitary Conditions.** Such businesses shall be maintained in a clean and sanitary condition. Waste material, including feces and urine, shall be immediately removed.

Section 5.29 Preserve/Conservation Area

(A) **Definition:** A use of land solely dedicated to preserving or returning to a natural state of site, with few or no buildings or structures.

(B) **Standards:** No additional standards.

Section 5.30 Primary/Secondary School

(A) **Definition:** An educational institution serving students in any combination of grades between Kindergarten and high school graduation.

(B) **Standards:** No additional standards.

Section 5.31 Propane Storage Facility

(A) **Definition:** An indoor or outdoor storage facility containing, among other items allowable under this Ordinance, storage containers appropriate for the safe storage of flammable hydrocarbon gas, otherwise known as propane.

(B) **Standards:** See Section 6.06 of the Zoning Ordinance.

Section 5.32 Recreation – Indoor

- (A) **Definition:** Indoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.
- (B) **Standards:** No additional standards.

Section 5.33 Recreation – Outdoor

- (A) **Definition:** Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.
- (B) **Standards:** Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off road vehicles and snowmobiles, baseball facilities, rugby fields and swimming pools, but not including trails, shall comply with the following regulations:
 - (1) General Requirements.
 - (a) **Impact on Surrounding Properties.** The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
 - (b) **Nuisance Impacts.** Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
 - (c) **Parking.** All parking shall be set back a minimum of forty (40) feet from any residential district.
 - (d) **Screening.** Outdoor recreation uses shall be screened from view from adjacent property zoned for residential purposes, in accordance with Article 9.

Section 5.34 Religious Institution

- (A) **Definition:** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related activities.
- (B) **Standards:** The following regulations shall apply to all religious Institutions, including churches, synagogues, temples, etc.:
 - (1) **Maximum Height.** Religious institutions may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.
 - (2) **Accessory Uses.** The uses listed in the definition of Religious Institutions shall be permitted accessory to any Religious Institution. However, accessory uses shall comply with all relevant requirements of this Ordinance, including obtaining required Special Land Use approvals.

Section 5.35 Restaurant/Bar

- (A) **Definition:** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.
- (B) **Standards:** No additional standards. For outdoor seating standards, see Section 6.07.

Section 5.36 Retail Store

- (A) **Definition:** A business that sells products or provides services on the premises directly to consumers. Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.
- (B) **Standards:** No additional standards.

Section 5.37 Shooting Range

- (A) **Definition:** A commercial facility for the safe and secure use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. The Zoning Administrator shall have the authority to determine that a gun range on residential or agricultural property is of such a large scale and scope so as to be commercial in nature. Appeals of the decisions of the Zoning Administrator in this regard shall be to the Zoning Board of Appeals.
- (B) **Standards:**
 - (1) **Sound Control.** Sound control and other systems shall be provided which will protect the users and employees of the range.
 - (2) **Disposal of by-products of the range.** In no case shall there be the disposal of rubbish, litter, or other by-products of the range in such a manner as to be obnoxious, offensive or in conflict with the general public health, safety and welfare.
 - (3) **Best management practices.** In all cases the range shall use best management practices in dealing with lead, lead dust and other lead byproducts of an indoor Shooting Range.
 - (4) **Building materials.** The building materials and interior architectural systems used in the Shooting Range shall be designed and constructed in a manner which will prevent projectiles from penetrating the walls or ceilings and contain all projectiles from reaching the outside of the building.
 - (5) **Commercial sale of guns or ammunition.** The indoor range may include a commercial operation area for the sale of guns or ammunition, and ancillary equipment provided this area is ancillary to the primary use, an indoor Shooting Range.
 - (6) **Permits and licenses.** Copies of all Federal, state, county or local permits or licenses must be submitted to the Township.
 - (7) **Hours of Operation.** No shooting range shall operate between the hours of 7pm and 10am, nor shall it operate after dark.

Section 5.38 Solar Energy System (Small or Large)

- (A) **Purpose:** The purposes and objectives for which this ordinance is passed are as follows:
- (1) To preserve the dignity and aesthetic quality of the environment in Newfield Township.
 - (2) To preserve the physical integrity of land in close proximity to residential areas.
 - (3) To protect and enhance the economic viability and interests of the citizens and residents of Newfield Township who have made substantial financial investments in homes, businesses, and industry in Newfield Township.
 - (4) To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFs) in the Township of Newfield in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- (B) **Definitions:** For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.
- (1) **Abandonment:** to give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.
 - (2) **Building:** Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.
 - (3) **Decommissioning plan:** A document that details the planned shut down or removal of a solar energy facility from operation or usage.
 - (4) **Fence:** A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.
 - (5) **Gate:** A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
 - (6) **Improved Area:** Area containing solar panels, electrical inverters, storage buildings and access roads.
 - (7) **Opaque Fence:** A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will hide the solar energy facility.
 - (8) **Public Road:** Any road or highway which is now or hereafter designated and maintained by the Michigan Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable roads which provide access to residential areas. Setbacks for improved areas shall be measured from the road right of way.
 - (9) **Residence:** A building used as a dwelling for one or more families or persons.

(10) **Residential Area:** Any area within one quarter 1/4th mile of a solar energy facility having twenty-five or more dwellings.

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

(C) **Prohibitions:** It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to operate, maintain or establish in any unincorporated area of Newfield Township a solar energy facility which the site plan has not been approved by the Newfield Township Board. Modifications to an existing solar energy facility that increases the area by more than 20% of the original footprint or changes the solar panel type shall be subject to this ordinance.

(D) **Location:**

- (1) All solar energy facilities must comply with the requirements established in the Newfield Township Zoning Ordinance.
- (2) All improved areas, including disposal areas, shall be at least 60 feet from a public road and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.
- (3) Improved areas shall be at least 50 feet from any residence or church, measured from the principal building in a non-residential area (A-1, E, C-1, and C-2). Improved areas shall be 100 feet from a residence or church, measured from the property line in a residential area (R-1).
- (4) All access roads and storage areas shall be established on a 30' minimum easement to a public right of way.
- (5) All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial, agriculture, timber or commercial use. A planted buffer will not be required if an opaque fence is installed.

(E) **Security**

- (1) Solar energy facilities shall be fenced completely as defined in subsection B.4 above. The perimeter fence shall be designed to restrict unauthorized access. If a wire fence is used, vegetation above must be planted along the sides and adjoining a public road.
- (2) Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies, and who chooses to use vegetation as defined in subsection B.4 above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.

(F) **Supplemental Regulations**

- (1) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

- (2) On site power lines between solar panels and inverters shall be placed underground.
- (3) The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- (4) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- (5) The applicant must obtain from Oceana County Road Commission a driveway permit.
- (6) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township.
- (7) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
- (8) Any other relevant studies, reports, certificates and approval as may be reasonably required by Newfield Township.
- (9) A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- (10) An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

(G) **Site Plan Required**

- (1) Owners or operators of solar energy facilities established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Newfield Township Zoning Administrator. The site plan shall include setbacks, panel sizes, and location of property lines, buildings and road right of ways.
- (2) The Planning Commission shall review the site plan to insure conformity with the requirements of this Ordinance. No new solar energy facility shall be operated until the site plan has been approved by the Newfield Township Planning Commission; provided, however, that if the Planning Commission has not taken action within one hundred twenty (120) days after the first Planning Commission meeting after the submission of the site plan, said site plan will be deemed to be approved.
- (3) The Zoning Board of Appeals may grant a variance to these requirements based upon good cause shown. Applications for such variance shall be made to the Newfield Township Board.
- (4) Prior to final inspection proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued shall be provided to the Zoning Administrator.
- (5) Appeals of a Planning Commission decision shall be to the Newfield Township Board.
- (6) After initial departmental review, fifteen copies of the site plan in 18" x 24" format must be provided for the Planning Commission meeting.

(H) **Abandonment and Decommissioning**

- (1) **Abandonment:** A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy

production) to the Zoning Administrator or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.

- (a) Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Zoning Administrator or his designee.
- (b) If the responsible party (or parties) fails to comply, the Zoning Administrator or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a non-hazardous pre-development condition.

(2) Decommissioning:

- (a) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
 - (i) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
 - (ii) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
 - (iii) Restoration of property to condition prior to development of the SEF.
 - (iv) The timeframe for completion of decommissioning activities.
 - (v) Description of any agreement (e.g. lease) with landowner regarding decommissioning.
 - (vi) The party currently responsible for decommissioning.
 - (vii) Plans for updating this decommissioning plan.

Section 5.39 Stables for Horses

- (A) **Definition:** Stables in which working horses are kept, usually divided into stalls, and may include storage for equipment and feed. Horse stables used exclusively for non-commercial purposes are exempt from the requirements of this Section.
- (B) **Standards:** The following regulations shall apply to all non-commercial horse stables within the Township:
 - (1) A building or structure in which animals are kept shall be located a minimum of one hundred (100) feet from all property lines and shall be located a minimum of one hundred and fifty (150) feet from any dwelling unit other than the dwelling unit on the same property.
 - (2) The maximum number of horses which may be kept shall be three (3) horses per one (1) acre of property.
 - (3) All manure shall be stored at least one hundred (100) feet from any property line.

Section 5.40 Theater

- (A) **Definition:** A facility designed to accommodate groups of people viewing an artistic performance or motion picture. Theaters may be drive-in or indoor.
- (B) **Standards:** No additional standards.

Section 5.41 Utility-Scale Battery Energy Storage Systems

(A) **Definitions:**

- (1) *Battery management system* means an electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- (2) *Utility-scale battery energy storage facilities* means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.
- (3) *Utility-scale battery energy storage system (“UBESS”)* means a physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

(B) **General Provisions:** All UBESS are subject to the following requirements:

- (1) All UBESS must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
- (2) The Township may enforce any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Township Zoning Ordinance or as otherwise authorized by law if the UBESS does not comply with this Section.

(C) **Application Requirements:** UBESS are permitted as a special land use and require a special land use permit under Section 3.01. Applicants shall provide the Township with all of the following:

- (1) Application fee in an amount set by resolution of the Township Board.
- (2) A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual

cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

- (3) A list of all parcel numbers that will be used by the UBESS; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- (4) An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- (5) Current photographs, videos, and topography maps of the subject property.
- (6) A conceptual plan that consists of a graphical computer-generated depiction of how the UBESS will appear from all directions.
- (7) A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the UBESS will be connected to the power grid.
- (8) A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed UBESS.
- (9) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
- (10) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the UBESS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the UBESS and restore the subject parcels, which is subject to the Township's review and approval.
- (11) Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- (12) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the UBESS, which is subject to the Township's review and approval.
- (13) A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- (14) A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.
- (15) A fire protection plan, which identifies the fire risks associated with the UBESS; describes the fire suppression system that will be implemented, including the manufacturer of the fire suppression system, its operations, and its capacity to extinguish fires; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for

continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

- (16) A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the UBESS site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the UBESS.
 - (17) A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
 - (18) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the UBESS, which is subject to the Township's review and approval.
 - (19) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
 - (20) A ground cover vegetation establishment and management plan.
 - (21) Proof of the owner/operator's required insurance.
 - (22) Compliance with the Michigan Uniform Building Code and National Electric Safety Code. Construction of Utility-Scale Battery Energy Storage Facilities shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any special land use permit under this Section.
 - (23) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- (D) **Site Plan Requirements:** UBESS are permitted as a special land use and require site plan approval under Section 3.01. In addition, applicants site plans shall include all of the following:
- (1) Location of all proposed structures and buildings, including equipment, transformers, and substations, on the subject parcel.
 - (2) Location of all existing structures or buildings on the subject parcel and location of all existing structures or buildings on adjacent parcels within 1,000 feet of the property lines of the subject parcel.
 - (3) Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
 - (4) Indication of how and where the system will be connected to the power grid.
 - (5) Plan for any land clearing and grading required for the installation and operation of the system.
 - (6) Plan for any ground cover establishment and management.

- (7) Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
- (8) Sound modeling study including sound isolines extending from the sound sources to the property lines.
- (9) Any additional studies requested by the Planning Commission, including but not limited to the following:
 - (a) *Visual Impact Assessment.* A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - (b) *Environmental Analysis.* An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - (c) *Stormwater Study.* An analysis by a third-party qualified professional studying the proposed layout of the UBESS and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - (d) *Glare Study.* If the UBESS includes solar panels, then an analysis by a third-party qualified professional to determine if glare from the solar panels will be visible from nearby airports, air strips, residences, and roadways may be required. The analysis will consider the changing position of the sun throughout the day and year and its influences on the solar panels.
- (10) Applicants shall submit a conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall consist of a map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, and any other information applicant deems necessary to provide the Planning Commission with a general overview and layout of the proposed project. The conceptual layout plan shall be reviewed by the Planning Commission to allow for discussion and feedback to the applicant.
- (11) Final site plan approval may be granted only after the applicant receives all required federal, state, and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the Township.
- (12) The site plan must show the existing topographical grades in two-foot intervals and conditions of all Participating Property at the time of application.
- (13) A baseline soil test including Cation Exchange Capacity (CEC) shall be provided to the Township prior to any construction.

(14) A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.

(E) **System and Location Requirements:** In addition to the requirements of the relevant zoning district, the site development requirements shall meet or exceed all of the following:

(1) Lighting of the UBESS is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the UBESS. The UBESS must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.

(2) Security fencing must be installed around all electrical equipment related to the UBESS. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the UBESS.

(3) Greenbelt screening is required around any UBESS and around any equipment associated with the system to obscure, to the greatest extent possible, the UBESS from all sides.

(a) Screening shall be installed to obscure the UBESS and shall contain two rows of staggered evergreen trees planted not greater than twelve (12) feet apart trunk to trunk, and the two rows shall be no greater than ten (10) feet apart. Any substitution shall be approved in advance by the Planning Commission. No species of any Arborvitae shall be permitted.

(b) Planting shall be at least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader (not including the height of the leader) and reasonably expected to reach a height of ten (10) feet within three (3) growing seasons.

(c) The trees may be trimmed but shall maintain a height of at least eighteen (18) feet.

(d) Evergreen trees shall be Norway Spruce.

(e) Good arboricultural techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and shall be replanted in a manner consistent with this Section at the next appropriate planting time. Each dead or diseased vegetation shall be completely replaced at 50% as determined by the Zoning Administrator. Annual review by a Professional Arborist, paid for by the owner/operator, shall be performed to determine any plant/vegetation replacement necessary to remain in compliance with the ordinance.

(f) Front, side, and rear yard screening is required if the UBESS is adjacent to a non-participating property.

(4) All noise measurements are to be instantaneous and shall not be averaged. The noise generated by a UBESS must not exceed the following limits, as measured at the property line of any adjacent parcel:

(a) 40 dBA Lmax between the hours of 7:00 a.m. and 9:00 p.m.

(b) 35 dBA Lmax between the hours of 9:00 p.m. and 7:00 a.m.

(c) The owner/operator of the UBESS shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the applicant.

- (5) All power transmission or other lines, wires, or conduits from a UBESS to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- (6) The UBESS must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every two years by means of robotic camera, with the first inspection occurring before the UBESS is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- (7) **Fire Protection.**
 - (a) Before any construction of the UBESS begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the UBESS must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
 - (b) The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
 - (c) The UBESS must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
- (8) Before commencing construction of the UBESS, Applicant must provide to the Township staff proof of the owner/operator's public liability insurance. If the applicant is approved, proof of insurance shall be provided to the Township annually thereafter. The policy shall provide for bodily injury and property damage and shall name the Township and the property owner as an additional insured. The owner/operator shall insure for liability for the utility scale solar system until removed for at least \$25,000,000 per occurrence to protect the owner/operator, Township, and the property owner. Proof of a current policy is required annually and shall be provided each year to the Township prior to the anniversary date of the Special Land Use Permit.
- (9) If a UBESS is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a UBESS that is never fully completed or operational if construction has been halted for a period of one (1) year.
- (10) To ensure proper decommissioning of a UBESS upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an

amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

- (a) The amount of each UBESS security guarantee, shall be the average of at least two independent (applicant) demolition (removal) quotes obtained by the Planning Commission and approved by the Township Board. If the quantity of quotes obtained is two (2), the formula should be (quote 1 + quote 2) divided by two.
 - (b) Quotes shall be based on individual UBESS removal and shall not group multiple UBESS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. The cash deposit shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year. b) Such financial guarantee shall be deposited with the Township Treasurer after a special use has been approved but before construction operations begin on the UBESS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and UBESS removal. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
 - (c) The Applicant/Owner and Operator shall execute any and all document (as provided or approved by the Township), sufficient to provide the Township with a perfected security interest in monies deposited with the Township for the purpose of decommissioning any UBESS.
- (11) If the UBESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
 - (12) The applicant or operator must submit a report on or before January 1 of each year that includes all of the following

 - (a) Current proof of insurance;
 - (b) Verification of financial security; and
 - (c) A summary of all complaints, complaint resolutions, and extraordinary events.
 - (13) The Township may inspect a UBESS at any time by providing 24 hours advance notice to the applicant or operator.
 - (14) A special use permit for a UBESS is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
 - (15) If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to this Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action

to abate a violation and recover any and all costs, including the Township’s actual attorney fees and costs

(16) Environmental Regulations.

- (a) Site Clearing.** Clearing of natural vegetation shall be limited to what is necessary for construction, operation, and maintenance of the UBESS. No more than two (2) inches of topsoil shall be moved from the original landscape. Other items, such as lumber, stones, etc., may be removed upon written consent of the Planning Commission.
- (b) Herbicides and Pesticides Prohibited.** The use of herbicides and pesticides is prohibited.
- (c) Baseline Soil Testing.** Prior to commencing any construction or installation of a UBESS, the owner of the facility or the property must submit a baseline soil test to the Township.
- (d) Greenbelt Buffer.** A UBESS must be screened by a greenbelt buffer between the use and all adjacent rights-of-way and adjacent properties. Greenbelt buffers must all of the following criteria:
 - (i)** Greenbelts must have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.
 - (ii)** Greenbelts shall be planted with appropriate ground covers.
 - (iii)** A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length along a property line or street frontage.

(F) UBESS under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to UBESS. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to UBESS with a nameplate capacity of less than 50 megawatts.

(1) Setbacks. UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- (2) Installation.** The UBESS must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this Section or any applicable successor standard.
- (3) Noise.** The UBESS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (4) Lighting.** The UBESS must implement dark sky-friendly lighting solutions.

- (5) **Environmental Regulations.** The UBESS must comply with applicable state or federal environmental regulations.
- (6) **Host Community Agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the UBESS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 5.42 Utility Structures and Substations

- (A) **Definition:** A facility for a service provider, which may be a company or a governmental agency, which provides such services as electric power, natural gas, sanitary sewers, water, telephone, etc.
- (B) **Standards.** Utility structures, substations, and similar uses shall comply with the following regulations:
 - (1) **Location.** Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.
 - (2) **Design.** All such uses shall be contained in buildings that are architecturally compatible with buildings in the vicinity and shall be screened in accordance with Article 9.
 - (3) **Off-site Impact.** Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
 - (4) **Landscape Screening.** All utility structures and substations shall be screened from all adjoining lots in accordance with the standards of Article 9, regardless of the zoning district of the utility structure of substation or the zoning district of the adjacent lots.

Section 5.43 Vehicle Dealership

- (A) **Definition:** A building or premises used primarily for the sale of new and used vehicles and other motor vehicles.
- (B) **Standards.**
 - (1) These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, boats, and other vehicles.
 - (2) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.
 - (3) **Servicing of Vehicles.**
 - (a) Service activities shall be clearly incidental to the vehicle sales operation.
 - (b) Vehicle service activities shall occur within a completely enclosed building.
 - (c) The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
 - (d) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

- (e) Vehicle repair operations accessory to Vehicle Dealerships shall be subject to the standards of Section 5.44, in addition to this section.

Section 5.44 Vehicle Filling Station (Gas Station)

- (A) **Definition:** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Vehicle filling stations' may also incorporate a convenience store operation as an Accessory Use, provided it is clearly incidental to the filling station use, but no vehicle repairs shall be permitted.
- (B) **Standards.** The following regulations shall apply to Vehicle Filling Stations
 - (1) **Minimum Lot Area.** The minimum lot area required for such uses shall be 21,780 sq. ft. (1/2 ac.).
 - (2) **Minimum Lot Width.** The minimum lot width required for such uses shall be 200 ft.
 - (3) **Minimum Setbacks.** Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned for residential purposes. Pump islands and canopies shall comply with the following requirements:

	Minimum Setback from Right-of-Way Line	Minimum Setback from Residential Use or Zone
Nearest Edge of Pump Island	30 ft.	50 ft.
Nearest Edge of Unenclosed Canopy	20 ft.	40 ft.

- (4) **Ingress and Egress.** No more than one (1) ingress/egress drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned for residential purposes.
 - (a) Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other Ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, or its location near vehicular or pedestrian entrances or crossings.
- (5) **Outside Storage.** Inoperable, wrecked, partially dismantled, or repaired vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard, where they shall be screened pursuant to Article 9.
- (6) **Vehicle Sales and Storage.** The storage, sale, or rental of new, used, or repaired cars, trucks, trailers, and any other vehicles on the premises is prohibited.
- (7) **Paving Surface.** Fueling areas shall be paved with concrete.
 - (a) Vehicle repair operations accessory to Vehicle Dealerships shall be subject to the standards of Section 5.42, in addition to this section.

Section 5.45 Vehicle Repair

- (A) **Definition:** Repair of vehicles, including, but not limited to: Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing.
- (B) **Standards.**
- (1) All painting operations shall be conducted within an enclosed building which shall be equipped with the latest available odor and fume-arresting devices to prevent any nuisance or annoyance from odor emanating from the building. The painting operations shall comply with the latest standards of the National Board of Fire Underwriters or other testing agencies accepted and approved by the Township Fire Marshal.
 - (2) All vehicle body shop operations shall be conducted within an enclosed building which shall be equipped with such special acoustical qualities as will prevent any nuisance or annoyance from noise emanating from the building.
 - (3) No vehicle body work, painting or repairing shall be conducted outside of enclosed buildings on the premises and no more than six (6) vehicles upon which body work is to be completed or which are to be painted shall be stored outside of enclosed buildings on the premises prior to the completion of such work.
 - (4) All lubrication equipment, vehicle wash equipment, hoists, and pits shall be enclosed entirely within a building. Service bay doors and windows shall be oriented, so they face away from abutting residentially zoned property.
 - (5) Vehicles awaiting repair must be stored in an area surrounded by a chain-link fence and/or screened by landscaping so as not to be visible from off-site during non-business hours. In addition, vehicles awaiting repair or service are not permitted to be stored in required parking spaces for a period of more than one business day.
 - (6) Partially dismantled or damaged vehicles awaiting parts shall be stored in the fenced or screened area. Vehicles without current licenses shall be prohibited.
 - (7) New and used discarded parts shall be stored within a completely enclosed building.
 - (8) Used tires shall be contained within a solid, un-pierced enclosure.
 - (9) All lubrication, servicing equipment, and all repair work shall be done within the principal building.
 - (10) Suitable containers shall be provided for all fluids and hazardous materials and shall not be stored outside of an enclosed building.
 - (11) Vehicle deliveries shall take place on the premises and shall not interfere with vehicular traffic on a public road.
 - (12) Loudspeakers broadcasting voice or music outside of the building shall not be permitted.
 - (13) In the event that a vehicle repair facility has been abandoned or not used as a vehicle repair facility for a period of more than one year, all underground fluid storage tanks shall be removed from the premises, in accordance with State and Federal laws.

Section 5.46 Vehicle Wash

- (A) **Definition:** A commercial establishment contained within a building or premises or portion thereof where vehicles are washed.
- (B) **Standards:** The following regulations shall apply to Vehicle Wash or Car Wash Establishments:
- (1) **Layout.** All washing activities shall be carried on within a fully enclosed building. Vacuuming activities shall be permitted in the rear only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned property.
 - (2) **Entrances and Exits.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the vehicle wash.
 - (3) **Exit Lane Drainage.** Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
 - (4) **Location.** The lot on which a car wash is proposed shall be no closer than one hundred (100) feet to a residentially-zoned district.
 - (5) **Paving and Drainage.** Driveways, vehicle maneuvering areas, and parking areas shall be paved and provided with proper underground drainage to prevent water from collecting on the surface or flowing onto adjoining property or streets. Drainage facilities shall be equipped with a mud and grease trap.

Section 5.47 Veterinary Clinic

- (A) **Definition:** An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary clinic' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.
- (B) **Standards.** No additional standards.

Section 5.48 Wind Energy Conversion Systems

- (A) **Purpose:** The township expects to receive requests to site Wind Powered Turbine Generator Towers in Newfield Township. These guidelines are intended to protect the public health, safety and general welfare while also providing a source of clean renewable energy.
- (B) **Definitions:**
- (1) **Ambient:** Ambient is defined as the sound pressure level exceeded of the time or L 90.
 - (2) **ANSI:** American National Standards Institute.
 - (3) **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.

- (4) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
 - (5) **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
 - (6) **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
 - (7) **MET Tower:** A free-standing tower containing anemometer instrumentation to provide wind and meteorological information.
 - (8) **Private Use Wind Powered Turbine Generator:** An on-site system that is intended to primarily serve the needs of the consumer.
 - (9) **Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting kinetic energy through rotation, directly from the wind.
 - (10) **SCADA Tower:** A free-standing tower containing instrumentation such as anemometers, that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
 - (11) **Shadow Flicker:** Altering changes in light intensity caused by the moving blade of a wind turbine energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
 - (12) **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.
 - (13) **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 - (14) **Commercial Wind Turbine Energy Systems:** A Commercial wind powered turbine generator system is designed and built to provide electricity to the electric utility grid.
 - (15) **Wind Turbine Energy System:** A wind turbine energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind turbine system to the grid.
 - (16) **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind turbine energy system.
- (C) **Private Wind Powered Turbine Generator (PWPTG) system:** PWPTG system is intended to supply power to a single site and shall be considered a Special Use in all zoning districts. Prior to construction of a PWPTG system, an application for Special Use Permit and site plan shall be filed in accordance with Article 9 of this zoning ordinance and will include applicants' identification, a site plan, documentation that construction code, tower, and safety requirements have been met, and proof of the applicant's public liability insurance.
- (1) **Property Set-Back:** The distance between an On-Site system and the owner's property lines shall be at least 1.5 times the height of the system tower including the top of the blade in its vertical position. Exceptions for neighboring properties are allowed with the written consent of those property owners.
 - (2) **Construction Codes, Towers, and Interconnection Standards:** On site systems including towers shall comply with all applicable state construction and electrical codes and local building permit

requirements. On site systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, and the Michigan Tall Structures Act. The systems shall also comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards, if applicable.

- (3) **Safety:** All on Site Use Systems shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a system employing a horizontal axis rotor.

- (D) **Wind Site Assessment and monitoring for Commercial WPTG Systems:** Installation of MET towers for assessment of a WPTG system site shall require an application for Site Plan and Special Use Permit in accordance with Article 9 of this zoning ordinance. The application shall include a copy of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the assessment and proof of the applicant's public liability insurance. The set back from non-leased property shall be 1.5 times the height of the tower. Guy wires shall be no closer than 10 feet from the property lines and adequately marked and fenced. Leases property can contain more than one parcel and the requirement shall apply to the combined properties. Exception for neighboring properties are allowed with the written consent of those property owners.

- (E) **Commercial Wind Powered Turbine Generator (CWPTG) systems:** A CWPTG system is designed and built to provide electricity to the electric grid. These systems are considered a Special Land Use, and as such require a site plan and permit in accordance with Article 9 of the zoning ordinance. The application shall include the following:

- (1) **Insurance:** Proof of the applicant's public liability insurance.
- (2) **Lease and/or Consent Documents:** Copies of the lease and or written waivers from neighboring property owners.
- (3) **Sound Pressure Level:** A copy of the modeling and analysis report.
- (4) **Certifications:** Certification that the applicant has complied with all applicable state and federal laws and regulations.
- (5) **Visual Impact:** Visual simulations of how the project will look from four viewable angles.
- (6) **Environmental Impact:** A copy of the Environmental Impact analysis.
- (7) **Avian and Wildlife Impact:** A copy of the Avian and Wildlife Impact analysis.
- (8) **Shadow Flicker:** A copy of the Shadow Flicker analysis.
- (9) **Power Line Locations:** Location of buried and overhead on-site and off-site power distribution lines to the township border.
- (10) **Material Safety Data Sheets:** Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (11) **Decommissioning:** A copy of the decommissioning plan.
- (12) **Complaint Resolution:** A description of the complaint resolution process.

- (13) **Road Maintenance:** A plan to protect and maintain all roads used during construction, repair, and replacement, and a bond in an amount agreeable to the Newfield Township Board and the Oceana County Road Commission for maintenance and repair of such roads.
- (14) A commercial WPTG system project shall meet the following standards and requirements:
- (a) **Property Set-Backs:** The distance between a WPTG system and the property lines of adjacent non-leased properties including rights of way shall be a minimum of 1.5 times the height of the tower including the top of the blade in its vertical position. Where property is leased on both sides of a private right of way, a WPTG tower may be placed no closer than one rotor radius from the closest edge of the private right of way. Leased property may include more than one piece of property and the requirement shall apply to the combined properties. Set-back shall also apply to occupied dwellings. No setback is required on lot lines of adjacent leased properties. Exceptions for neighboring property are allowed with the written consent of the affected property owners.
 - (b) **Sound Pressure Level:** The sound pressure level generated by a WPTG system shall not exceed 55dB(A) measured at the property lines nearest the WPTG system between leased and non-leased properties. The sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55dB(A), the standard shall be dB(A) plus 5 dB(A). Exceptions to these requirements are allowed with the written consent of the affected property owners.
 - (c) As part of the application and prior to construction, the applicant shall provide modeling and analysis that will confirm that the WPTG system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After construction of the WPTG system, sound pressure measurements shall be done by a third-party qualified professional, according to the procedures in the most current ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a type II sound meter. Documentation of the sound pressure levels shall be provided to the Newfield Township Planning Commission and the Newfield Township Board within 60 days of the operation of the project. This documentation may also be required by the township board for complaint resolution.
 - (d) **Construction Codes, Towers and Interconnection Standards:** WPTG systems shall comply with all applicable state construction and electrical codes and local building permit requirements. Systems shall comply with FAA requirements and Michigan Tall Structures Act (P.A. 259 of 1959, ML 259.481 et seq.) The minimum FAA lighting standards shall be exceeded. All tower lighting must be shielded to the extent possible to reduce glare and visibility from the ground. WPTG systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Commission interconnection standards.
 - (e) **Safety:** All WPTG systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. Emergency contact information shall be kept current with the Newfield Township Zoning Administrator. A minimum 4 sq. ft. sign shall be placed at the road entrance to warn visitors of the potential danger and will contain emergency contact information. The minimum vertical blade clearance from grade shall be 50 feet for a system using a horizontal axis rotor.

- (f) **Visual Impact:** All WPTG systems shall use tubular towers and blades that are finished in a single, non-reflective matte color. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have the lettering that exhibits the manufacturers' and/or owners identification.
- (g) **Electromagnetic Interference:** No WPTG system shall be constructed in any location where its proximity to existing broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WPTG system. No WPTG system shall be constructed in any location within the line of sight of an existing microwave, communications link where operation of the system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- (h) **Environmental Impact:** The applicant shall have a third-party qualified professional, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate and mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of and net effects or concerns that will remain after mitigation efforts. The applicant shall comply with Act 451 of 1994 including Part 31 Water Resources Protection, Part 91 Soil Erosion and Sedimentation Control, Part 301 Inland Lakes and streams, and Part 303 Wetlands.
- (i) **Avian and Wildlife Impact:** The applicant shall have a third-party qualified professional, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (j) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernation areas, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- (k) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.
- (l) **Shadow Flicker:** The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

- (m) **Decommissioning:** The applicant shall submit a decommissioning plan. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs and salvage value in current dollars, 3) the method of ensuring the funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- (n) **Complaint Resolution:** The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Newfield Township Officials from acting on the complaint. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

Section 5.49 Wireless Telecommunications

- (A) Changing technology in the field of communications has resulted in the reliance upon more versatile and convenient forms for communications. Business, individuals and government have all developed a strong dependence upon the ability to quickly contact others. These regulations are intended to balance the need for providing telecommunications services including wireless data and other forms, with federal and state law and the community's need to ensure that the placement of these facilities will not burden natural development and to encourage the co-location of communications services.
- (B) **Communication Tower Height Requirements:** All communications towers shall conform to this section with the following exceptions:
 - (1) Television receivers, towers, and antennas less than 60 feet in height as measured from the base to the highest point on the tower.
 - (2) Amateur Ham, CB, AM or FM transmitters less than seventy-five (75) feet in height as measured from the base to the highest point on the tower.
 - (3) Freestanding two-way unlicensed wireless Internet towers up to 200 feet above ground level.
- (C) **18.02 Communication Tower Site Development:** The following site development requirement shall apply:
 - (1) A communications tower may be principal or accessory use.
 - (2) The tower is a Special Use in all districts.
 - (3) The use of guy (or guide) wires is strictly prohibited within the E Enterprise and C - 1 Commercial Districts.
 - (4) The base of the tower and wire cable supports shall be fenced with minimum five (5) foot high fence.
- (D) **General Requirements and Performance Standards:**
 - (1) The tower must be setback from all property lines a distance equal to its height.
 - (2) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to the property line than thirty (30) feet. Nothing shall prevent the applicant from applying for a setback variance.
 - (3) All setback requirements with the zoning ordinance shall be met.

- (4) Containment fences shall be constructed with appropriate gates and locks so as to eliminate and prevent unauthorized access.
- (5) The plans for the tower construction shall be certified by a registered structural engineer and provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (6) All towers must meet standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
- (7) Metal towers shall be constructed of, or treated with, corrosive - resistant material.
- (8) Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- (9) Towers shall be designed to hold four (4) communications carriers and shall meet applicable uniform wind loading standards of the building code.
- (10) All signals and remote control conductors of low energy extending substantially horizontally above the ground between the tower or antenna and a structure or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- (11) Towers shall be located so that there is room for vehicles doing maintenance to maneuver on the property being owned or leased by the applicant.
- (12) Towers shall not be artificially lighted unless required by the FAA.
- (13) Existing on site vegetation shall be disturbed to the minimum extent practical.
- (14) There shall be no advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (15) The structure shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- (16) Where the property adjoins any commercially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
- (17) A site plan with neighboring properties shall be submitted.
- (18) R. The tower may be located on private or township property.

- (E) **Removal of Abandoned Antennas and Towers:** Any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The owner of each antenna and/or tower shall submit to the Township in January of each year evidence satisfactory to the Township that the antenna and/or tower is being currently operated and utilized. A performance bond shall be maintained with the Township Board by the property owner or lessee for the removal of the tower. At the time of application, the Township Board will determine who is responsible to supply the bond. Renewal shall be subject to revision at subsequent permit renewals.
- (F) **Telecommunications Towers Requiring Special Use Permits:** New communication towers shall require Special Use Permits.
- (G) **Inventory of Existing Sites:** The co-location of communications equipment on a communications tower shall be reviewed by the Planning Commission, under Section 5.48 and the relevant standards of this section. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, height, and design of each tower or antenna.
- (H) **Franchises:** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.

Article 6

General Provisions

Section 6.01 Land Uses Prohibited

- (A) No land may be used in violation of any of the following provisions:
- (1) To cause air or water pollution, erosion, excessive noise, dust, or anxious smell, water runoffs from property, or any activity which creates a hazard to adjacent land, improvement or occupants. Exception: under law, which is the “the Right to Farm Act”.
 - (2) No future use may be made of property unless specifically allowed, without first obtaining approval.
 - (3) **Junkyard:** Means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in the purchasing, handling, storage, resale, recycling, conversion, or recovery of junk, and is a business which is included in the Standard Industrial Classification Manual of 1987, prepared by the US Office of Management and Budget classification 5931, whether a part of a licensed landfill operation or not: but shall not include any part of a landfill as defined in the Solid Waste Management Act; requires a Special Use and State Guidelines apply. License must be on file with Township Clerk before starting operation.
 - (4) To build, construct, or add to, use or develop any public or private waste disposal plant, lay pipes for disposal, or treatment, application, incineration, or storage of human, livestock, commercial, or manufacturing wastes either liquid, gas, or solid, without first obtaining a Special Use Permit from the Township Board. For purposes of this Section, the terms “waste” and “disposal” shall be given broad interpretation and limited to waste standards as may be defined in License must be on file with the Township Clerk and Township Board approval is required, before starting operation.
 - (5) The act or state of a dwelling in any portable tent, recreational travel trailer, temporary mobile home, motor home, or other structure, on any lot in the Township for a period in excess of a total of one-hundred and twenty (120) days during a twelve (12) month period. After the 120-day period, a permit shall be required at the discretion of the Zoning Administrator.

Section 6.02 Temporary Dwelling Units

- (A) **General Requirements.** The act or state of a dwelling in any portable tent, recreational travel trailer, temporary mobile home, motor home, or other structure used for the purpose of constructing a permanent dwelling, on any lot in the Township for a period in excess of a total of one-hundred and eighty (180) days during a twelve (12) month period shall require a permit from the Zoning Administrator.
- (1) The applicant must provide evidence of potable water, septic, and electricity for the temporary dwelling prior to the approval of the permit. If a suitable septic system does not exist on the property, the applicant must provide a plan for the reasonable disposal of waste with the application.

- (2) The temporary dwelling unit must be inspected by the Zoning Administrator prior to approval of the permit.
- (3) A permit granted for a temporary dwelling unit may be renewed once for an additional 180 days at the discretion of the Zoning Administrator.

Section 6.03 Swimming Pools

- (A) **General Requirements:** A private swimming pool shall be a pool containing or normally capable of containing water to a depth at any point greater than one and half (1 ½) feet. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements.
- (1) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property to which it is located, this includes above and below ground pools.
 - (2) The swimming pool, or the entire property on which it is located, shall adhere to State Laws.

Section 6.04 Lighting

- (A) **Intent.** The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that promotes energy efficiency and conservation in the Township.
- (B) **Applicability**
- (1) Any person applying for site plan approval, or for a commercial building, electrical permit, or sign permit to install outdoor lighting fixtures shall submit evidence that the proposed work will comply with this Section. Any non-residential and/or non-agricultural property that has been vacant and/or unused for more than six months must be brought into compliance with this Section prior to being issued a Certificate of Occupancy for a new use.
 - (2) The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. The manufacturer's catalog specifications and documents, and a photometric plan shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements.
 - (3) Single family homes and lots dedicated to agriculture shall be exempt from this section.
- (C) **General Requirements.**
- (1) All outdoor lighting shall be downward facing at a 90-degree angle and shielded so as to conceal the source of the light. Uplighting of landscaping shall be exempt from this requirement, but must be shielded so it does not spill over onto adjacent lots.
 - (2) Light trespass on a commercial property shall not exceed 0.5 foot-candles at the property line, measured at grade.

- (3) Light trespass on a residential property shall not exceed 0.25 foot-candles at the property line, measured at grade.
- (4) Exterior Lights shall be on from dusk until dawn every night for uses in the Enterprise Zoning District.
- (5) All exterior lights must be LED, compact fluorescent, or other low-energy-use light fixture approved by the Planning Commission.
- (6) To prevent sky glow, lighting shall be shielded or designed to prevent light to project above a 90-degree horizontal plane (see illustration).
- (7) Gas station canopies and similar structures shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to 32 lumens per square foot of canopy.

(D) **Height.** Lighting fixtures shall not exceed a height of twenty-five feet.

(E) **Prohibited Lighting:**

- (1) **Recreational Facility Lighting.** No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.
- (2) **Outdoor Building and Landscaping Lighting.** Unshielded illumination of the exterior of a building or landscaping is prohibited, except in Agricultural Districts.
- (3) **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- (4) **Searchlights.** The operation of searchlights for advertising purposes is prohibited between 10:00 p.m. and sunrise the following morning.

(F) **Exceptions.**

- (1) **Temporary Lighting.** Lighting for permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.
- (2) **Construction and Emergency Lighting.** Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
- (3) **Roadways.** Lighting for public roadways shall be exempt from this section.
- (4) **Legally Required or Emergency Lighting.** Lighting that is required by the County, State, or Federal government shall be exempt from this section, as shall emergency lighting, for the duration of the emergency, as determined by responding emergency personnel. Airports shall also be exempt from this Section.
- (5) **Lighting of U.S. Flags.** Lighting of the U.S. flag, as recommended by the Flag Code, is exempt from this Section.
- (6) **Special Conditions.** Additional exceptions may be permitted by the Planning Commission, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.

Section 6.05 Streets, Roads, and Other Means of Access

- (A) **Intent.** Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.
- (B) **Public Access Required / Minimum Frontage.** The front lot line of all lots shall abut onto a publicly dedicated road right-of-way or approved private road. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Section 4.01; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50% of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line. Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements. Any parcel or lot existing at the time of the enactment of this Ordinance may be excluded from these requirements as long as the parcel or lot has access provided by an existing lane, road, easement, or similar access route. Such parcel or lot shall not be considered non-conforming by reason of road frontage.
- (C) **Access on Through Lots.** On through lots, a driveway must be constructed to at least one of the abutting roads.
- (D) **Road and Driveway Standards.** Public roads shall comply with the requirements of Oceana County Road Commission or the Michigan Department of Transportation, as applicable.

Section 6.06 Outdoor Storage

In all zoning districts except agricultural and residential uses, objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height. Above-ground storage facilities for bulk oil, gasoline, propane, or chemicals shall only be permitted where described in this Ordinance, and shall be constructed in conformity with regulations of the State Fire Marshall, shall be entirely enclosed within a substantial fence not less than 6 feet in height.

Section 6.07 Outdoor Seating

- (A) Outdoor seating for restaurants, bars, coffee shops, ice cream shops, and other businesses in commercial zones shall meet the following requirements.
 - (1) Businesses proposing outdoor seating shall submit a site plan showing the layout of the outdoor seating area for a site plan review by the Planning Commission.
 - (2) The hours of operation for the outdoor seating shall be included on the site plan and are subject to Township approval.
 - (3) Outdoor seating shall be included in the calculation of required parking for the principal use of the site, and any additional required parking spaces triggered by the addition of outdoor seating must be constructed before the outdoor seating can be used.

- (4) Outdoor seating shall be subject to review and approval by the Fire Department and all relevant County or State approvals.

Section 6.08 Public Entertaining

- (A) An ordinance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment within the Township of Newfield, Oceana County, Michigan; to provide penalties for the violation of the provisions of this Zoning Ordinance; and to repeal any Zoning Ordinance or part of Zoning Ordinance in conflict herewith. The Township of Newfield, Oceana County, Michigan ordains:
- (B) **License Required:** No person, firm or corporation shall engage in the business within the Township of Newfield of offering a public amusement, entertainment, exhibition or performance without first obtaining a license therefore from the Township of Newfield. This shall not apply to commercial establishments that are required to maintain a license with the State of Michigan, in which case no license is required to be obtained from the Township.
- (C) **Owner to See License.** No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such a purpose unless the Township license therefore has been shown to such owner or possessor.
- (D) **Conditions Precedent:** No license shall be granted or delivered until the applicant therefore has complied with all of the required conditions precedent to its issuance.
- (E) **Procedure for Issuance:** An applicant shall submit an application not less than sixty (60) days prior to the proposed commencement of such business, under oath, on a form to be provided by the Newfield Township Zoning Administrator, which application shall disclose such pertinent information about applicant, his proposed business location, facilities, maximum capacity to be admitted, business history, and responsibility and shall be accompanied by the following:
 - (1) Evidence that applicant has obtained public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect for the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk, in writing, at least ten (10) days before the expiration or cancellation of said policy or policies.
 - (2) A corporate security bond in the amount of \$10,000 in a form to be approved by the Township Attorney, condition upon applicant's faithful compliance with all of the terms and provisions of this licensing ordinance and all applicable provisions of this licensing ordinance and all applicable provisions of other township Zoning ordinances, county ordinances, and state ordinances.
 - (3) A license fee of \$100 shall accompany any application for an annual entertaining license to help defray the cost of administering this Zoning Ordinance.

- (F) The application, supporting data and any other information shall be presented to the Newfield Township Planning Commission. In passing on the application, the Township Board shall determine whether or not the proposed business meets the requirements of this Zoning Ordinance, other applicable Township Zoning ordinances, County Ordinances and State statutes and shall approve or deny the license accordingly. If the license is denied, the basis for denial shall be specified in the resolution of denial.
- (G) Advertising of applicant's proposed business prior to the issuance of a license by the Township of Newfield shall constitute a violation of this Zoning Ordinance by the applicant and shall constitute a basis for denial of such license.
- (H) **Requirements for Operation:** After issuance of the license, licensee shall meet the following requirements.
- (1) The insurance and bond required above shall continue in full force and effect until expiration or termination of the license.
 - (2) Licensee shall permit township, county, and state officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this Zoning Ordinance and other applicable township, county, and state ordinances and statutes.
 - (3) Licensee shall not knowingly permit violations of any township zoning ordinance, county ordinance or state statute by the employees or patrons.
 - (4) Licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.
 - (5) Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to efficiently prevent his patrons from directly trespassing on neighboring premises.
 - (6) Licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor, or dust.
 - (7) Licensee shall limit his business activities to that specified in his license.
 - (8) Licensee shall post a copy of this Zoning Ordinance and a copy of his license in his place of business in a location where his patrons can read them easily.
- (I) **Termination:** Each license granted under the provisions of this Zoning Ordinance shall expire at the end of the term specified in the application, but if not so established, shall expire on the next succeeding March 31.
- (J) **Non-transferability:** A license issued under this Zoning Ordinance shall not be transferable to any other firm or person.
- (K) **Suspension and Revocation:** A license required by the Zoning Ordinance may be suspended or the renewal thereof refused by the Township for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the Township for good cause. The terms "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this zoning ordinance under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which had it existed or been known to the Township at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the Township Board upon not less than seven (7) day written notice to licensee at the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation.

- (L) **Penalty:** Any licensee, employee, or agent convicted of a violation of any provision of this zoning ordinance shall be subject to penalty as described in Newfield Township Civil Infraction Ordinance.
- (M) **Nuisance:** Any violation of any provision of this zoning ordinance is hereby declared to be a nuisance per se and enforceable by appropriate legal action.
- (N) **Severability:** It is the legislative intent of the Newfield Township Board that each and every provision of this zoning ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of said Township, and should an provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such zoning ordinance shall stand notwithstanding the validity of any provision thereof.

Section 6.09 Flood Hazard Areas

- (A) **Agency Designated.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Zoning Administrator of the Township of Newfield is hereby designated as the enforcing agency to discharge the responsibility of the Township of Newfield under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Newfield assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.
- (B) **Code Appendix Enforced.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Township of Newfield.
- (C) **Designation of Flood Hazard Areas.** Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Oceana County, Michigan" and dated 8/4/2014 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26127C; 0325C and 0350C dated 8/4/2014 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Article 7

Nonconformities

Section 7.01 General

- (A) Where the districts established by this Zoning Ordinance, and amendments thereto, contain structures, uses which were legally established or created prior to the enactment of this Zoning Ordinance, and amendments thereto, which structures uses would be prohibited under the provisions of this Zoning Ordinance, said structures, uses, or lot of record may be continued, subject to the provisions below.
- (B) To maintain neighborhood character, all lots shall meet the area, side yard and setback requirement of at least sixty-six (66) percent of the total number of developed lots within four hundred (400) feet of the lots in question on both sides of the same street; provided, however, that if there are not developed lots with the above space requirements, a zoning permit may be issued, if setback requirements are met, even though the lot area requirement is not met.

Section 7.02 Nonconforming Uses

- (A) A nonconforming single-family dwelling may be enlarged, increased in size, moved or extended to occupy a greater area of land than was occupied at the effective date of this Zoning Ordinance and amendments thereto, if a Zoning Permit is obtained by the Zoning Administrator, stating that zoning setback requirements can be met, or a variance request is granted by the Zoning Board of Appeals.
- (B) No nonconforming use shall be changed to another nonconforming use.
- (C) Any nonconforming use of land is limited to that portion of the land which is actually used prior to its becoming nonconforming by the adoption of this Zoning Ordinance, even though the whole parcel was a conforming parcel prior to the Zoning Ordinance, except uses, especially sand and gravel mining, where the reasonable use of land requires a progressive depletion to make use of any further portion, provided, however, that such nonconforming status shall be limited to the regulations for the district in which it is located after it is moved.
- (D) All non-conforming structures can be rebuilt within the footprints of the existing foundation.

Section 7.03 Termination of Status:

- (A) The nonconforming status of a use or structure shall be terminated immediately upon any of the following:
 - (1) When a nonconforming use or structure has been abandoned or discontinued for a period of twelve (12) consecutive months, regardless of any intent to resume operation or use.
 - (2) When a nonconforming structure or structure housing a nonconforming use has been officially condemned.

- (3) When a nonconforming structure or structure housing a nonconforming use is removed from its previous site or relocated on the same site, unless a variance request is granted and all necessary zoning permits are obtained from the Zoning Administrator.

Section 7.04 Township Acquisition

The Township of Newfield may acquire, by purchase, condemnation, or otherwise, private property or any interest in private property and/or vacant land for the removal of nonconforming structures and uses. The cost and expense, or a portion thereof, of acquiring the private property be paid from the general funds or assessed to a special district in accordance with the applicable statutory provisions related to the creation and operation of special assessment districts for public improvements in the Township of Newfield. The elimination of the nonconforming uses and structures in any zoning district is to be for a public purpose and for a public use. The Township Board, upon a recommendation of the Planning Commission, first at a public hearing of the Planning Commission and then at a public hearing of the Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act # 149 of the Public Acts of 1911, as amended being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute. Reasons for the Acquisition must be explained in full at the Public Hearings, with input from the township residents allowed.

Article 8

Off-Street Parking and Loading Requirements

Section 8.01 Off-Street Parking Requirements

(A) Schedule of Off-Street Parking:

Use	Minimum Required Parking Spaces
Adult Day Care Home	1.2 per resident
Adult Entertainment	1 per 500 square feet
Agriculture	None
Agritourism	(1)
Airport and Airport Hangers	(1)
Bank	1 per 500 square feet
Barber Shops/Beauty Shops	1 per 500 square feet
Bed and Breakfast	1.1 per guest room
Brewpub/Microbrewery/Distillery	1 per 500 square feet
Campground	(1)
Child Care Center (Non-Home-Based)	4 per classroom
Dwelling Units	
Single Family Detached	2 spaces
Single Family Attached (Townhouse)	2 spaces per dwelling unit
Multiple Family (2+ Units- including Senior Housing)	1.5 spaces per dwelling unit
Manufactured Housing Community	1 space per mobile home
State-Licensed Residential Facility (non-Daycare)	2 spaces
Essential Services	None
Family Day Care Home	2 spaces
Funeral Home and Mortuary	1 per 500 square feet
Gravel Pit	(1)
Government or Public Building	1 per 500 square feet
Group Day Care Home	2 spaces in addition to requirement for dwelling unit
Home Occupation	No Additional Parking Required
Hotel	1.2 per guest room

Use	Minimum Required Parking Spaces
Institution of Higher Education	(1)
Kennel	No Additional Parking Required
Manufacturing	1 per 1,000 square feet
Marihuana Land Uses	1.5 per employee
Medical or Dental Clinic	1 per 500 square feet
Mini-Warehouse/Self-Storage	0.2 per storage unit
Office	1 per 1,000 square feet
Pet Shop and Pet Grooming	1 per 500 square feet
Preserve/Conservation Area	(1)
Primary/Secondary School (Non-Public)	(1)
Recreation - Indoor	(1)
Recreation - Outdoor	(1)
Religious Institution	(1)
Restaurant/Bar/Other Food Service	1 per 500 square feet
Retail Store	1 per 500 square feet
Shooting Range	1.1 per shooting bay
Solar Energy System – Small	None
Solar Energy System – Large	None
Theater	(1)
Utility-Scale Battery Energy Storage Systems	None
Utility Structures and Substations	None
Vehicle Dealership	1 per 500 square feet of indoor space
Vehicle Filling Stations (Gas Stations)	1 per 500 square feet of indoor space
Vehicle Repair	2 per repair bay
Vehicle Wash	5
Veterinary Clinics	1 per 500 square feet
Wind Energy Conversion Systems	None
Wireless Telecommunications	None

- (1) For these uses, the applicant shall submit a parking standard for approval by the Planning Commission, based on the specifics of the proposed use. If approved by the Planning Commission, the proposed standard shall be used to calculate the minimum number of spaces.
- (2) **Additional Off-Street Parking; Maximum Parking.** Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 200% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.

(3) **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking of a similar use shall apply, as determined by the Planning Commission.

(4) **Units of Measurement.**

(a) **Floor Area.** For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Article 14. All parking requirements that are based on square footage shall be based on gross floor area.

(b) **Fractional Spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.

(c) **Places of Assembly.** For religious institutions, theaters, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24") inches of such seating shall be counted as one seat.

(B) **Off-Street Parking Standards.** The following standards shall be used in determining the required number and characteristics of off-street [parking spaces](#):

(1) **Banked Parking.** If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may approve the construction of a lesser number of parking spaces, subject to the following:

(a) The banked parking shall be shown on the site plan and set aside as open space, including the provision of trees, shrubs, and other landscaping.

(b) Banked parking shall be located in areas suitable for future parking that meet Ordinance requirements.

(c) The Township may require construction of the banked parking area upon finding that vehicles is regularly overflowing the designated parking area

(2) **Barrier-Free Parking Requirements.** Each parking lot that serves a building, except single family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, the adopted Township Building Code, and the Federal Americans with Disabilities Act. Amendments or additional legislation at the State or Federal level may result in changes to this Section.

(a) **Dimensions of Barrier-Free Parking Spaces.** Each barrier-free parking space shall have no more than a nominal three percent (3%) grade and shall be not less than eight (8) feet in width and be adjacent to an access aisle not less than five (5) feet in width. Required van-accessible barrier-free spaces must be eight (8) feet in width and be adjacent to an access aisle not less than eight (8) feet in width.

(b) **Minimum Required Number of Barrier-Free Parking Spaces.** The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1

76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 and Over	8	1

(3) **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency minor repair required to start vehicles shall be permitted.

(4) **Duration.** Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time. The Township may enact a program to exempt certain residents from this requirement in via a permit that would be affixed to their cars.

(C) **Scope of Off-Street Parking Requirements.** Compliance with the off-street parking regulations shall be required as follows:

(1) **General Applicability.** For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Article prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

(2) **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use. The Planning Commission shall have the ability to exempt the use from this requirement, should the Commissioners find that the additional parking is not necessary.

(D) **Layout and Construction.** Off-street parking facilities containing four (4) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

(1) **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Zoning Administrator for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Zoning Administrator before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the Township.

In the event that required parking cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Zoning Administrator provided the applicant first deposits a performance guarantee in accordance with Section 11.06.

(2) Dimensions.

(a) Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall Dimensions		Drive Aisle Width	Total Width (wall-to-wall) of Drive Aisle and Parking	
	Width	Depth to Wall		One Row of Stalls (x)	Two Rows of Stalls (y)
0° (parallel)	24.0 feet	8.0 feet	16.0 feet <i>(one-way)</i> 24.0 feet <i>(two-way)</i>	24.0 feet <i>(one-way)</i> 32.0 feet <i>(two-way)</i>	32.0 feet <i>(one-way)</i> 40.0 feet <i>(two-way)</i>
Up to 45°	8.5 feet	16.6 feet	12.0 feet <i>(one-way only)</i>	28.6 feet	45.2 feet
46° to 60°	8.5 feet	18.2 feet	16.0 feet <i>(one-way only)</i>	34.2 feet	52.4 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet	42.5 feet	61.0 feet

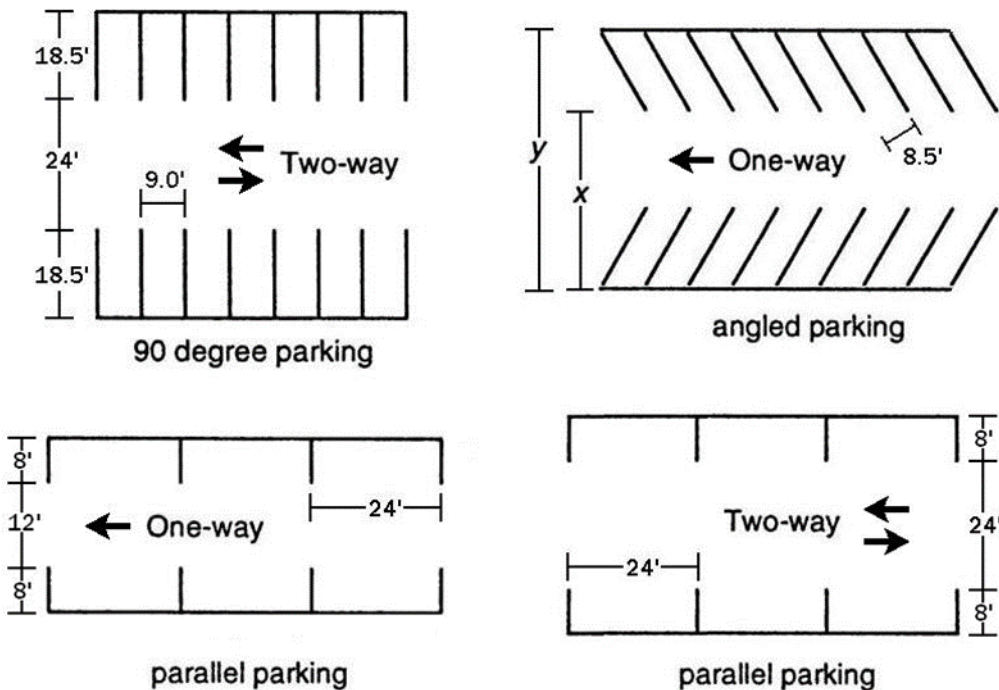


Figure 4.1: Off-Street Parking Layouts

(b) Driveways. Driveways providing access to residential, commercial or industrial uses shall comply with the standards in Section 6.05.

(3) Layout.

- (a) **Striping.** All paved parking lots must be striped with conforming parking spaces matching the approved plan for the parking lot and in compliance with ADA requirements for barrier-free parking spaces. The striping must be maintained so as to be visible to drivers.
 - (b) **Ingress and Egress.** All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty-five (25) feet from the nearest point of any adjacent property zoned for single-family residential use.
 - (c) **Parking Rows.** Continuous rows of parking shall be limited to not more than twenty (20) contiguous spaces. Longer rows shall provide landscaped breaks (e.g., islands or bio swales) with shade trees.
 - (d) **Consolidated Landscaping.** Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site storm water management. The use of bio swales and/or rain gardens is encouraged.
 - (e) **Pedestrian Circulation.** The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided and integrated into the pedestrian circulation network.
- (4) **Surfacing and Drainage.**
- (a) All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be maintained with a smooth surface (including re-grading as necessary), but need not be paved.
 - (b) Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property.
- (5) **Curbs, Wheel Stops.** Wheel stops must be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.
- (6) **Maintenance.** All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

Section 8.02 Loading Space Requirements

- (A) **Scope of Loading Space Requirements.** Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
- (1) **General Applicability.** On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this Section.

- (2) **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

(B) **General Requirements.**

- (1) **Location.** Loading/unloading operations shall not interfere with traffic on streets or off-street parking.
- (2) **Size.** Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.
- (3) **Surfacing and Drainage.** Loading areas shall be maintained with a smooth surface (including re-grading as necessary) but need not be paved.
- (4) **Minimum Loading Space.** The amount of required loading space shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Schedule of Loading Space Requirements

Gross Floor Area	Number of Loading Spaces
0 – 4,999 sq. ft.	<i>see note below</i>
5,000 – 19,000 sq. ft.	1 space
20,000 sq. ft. and over	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space if the use of the property changes.	

Article 9

Walls and Fences

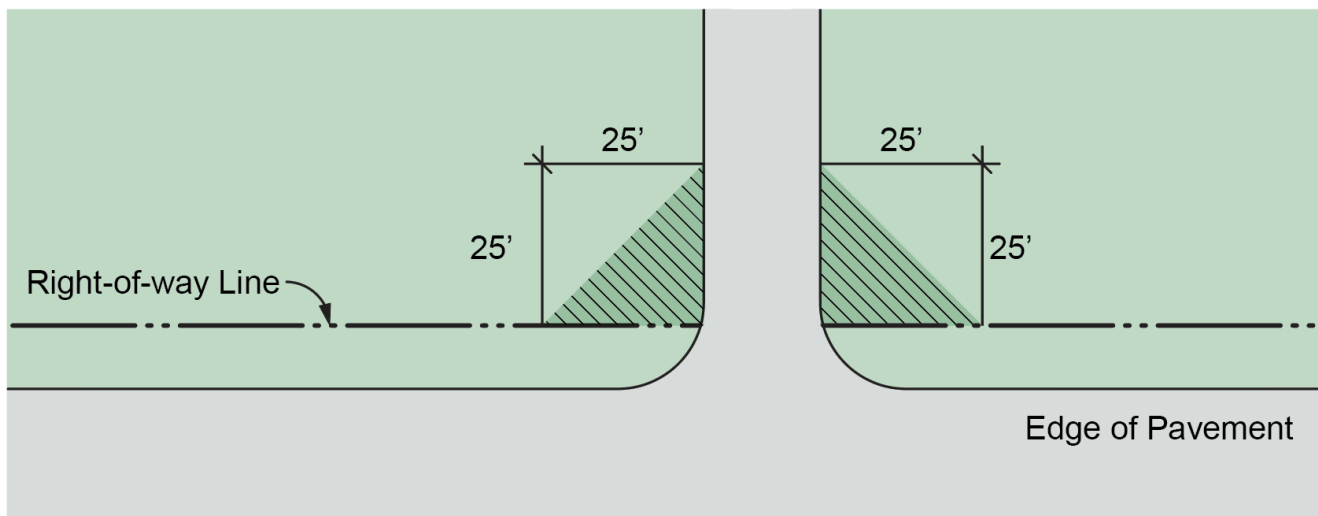
Section 9.01 R-1 District Specific Regulations

The following regulations apply only to parcels within the R-1 Residential Lakes and Streams Zoning District:

- (A) **Maximum Height.** In the R-1 District, no fence shall be greater than 4 feet in height within a front yard. In the side and rear yards, no fence shall be greater than 6 feet in height.
- (B) **Distance from A Water Source.** In the R-1 District, in no case shall a fence be placed less than 50 feet from the ordinary high-water line of a lake, nor less than 80 feet from the ordinary high-water line of a river.

Section 9.02 Clear Corner Vision Triangle

- (A) **Clear Corner Vision.** All fences in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Fences must be less than three feet tall within a triangle formed by two points, each 25 feet away from the intersection of the right-of-way line and the driveway, and the line connecting them.



Clear Vision Area

Article 10

Signs

Section 10.01 Prohibited Characteristics of Signs

- (A) No sign shall resemble, initiate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices.
- (B) No sign shall be located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (C) No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

Article 11

Administration

Section 11.01 Designation:

The Township Board shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this Zoning Ordinance.

Section 11.02 Zoning Administrator Duties

In administering and enforcing this Zoning Ordinance, the Township Zoning Administrator shall perform the following duties:

- (A) Provide necessary forms and applications.
- (B) Issue Zoning Permit upon the demonstration that the applicant's plans are found to conform to the provisions of this Zoning Ordinance.
- (C) The Zoning Administrator shall not vary, change, or grant exceptions to any terms of this Zoning Ordinance, or to any person making application under the requirements of this Zoning Ordinance.
- (D) Issue any authorized permits.
- (E) Identify and record information relative to nonconformities.
- (F) Provide assistance in zoning changes and amendments to the Zoning Ordinance text and map.
- (G) Maintain files of application, permits and other relevant documents and said records are open for public inspection.

Section 11.03 Zoning Administrator Powers

The Zoning Administrator shall have all the powers and authority conferred by laws, statutes and ordinances to enforce the provision of this Zoning Ordinance, including, but not limited to, the following:

- (A) Access to any structure or premise for the purpose of performing the Zoning Administrator's duties between 8:00 a.m. and 6:00 p.m. by permission of the owner or upon issuance of a special inspection warrants.
- (B) Upon reasonable cause or question as to proper compliance, the Zoning Administrator shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it. He/she shall order discontinuation of illegal uses of land, buildings or structures, removal of illegal work being done, issue cease and desist orders requiring cessation, or take any other action authorized under the Public Safety Ordinance to ensure compliance with or prevent violation of its provisions.

Section 11.04 Zoning Permit

- (A) It shall not be necessary for a nonconformity, existing on the effective date of this Zoning Ordinance to obtain a Certificate of Zoning Compliance in order to maintain its legal nonconforming status. However, no nonconforming building or structure shall be renewed, changed or extended until the Zoning Administrator shall have issued a Certificate of Zoning Compliance. This Certificate shall state specifically wherein the nonconforming building, structure or use differs from the provision of this Zoning Ordinance.
- (B) A permit for erection, alteration, moving or repair of any building shall not be issued until a Zoning Permit has been issued therefore. Issuance of such a Permit shall indicate that the use (s) and plans for which the permit is requested comply with the Zoning Ordinance.
- (C) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Zoning Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot and use thereof, conform to the requirement of this Zoning Ordinance.

Section 11.05 Building Permits Required

- (A) No building permit for erection, alteration, or moving of any building shall be issued until a Zoning Permit has been issued.
- (B) No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit pursuant to the State Building Codes and issued by the Township's Designated Building Inspection Service.
- (C) The Zoning Administrator may approve nonconforming lots, created prior to the Zoning Ordinance, if they meet setback regulations.
- (D) Plans submitted in the application for a building permit shall contain information necessary for determining conformity with this Zoning Ordinance including a copy of the Zoning Permit.

Section 11.06 Certificate of Occupancy

- (A) No building, structure or lot for which a zoning compliance permit has been issued shall be used or occupied until the Township's Building Inspection Service has, after final inspection, issued a Certificate of Occupancy indicating compliance has been made with all provisions of this Zoning Ordinance. However, the issuance of a Certificate of Occupancy shall, in no case, be construed as waiving any provision of this Zoning Ordinance.
- (B) Buildings accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (C) Certificates of Occupancy, as required by the building code for new buildings or structures, or parts thereof or for alterations to or changes of use of existing buildings, structures, shall also constitute Certificates of Occupancy as required by this Zoning Ordinance.
- (D) A record of all permits issued shall be kept on file in the Township Office and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property.

Article 12

Zoning Board of Appeals

Section 12.01 General

There is herewith created a Zoning Board of Appeals consisting of a number of members to be determined by a Township Board resolution consistent with State Law. The Township Board shall appoint members, provided that no elected officer of the Township shall serve as Chairman of the Board of Appeals and that one member of such Zoning Board of Appeals shall be a member of the Planning Commission. One member may be a member of the Township Board. The Zoning Board of Appeals must meet at least once per year.

Section 12.02 Appointment & Terms

The Township Supervisor will appoint the members of the first Zoning Board of Appeals with the consent of the Township Board. Of the members appointed to the first board, at least one shall serve a term of one year, at least one shall serve a term of two years, and at least one shall serve a term of three years. Thereafter, all members shall be appointed for a term of three years, provided that each member shall serve until his successor is duly appointed.

Section 12.03 Compensation

Members of the Zoning Board of Appeals may be paid compensation in an amount determined by the Township Board and may be paid their necessary expenses in the performance of official duties.

Section 12.04 Officers

A chairman and vice-chairman shall be elected from among the members and a secretary shall be appointed who need not be a member of the Zoning Board of Appeals. The chairman may not be an elected Township official.

Section 12.05 Powers

The Zoning Board of Appeals shall have and exercise the following powers:

- (A) To adopt rules of procedure governing the transaction of its business.
- (B) To hear and decide appeals from and review any order, requirements, decision or determination made by any administrative official charged with enforcing the provisions of this Zoning Ordinance.
- (C) To order the issuance of permits for buildings and uses.

(D) To order the issuance of variances from the terms of any official of which there shall be two (2) kinds. The type and required findings and conditions are as follows:

(1) **Dimensional Variance:** A dimensional variance from any standard established in this Zoning Ordinance may be granted in the discretion of the Zoning Board of Appeals to allow a modification from such standard established area, yard, height, floor space, frontage, setback or similar numerical restriction, but only after substantive evidence established that there are “practical difficulties”: in carrying out the strict letter of this Zoning Ordinance. They shall be permitted only when there are “practical difficulties”. (1) How substantial the variance is in relation to the zoning requirements; (2) the effect, if the variance is allowed, of the increased population density thus generated on available governmental facilities; (3) whether a substantial change will be effected in the character of the neighborhood or a substantial detriment created for adjoining properties; (4) whether the difficulty can be obviated by some feasible method, other than a variance, and (5) whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interest of justice will be served by allowing the variance; (6) the plight of the landowner is due to the circumstances unique to his property not created by the landowner.

“Unnecessary hardship” on a landowner, by the denial of a dimensional variance, shall not be a factor in the determination to be made by the Zoning Board of Appeals. Conditions may be imposed on an applicant prior to granting a variance, which shall be written down and signed by the applicant prior to receiving a variance. The applicant for a variance which, in the opinion of the Zoning Board of Appeals, may result in a material adverse effect on the environment may be requested by the Board to demonstrate the nature and extent of the effects (s).

(2) **Land Use Variances:** A land use variance is a land or building use in contravention of any of the use requirements of this Zoning Ordinance. The Zoning Board of Appeals may, in its sole discretion, grant a variance upon a finding of “unnecessary hardship” which may be found upon substantial evidence being submitted that all of the following are found to exist:

- (a) That property cannot be used in a manner consistent with existing zoning.
- (b) That the hardship results from the application of the Zoning Ordinance to this property; and,
- (c) The hardship of which the owner who complains is suffered by the owners property directly and not shared by others; and,
- (d) The hardship is not the result of the owners own actions; and,
- (e) The hardship is peculiar to the owner’s property.
- (f) In determining whether reasonable use may be made of the property as zoned, a reasonable economic return may sometimes be a factor, which could be considered, but only if the applicant has satisfied all other tests. Whether any weight shall be given to the economic return factor shall be dependent upon a determination that the owner has been deprived of all beneficial use of his property, in the case of single-family residential property. In the case of zoned property normally held for the production of income, excluding nonconforming commercial uses in single-family residential zones, lack of reasonable use of the property as zoned may be determined upon showing lack of economic productive return on the property. In all cases, proof that the property would be more valuable if the use were changed from the allowed use, should be immaterial, and the Zoning Board of Appeals shall not accept such evidence in their considerations.

- (E) **Additional Findings and Conditions:** The Zoning Board of Appeals shall, after finding “unnecessary hardship” exists, also find the proposed use meets the following conditions, upon adequate evidence providing the use.
- (1) Will be consistent with the intent and purposes of this Zoning Ordinance.
 - (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
 - (3) Will not be hazardous or disturbing to existing or future neighboring uses and will not cause disturbing emissions of electrical discharges, dust, lights, vibration, or noise.
 - (4) Will be served adequately by existing essential public facilities and services, such as highways, streets, police and fire protection, drainage structures refuse disposal, or schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - (5) Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the Township.
 - (6) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or require outdoor storage of raw materials produced in the use processes.
 - (7) Whether a hazard to life, limb, or property, caused by fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for the convenience of entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.
 - (8) Whether the use, or the structures to be used therefore will cause an overcrowding of land or undue concentration of population.
 - (9) Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof.
 - (10) Whether the use to be operated is unreasonably near to a church, school, theater, recreational area or other place of assembly.

Section 12.06 Hearings and Appeals

- (A) Appeals may be taken by any person affected, including the Township Board, or by any officer, department, board or bureau of a town, municipality, county or state. Such appeal shall be taken within thirty (30) days by filing with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof.
- (B) **Hearing and Notice:** Appeals shall be heard in forty-five (45) days after receipt, at a public hearing, notice to be published once at least ten (10) days prior to the hearing in a newspaper setting forth the time, date, place, and reason for the hearing. Property owners of Township record within three hundred (300) feet in all directions of the affected property shall have a notice sent them by First Class mail. A decision shall be made within thirty (30) days, in writing, setting forth reasons if the appeal is rejected.

- (C) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Board of Appeals certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
- (D) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
- (E) The Zoning Board of Appeals shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Zoning Board of Appeals shall record the vote of each member on each question, or if absent or failing to vote, indicate such fact. All records shall be open for public inspection.
- (F) A majority vote of the members of the Zoning Board of Appeals shall be sufficient on any action under consideration.
- (G) All decisions by the Zoning Board of Appeals in granting variances or in hearing appeals shall be final, except that any aggrieved person or persons, or any department, board of commission, or the State with an interest affected shall have the right to appeal within thirty (30) days after the decision, to the Circuit Court in the County in which the land is located on questions of law and fact. For purposes in determining who constitutes a person with an "interest affected", it shall be deemed to include an applicant, the municipal body or a subdivision of same, a person who resides within three hundred (300) feet, or a person who appeared at the hearing and spoke in opposition to the position taken by the Zoning Board of Appeals.

Section 12.07 Removal

Members of the Zoning Board of Appeals shall be removable for cause by majority vote of the Township Board, upon the filing of written charges with the Township Board. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written charges.

Section 12.08 Vacancies

Vacancies occurring on the Zoning Board of Appeals shall be promptly filled by the Township Board and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject appointment in the manner herein above set forth.

Article 13

Amendments

Section 13.01 Amendments

The regulations, restrictions and boundaries set forth in this may be amended, supplemented, or repealed in accordance with the provisions of this Article.

Section 13.02 Initiation

Amendments may be Initiated by the Township Board, Planning Commission, or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.

Section 13.03 Referral to Planning Commission

Amendments shall be referred to the Planning Commission for study and report and may not be acted upon by the Township Board until it has received the recommendation of the Planning Commission on the proposed amendment, or until sixty (60) days have elapsed from the date of reference of the amendment without a report being prepared by the Planning Commission. Upon receipt of the report and recommendation of the Planning Commission, the Township Board by majority vote, may adopt, in whole or in part, deny, or take any other action on the proposed amendment, as it may deem advisable. Changes and amendments hereunder shall become effective immediately after passage by the Township Board.

Section 13.04 Publication & Filing

Amendments shall be filed with the Township Clerk, and one (1) notice of the amendment shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Said notice shall provide either a summary of the regulatory effect, or the text of the amendment.

Section 13.05 Hearing

- (A) No amendment shall be adopted until a public hearing has been held thereon by the Planning Commission.
- (B) Said public hearing required by this Zoning Ordinance shall include notice of the time, place, date, and purpose and shall be published twice (2) in a newspaper of general circulation in the Township of Newfield, not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the hearing.

If an individual property or several adjacent properties are part of the proposed amendment, notice of the public hearing shall be given to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and the tenants at the address given in the last assessment role. The notice shall be made not less than eight (8) days before the hearing and state the time, place and purpose of the hearing. Whenever the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing.

Article 14

Definitions

Section 14.01 General

As used in this Zoning Ordinance, the words, terms, and phrases defined in this Article shall have the meaning given herein, unless otherwise specifically defined, or unless the context clearly requires otherwise, the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word “shall” is mandatory, and the word “may” is permissive; the word “used” or “occupied” includes the words “intended, designed, or arranged” to be “used” or “occupied”, the word “lot” includes the words “plot” or “parcel”, for regulatory purposes the word “structure” shall include the term “use” of land and building, and vice versa.

Section 14.02 Accessory Structure

A structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal structure or use of land.

Section 14.03 Accessory Use

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Section 14.04 Basement

That portion of any structure located partly below the average grade contiguous to the subject structure.

Section 14.05 Boathouse

A structure used for the storage of watercraft and related equipment.

Section 14.06 Building

Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of building so separated, shall be deemed a separate building.

Section 14.07 Building, Height of

The elevation, measured on the average finished lot grade at the front of the building, to the highest point of the roof.

Section 14.08 Building Line

A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Zoning Ordinance.

Section 14.09 Cluster Housing

Land designated by the township for housing as governed by state code.

Section 14.10 Comprehensive Plan

The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the Township.

Section 14.11 Duplex

A two-family dwelling, which is structurally unified as a single building. Which is used as a dwelling exclusively by two (2) families, each living as independent housekeeping unit.

Section 14.12 Dwelling – Single-Family

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

Section 14.13 Dwelling – Two-Family

A residence for, or occupied by, two families with separate housekeeping and cooking facilities for each family.

Section 14.14 Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use of service of the principal structure. These services included underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift station and hydrants, but not including buildings.

Section 14.15 Family

Any person or group of persons, related by blood or marriage, or another group of individuals domiciled together within one single dwelling unit.

Section 14.16 Farm – Commercial

Agriculture of a primarily commercial nature, including, but not limited to, fur farms, poultry and egg farms, raising of livestock for profit, hog farms, feed lots and any other agricultural endeavor for profit.

Section 14.17 Farm – Hobby

The pursuit of hobby and family-type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses.

Section 14.18 Home Occupation

An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services subject to the provisions of Section 5.18.

Section 14.19 Junkyard

The term junkyard shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles or vehicle parts.

Section 14.20 Kennel

Any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are kept or raised for compensation.

Section 14.21 Lot

Any parcel, plot or premises of land subject to the provisions of this Zoning Ordinance, and capable of being described with such definiteness that its location and boundaries may be established.

Section 14.22 Lot Areas

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street including the right-of-way.

Section 14.23 Lot Corner

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of one hundred thirty-five (135) degrees or less as measured on the lot side. The point of intersection of the street lot lines is the “corner”. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described below.

Section 14.24 Lot Frontage

The front of a lot shall be construed to be the portion of the lot nearest the street, road, or water edge. In the case of a corner lot, either street may be considered the front.

Section 14.25 Lot Width

Shall be the distance between the side lot lines, measured at the building line.

Section 14.26 Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds.

Section 14.27 Modular Housing Unit

A dwelling constructed solely within a factory, as a single unit or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Section 14.28 Mobile Home

Mobile home means a structure, transportable in one (1) or more sections, which is built on permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

- (A) When two or more structures which may qualify individually as a mobile home, have their undersides removed and are secured to a permanent block foundation, are permanently fastened together, and have a pitched roof (as set by the Building Code in effect) with a load rating of 40 PSI, said structure shall be deemed to have lost their designation as a mobile home, and shall be treated for all purposes as a permanent single-family dwelling.
- (B) For purposes of the Zoning Ordinance, those structures which are called variously “double-wide”, “modular” or “pre-fabricated”, and are reconstructed in other location and transported to the housing site, but are built to the standards of a national building code, other than the National Mobile Home Construction and Safety Standards Act shall not be considered as mobile homes.

Section 14.29 Mobile Home Park

Any site, lot, field, or tract of land upon which two or more mobile homes are harbored, either free of charge or for revenue purposes, and shall include building, structure, or enclosure used or intended for use as part of the equipment of such mobile home park.

Section 14.30 Nonconformity

Any legal use of a structure or parcel of land already in existence, recorded, or authorized before the adoption of this Zoning Ordinance or amendments thereto, that would not have been permitted to become established under the terms of the Zoning Ordinance now written, if the Zoning Ordinance had been in effect prior to the date that it was established, recorded, or authorized.

Section 14.31 Parking Space, Off-Street

Any off-street parking space shall comprise not less than one hundred eighty (180) square feet of parking area, plus necessary space for maneuvering incidental to entering or exiting the parking space and shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.

Section 14.32 Person

A firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Section 14.33 Private Lakes and Ponds

Bodies of water with no public access.

Section 14.34 Setback, Street

The minimum distance between the front lot line and structure, including porches, and excluding steps. The setback shall commence from the road right-of-way, if described, and if not described, shall be presumed to be thirty-three (33) feet from the centerline of the road.

Section 14.35 Sign

A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.

Section 14.36 Story

When any portion of the basement or unused under floor is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered as a story.

Section 14.37 Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. This may also include the terms building or, where construed, premises.

Section 14.38 Underground Dwelling

A dwelling that is partially or wholly surrounded by earth on no more than three (3) sides and the roof and which is to be used as an occupied dwelling according to the district regulations.

Section 14.39 Use

The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use " or its equivalent shall not be deemed to include any nonconforming uses.

Section 14.40 Variance

Any modification or variation of the provisions of the Zoning Ordinance where it is determined pursuant to the provisions of this Zoning Ordinance that, by reason of exceptional circumstances, the strict enforcement of the Zoning Ordinance would cause unnecessary hardship.

Section 14.41 Yard

A required open space occupied and unobstructed by a structure or portion of a structure, from thirty (30) inches above the ground level of the grade lot upward, provided, however, that fences, utility poles, lawn lights, antennae, and related minor equipment may be permitted in any yard, provided that they do not create a traffic safety hazard.

Section 14.42 Yard, Front

A yard extending across the front of a lot between the side yard lines and lying between the centerline of the street, highway, or water's edge and the building line.

Section 14.43 Yard, Rear

A yard extending across the rear of the lot between inner side yard lines. In case of through lots, there will be no rear yard. In the case of corner lots, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

Section 14.44 Yard, Side

A yard extending from the rear line of the required front yard to the rear lot line on each side of a residential or commercial building.

Section 14.45 Zones or Zoning District Boundaries

Where uncertainty exists as to the boundaries of any of the districts or zones shown on the Zoning Map, the following rules shall apply:

- (A) Zone boundary lines are intended to be parallel or perpendicular to the street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.
- (B) Where zone boundaries are so indicated that they approximately follow street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- (C) Where zone boundaries are so indicated that they approximately follow lot lines and are not more than twenty-five (25) feet distant there from such lot lines shall be such boundaries.
- (D) If un-subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the Zoning Ordinance, shall be determined by the use of the Map shown thereon and scaled to the nearest foot.

Article 15

Severability and Effective Date

Section 15.01 Severability

- (A) This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgment 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.
- (B) Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgment.

Section 15.02 Effective Date

Made and passed by the Township Board of Newfield, Oceana County, Michigan, on **DATE** and effective on **DATE**.