

**WINFIELD TOWNSHIP  
MONTCALM COUNTY, MICHIGAN  
(Ordinance No. \_\_\_\_\_)**

At a regular meeting of the Township Board for Winfield Township held at the Township offices within the Township on \_\_\_\_\_, 2024, at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and was seconded by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE WINFIELD TOWNSHIP ZONING ORDINANCE CHAPTER 3, SECTION 3.14 ENTITLED “ACCESSORY BUILDINGS, STRUCTURES, AND USES”; CHAPTER 6, SECTION 6.03 ENTITLED “SPECIAL LAND USES”; CHAPTER 6, SECTION 6.04 ENTITLED “SITE DEVELOPMENT REQUIREMENTS”; CHAPTER 7, SECTION 7.04 ENTITLED “SITE DEVELOPMENT REQUIREMENTS”; CHAPTER 12, SECTION 12.02 ENTITLED “FOOTNOTES TO DISTRICT REGULATIONS”; AND TO AMEND CHAPTER 14 TO ADD SECTION 14.08 TO THE WINFIELD TOWNSHIP ZONING ORDINANCE.**

**THE TOWNSHIP OF WINFIELD (the “Township”) ORDAINS:**

**Article 1. Amendment of Chapter 3, Section 3.14.** That Chapter 3, Section 3.14 of the Winfield Township Zoning Ordinance is amended to read in its entirety as follows:

**Section 3.14      Accessory Buildings, Structures, and Uses**

A.    Accessory Buildings -General

1.        Where an accessory building is attached to a main building, it shall conform to all setback requirements of this Ordinance applicable to the main building.
2.        In all Zoning Districts, except for the AG and RR districts, accessory buildings shall not be permitted on a parcel without a principal building except as follows:
  - a.        In the LR district, one building located on a property directly across a public or private road from a lot improved with a dwelling to which the building is accessory, may be permitted as a special land use in accordance with Chapter 14 and Section 14.08.
  - b.        In all Zoning Districts, an accessory building shall not be located on a waterfront lot unless a principal building is also located thereon.

3. Two (2) accessory buildings less than one-hundred (100) square feet in area, shall be permitted on any single lot with a main building, in addition to the permitted accessory buildings regulated under this Section.
4. Accessory buildings used in connection with a farm use shall be exempt from the regulations of this section.
5. Unless otherwise provided in this Ordinance, accessory buildings are prohibited in front yards except as follows:
  - a. On a lot or parcel of land that has frontage on a lake or stream, not more than one accessory building may be located between a dwelling and the street. Such accessory building shall satisfy all building setback requirements.
  - b. No accessory building or portion thereof shall be located between the waters of a lake or stream and the principal dwelling on the lot or parcel, nor shall any accessory building or part thereof be located closer to a lake or stream than the lakeside basement wall or foundation of the principal dwelling.
  - c. No accessory building shall be located between a street and a dwelling on a lot or parcel of land that has no frontage on a lake or stream, unless all of the following requirements are complied with:
    - i. The land is located in the AG Agricultural District or the RR Rural Residential District.
    - ii. The lot or parcel of land is at least five acres in area.
    - iii. If an accessory building will be actively used for bona fide farm and agricultural purposes (as determined by the Zoning Administrator), it shall be set back at least 75 feet from the street right-of-way. All other accessory buildings shall be set back at least 300 feet from the street right-of-way.

B. Accessory Uses -General

1. Unless otherwise provided in this Ordinance, accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. Unless otherwise provided in this Ordinance, no accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. Unless otherwise provided in this Ordinance, no accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.

4. Accessory uses shall not be permitted in the front yard unless otherwise provided in this Ordinance.
  5. Accessory uses in connection with a farm use shall be exempt from the regulations of this section.
- C. Residential Accessory Buildings and Structures. Accessory buildings shall be permitted within all residential districts and the LR district, or with any residential use provided that the following restrictions are met:
1. For lots of one (1) acre or less, the combined floor area of all detached accessory buildings shall meet the following standards:

<b>Lot Size</b>	<b>Maximum Area of All Accessory Buildings on the Lot</b>
Less than 8,700 square feet	Equal to the floor area of the first, or ground floor of the residence
8,701 to 15,000 square feet	Equal to one and one-half (1 ½) times the first, or ground floor of the residence
15,001 to 21,500 square feet	Equal to two (2) times the first, or ground floor of the residence
<b>Lot Size</b>	<b>Maximum Area of All Accessory Buildings on the Lot</b>
21,501 to 43,560 square feet	Equal to two and one-half (2 ½) times the first, or ground floor of the residence

- a. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
  - b. No detached accessory building shall be located closer than fifteen (15) feet to any side or rear lot line. (Exception: Indian Lake Development. No detached accessory building shall be located closer than six (6) feet to any side lot and three (3) feet to the rear lot line unless it is a road right of way, then the requirement is fifteen (15) feet (*amended March 11, 2004*).
  - c. No accessory building shall exceed sixteen (16) feet in height, unless otherwise permitted in a zoning district's regulations as set forth in this Ordinance.
  - d. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
2. For lots larger than one (1) acre, the combined floor area of all detached accessory buildings shall meet the setback requirements outlined in Section 3.14, C, 1, a, and b, and the combined floor area of all buildings on the parcel shall not exceed the permitted lot coverage percentage for the district in which the lot is located.

3. The maximum size accessory building in a MHP District is one hundred forty four (144) square feet per dwelling unit.
- D. **Other District Accessory Buildings and Structures.** Accessory buildings shall be permitted within the GC, and LI Districts provided the following restrictions are met:
1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
  2. Detached accessory buildings shall meet all setback requirements as for principal buildings, for the zone district in which they are located.
  3. No detached accessory building shall be located nearer than eighteen (18) feet to any other building on the property.
  4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- E. **Boat Houses on Waterfront Lots.** One (1) boat house may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than one hundred twenty-eight (128) square feet in area, and no more than eight (8) feet in height. The area of such building shall be counted toward the total area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of this Section.

**Article 2. Amendment of Chapter 6, Section 6.03.** That Chapter 6, Section 6.03 of the Winfield Township Zoning Ordinance is amended to read in its entirety as follows:

**Section 6.03 Special Land Uses**

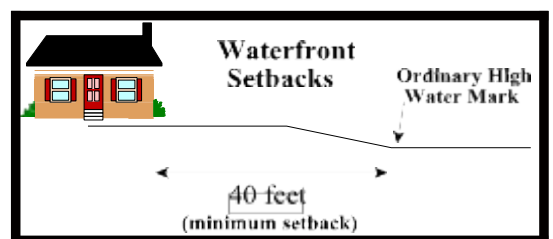
- A. Open Space Development, subject to the requirements of Chapter 17. (*amended 4/8/2010*)
- B. Buildings or structures not accessory to a principal use, subject to the requirements of Chapter 3, Section 3.14(A) and Chapter 14, Section 14.08.

**Article 3. Amendment of Chapter 6, Section 6.04.** That Chapter 6, Section 6.04 of the Winfield Township Zoning Ordinance is amended to read in its entirety as follows:

**Section 6.04 Site Development Requirements**

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

- A. Additional setbacks and lot widths for structures.
  1. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be



hereafter constructed, erected, installed, or enlarged within a minimum of forty (40) feet from a shoreline or ordinary high water mark. (Exception: Indian Lake Development. The minimum is twenty five (25) feet from a shoreline or ordinary high water mark).

2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met.

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

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

B. Vegetative Strip.

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

C. General Provisions outlined in Chapter 3.

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

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

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

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

Regulations, Chapter 12.

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

<b>Lakeside Residential (LR) District</b>	
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See also footnotes (a) and (g) in Section 12.02.

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

\*\*An accessory building located on a waterfront lot shall not exceed a maximum height of 16 feet.

**Article 4.** Amendment of Chapter 7, Section 7.04. That Chapter 7, Section 7.04 of the Winfield Township Zoning Ordinance is amended to read in its entirety as follows:

**Section 7.04 Site Development Requirements**

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

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

<b>Rural Residential (RR) District</b>	
Minimum Lot Size	2 acres

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

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

**Article 5. Amendment of Chapter 12, Section 12.02.** That Chapter 12, Section 12.02 of the Winfield Township Zoning Ordinance is amended to read in its entirety as follows:

**Section 12.02 Footnotes to District Regulations**

- (a) In all districts where residential uses are permitted either by right, or as a special use, all dwellings shall contain a minimum floor area in accordance with the following, unless otherwise specified in this Ordinance:

Single family	840 sq. ft
Two-family	720 sq. ft., per dwelling unit
Multiple family	480 sq. ft., per dwelling unit for one (1) bedroom dwellings 600 sq. ft., per dwelling unit for two (2) bedroom dwellings 720 sq. ft., per dwelling unit for three (3) bedroom dwellings 720 sq. ft., per dwelling unit plus 100 sq. ft. for each additional bedroom, for dwellings with more than three (3) bedrooms.

- (b) Lots served by public sanitary sewer and public water may be reduced to a minimum lot area of 15,000 square feet, and a minimum lot width of 85 feet.
- (c) All lots shall be served by public water and sanitary sewer facilities, or by an approved community system.
- (d) *(Reserved.)*
- (e) Where a side or rear yard abuts a Residential District, a buffer shall be provided in accordance with Section 3.10.
- (f) The required front yard shall not be used for off-street parking, except for driveways, and shall be landscaped.
- (g) On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for the district.
- (h) For permitted lot reductions, see Chapter 5.
- (i) See exceptions for Indian Lakes, Section 6.04.G. *(as amended March 11, 2004)*.
- (j) See exception for single family detached dwelling, Section 10.04.B. *(as amended 11/11/04)*.



**Article 6.** Amendment of Chapter 14 to add Section 14.08. That Chapter 14 of the Winfield Township Zoning Ordinance is amended to add Section 14.08, which reads in its entirety as follows:

**Section 14.08 Buildings or Structures Not Accessory to a Principal Use**

- A. The following buildings or structures not devoted to a principal use and not accessory to a principal structure located or being conducted on the same lot, and not otherwise permitted under the Zoning Ordinance, may be permitted as a special land use as follows:
  - 1. In the LR District, not more than one building or structure devoted to a residential accessory use on a vacant lot located directly across a public or private street from a lot improved with a principal dwelling, if both lots are under common ownership. A vacant lot shall be deemed to be located directly across a public or private street from the lot with the principal dwelling if the vacant lot is adjacent to the lot with the principal dwelling as determined by the Zoning Administrator. As a condition of all special land uses permitted under this subsection, restrictive deed covenants shall be imposed against both properties, prohibiting their separate sale, use or transfer unless the accessory building is removed, or the lot on which the accessory building is located is improved by a principal dwelling in full compliance with the Zoning Ordinance.
- B. In addition to all of the general conditions applicable to all special land uses, the following shall apply to special land uses granted under this section:
  - 1. Any building or structure permitted as a special land use under this subsection shall comply with the minimum setback requirements of the zoning district in which it is located. Such setback may be increased as a condition of approval in accordance with the requirements of Chapter 14, including Sections 14.04 and 14.05.
  - 2. The size of the accessory building may be limited, in accordance with the general standards for special land use approval set forth in Chapter 14, including Sections 14.04 and 14.05.
  - 3. No building or structure shall be used for dwelling or sleeping purposes.
  - 4. Deed restrictions, restrictive covenants, or other appropriate documents shall be recorded with the Register of Deeds with respect to each special land use approved hereunder, to give notice to all future owners or parties in interest that the accessory building may be used, only in compliance with this section and any conditions of special land use approval imposed pursuant to Chapter 14, unless a principal structure is construed on the lot, or the lot is otherwise brought into full compliance with the Zoning Ordinance. This document shall be in form approved by the Township and shall be recorded prior to issuance of a building permit.

**Article 7: Savings Clause.** Should a court of competent jurisdiction declare that this Ordinance (or any portion hereof) is unconstitutional or invalid, that determination shall not affect the balance of this Ordinance, which shall remain in full force and effect.

**Article 8: Effective Date.** This Ordinance shall become effective seven (7) days after this Ordinance or a summary thereof appears in a newspaper of local circulation in the manner provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

**CERTIFICATION**

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

\_\_\_\_\_  
Ken Bloom  
Township Clerk