

ONTWA TOWNSHIP  
CASS COUNTY, MICHIGAN

**Ordinance No. 2023-02-13.4**

**ADOPTED 4-10-23 EFFECTIVE 5-15-2023.**

AN ORDINANCE TO AMEND THE ONTWA TOWNSHIP ZONING ORDINANCE (ORDINANCE 80-2, AS AMENDED); TO AMEND SECTION 3.21 RELATED TO ACCESSORY BUILDINGS AND STRUCTURES; TO AMEND SECTION 16.04 RELATED TO PRELIMINARY PLAN REVIEW; TO AMEND SECTION 16.06 RELATED TO FINAL SITE PLAN REVIEW; RELATED TO PRELIMINARY PLAN REVIEW; TO AMEND SECTION 20.02(B) RELATED TO CERTIFICATES OF ZONING COMPLIANCE; AND TO AMEND ARTICLE XX TO ADD A NEW SECTION 20.04 RELATED TO CERTIFICATES OF OCCUPANCY; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

ONTWA TOWNSHIP, CASS COUNTY MICHIGAN, ORDAINS:

**Section 1. Amendment of Section 3.21.** Section 3.21 of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

SECTION 3.21. ACCESSORY BUILDINGS AND STRUCTURES. *(amended 6/13/16)* In any Residential Zoning District an accessory building or structure may be erected, either detached from the permitted principal building or as an integral part of the permitted principal building. Such accessory building or structure shall comply in all respects with the yard requirements of this Ordinance applicable to the permitted principal building and the following requirements:

- (a) Except as permitted by Section 3.21 (c), no accessory buildings may be built or placed on any lot on which there is no principal building. No accessory building may be used as a residence or living quarters unless authorized as an accessory dwelling unit (ADU) pursuant to Section 3.37 of this ordinance. *(amended 8/14/17) (amended 7/12/21)*
- (b) Adjoining lots in a single ownership shall be considered as one lot.
- (c) In the Lake Residential Zone where an owner has acquired a lot directly across a street right-of-way from his principal building lot, an accessory building or accessory use may be erected, provided all yard requirements for a principal building are maintained, and further provided that the applicant provides the Township with a copy of a deed restriction or similar instrument that ensures that the two lots cannot be sold or transferred separately prior to the issuance of any permit or notice to proceed.
- (d) Detached garages and other accessory buildings shall not be erected in the first 100 feet of any front yard, unless, in the opinion of the Zoning Administrator, there exists substantial vegetation or other natural features that effectively screen the view of the building from the street. In instances where it is unclear or if there is a dispute regarding if this standard is met,

the Zoning Administrator may refer the matter to the Planning Commission. (*amended 12/10/18*)

- (e) Pump houses may be erected under the provisions of Section 8.2(d) (Article VIII, Section 2(c)). In all zoning districts, accessory buildings over one hundred forty four (144) square feet shall be at least ten (10) feet from any dwelling and at least ten (10) feet from any other building on the lot. (*amended 12/10/18*)
- (f) Trailers, shipping containers, RVs, and similar non-permanent structures shall not be used as accessory buildings in any residential district unless (1) the lot or parcel exceeds 2.5 acres and (2) in the opinion of the Zoning Administrator, there exists substantial vegetation or other natural features that effectively screen the view of the structure from the street and from adjacent properties. In instances where it is unclear or if there is a dispute regarding if this standard is met, the Zoning Administrator may refer the matter to the Planning Commission.
- (g) Accessory buildings one hundred twenty (120) square feet or less, in the rear yard, are permitted not less than ten (10) feet from lot lines. Larger buildings require not less than ten (10) feet in "LR" and "R-2", not less than ten (10) feet in "R-1A", "R-1" and not less than twenty (20) feet in "AR." (*As amended June 11, 2007*)
- (h) Where a corner lot adjoins the side or rear lot line of another corner lot, a detached accessory building one hundred twenty (120) square feet or less may be erected five (5) feet from such common side or rear lot line, provided the side street setback is maintained.

Buildings larger than 120 square feet shall meet the setback requirements for the district in which they are located.

- (i) A lot or parcel shall contain no more than one (1) garden shed one hundred twenty (120) square feet or less and one (1) larger detached garage or accessory building. (*As amended June 11, 2007*)
- (j) HEIGHT (*amended 12/10/18*) – For all accessory buildings, except for accessory buildings used for farming purposes as defined by the Michigan Right to Farm Act (MCL 286.470 *et. seq.*):
  - 1. In the "AR", "L-R", "R-1A", "R-1" districts, the sidewall of an accessory building shall not exceed fourteen (14) feet, and the total height of the accessory building shall not exceed twenty-two (22) feet. *See Section 2.13 for definition of building height.*
- (k) SIZE (*amended 12/10/18*) – The following standards apply to accessory buildings in the "L-R", "R-1A", "R-1", and "A-R" districts, except for accessory buildings used for farming purposes as defined by the Michigan Right to Farm Act (MCL 286.470 *et. seq.*).
  - 1. In the "L-R", "R-1A", "R-1" and "AR" districts, the cumulative area of all accessory buildings shall not exceed 2.5% of the lot area, excluding public or private street rights of way, with the following exceptions:

- a. An accessory building up to 768 square feet may be permitted on any lot in the “L-R”, “R-1A”, “R-1” and “AR” districts, subject to the provisions of this section.
- b. Accessory buildings shall not exceed 3,500 square feet, unless a special land use permit is obtained from the Planning Commission.
- c. A structure attached to a principal building shall not exceed the main floor square footage of the principal building.

For purposes of determining square footage of accessory buildings, the measurement shall be length multiplied by the width of the exterior of the building measured from the outside corners of the building frame.

**Section 2. Amendment of Section 16.04.** Section 16.04 of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

SECTION 16.04. PRELIMINARY PLAN REVIEW. Preliminary sketches (ten copies) of the proposed site and development plans may be submitted to the Zoning Administrator for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include fifteen (15) copies and a PDF of the entire application and site plan, which shall contain the following, along with other information as deemed necessary by the Zoning Administrator:

**Section 3. Amendment of Section 16.06.** Section 16.06 of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

SECTION 16.06. FINAL SITE PLAN REVIEW. The final site plan shall include the following information and such items as may be required by the Planning Commission from its review of the optional preliminary site plan. Fifteen (15) copies and a PDF of the entire application shall be submitted.

**Section 4. Amendment of Section 20.02(b).** Section 20.02(b) of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

- (b) An application for a Certificate of Zoning Compliance shall be filed by the Owner or his or her agent and it shall state the intended use of the land, structure, or building. In order to determine whether a proposed use, building, or structure complies with the requirements of this Ordinance, the Zoning Administrator shall require, at a minimum, the following information as applicable be submitted with the application. *(amended 6/13/16)*
  - (1) Proof of ownership of the lot or premises.
  - (2) Location, dimensions, and size of the lot or premises.
  - (3) A drawing illustrating the location of the building or structure, the distance from all lot lines, the right-of-way of abutting streets, the location and number of parking spaces,

and the location and type of use of buildings on adjacent land. This drawing shall also include the location of all building foundations, driveway locations, setback measurements, and lot dimensions. The applicant shall also provide building elevations and a grading plan for the property.

- (4) For a permit for buildings, a written notice of acceptance or hook up fee receipt is required if public sanitary sewer service is available or required by local or state law. If public sanitary sewer service is not available, a written report from the Cass County Health Department certifying the approval of a private septic system is required.
- (5) When a public or private water supply system is required by law or proposed by the applicant, either a written notice of acceptance from the Cass County Health Department or other approval from applicable agencies is required. When use of a public water supply is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
- (6) The Zoning Administrator may require additional materials to aid in determining whether a proposed use, building, or structure complies with this Ordinance.

**Section 5. Amendment of Article XX.** Article XX is amended to include the following new Section 20.04, which reads in its entirety as follows:

**20.04 CERTIFICATES OF OCCUPANCY.**

No building or structure, except as otherwise provided in the Building Code, shall be used or occupied, and no change in the use of a building or portion thereof shall be made until the Building Official has issued a certificate of occupancy. Such certificate shall affirm that the building conforms in all respects to the approved plans and all applicable provisions of this Ordinance and the Building Code.

- (a) A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building prior to the completion of the entire building.
- (b) No permit or certificate shall be issued for any illegal use existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a certificate of occupancy shall in no case be construed as waiving any provision of this Ordinance.
- (c) A certificate of occupancy shall not be issued until the Township determines that all requirements of the certificate of zoning compliance have been satisfied.

**Section 6. Severability.** This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 7. Repealer.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

**Section 8. Effective Date.** This Ordinance is ordered to take effect seven (7) days following publication of adoption in a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.



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Tina VanBelle, Clerk  
Ontwa Township

# Publisher's Certificate of Publication

## STATE OF MICHIGAN COUNTY OF BERRIEN COUNTY OF CASS

Rich Cains, being duly sworn, says:  
That he is Publisher of the Niles Daily Star, a weekly newspaper of general circulation, printed and published in Niles, Berrien County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

04/15/23

That said newspaper was regularly issued and circulated on those dates.

The sum charged by the Newspaper for said publication does not exceed the lowest rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper in which the public notice appeared.

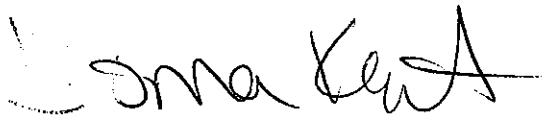
There are no agreements between the Niles Daily Star and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

SIGNED:



Rich Cains, Publisher

Subscribed and sworn to before me this  
15th Day of April, 2023



Donna Knight  
Notary Public, State of Michigan,  
County of Berrien  
My commission expires 6/20/2028

### PUBLIC NOTICE

Ontwa Township, Cass  
County Michigan  
Zoning Ordinance  
Amendment  
Ordinance No. 2023-02-13.4  
Summary of Changes  
to the Ordinance

AN ORDINANCE TO AMEND THE ONTWA TOWNSHIP ZONING ORDINANCE (ORDINANCE 80-2, AS AMENDED); TO AMEND SECTION 3.21 RELATED TO ACCESSORY BUILDINGS AND STRUCTURES; TO AMEND SECTION 16.04 RELATED TO PRELIMINARY PLAN REVIEW; TO AMEND SECTION 16.06 RELATED TO FINAL SITE PLAN REVIEW; RELATED TO PRELIMINARY PLAN REVIEW; TO AMEND SECTION 20.02(B) RELATED TO CERTIFICATES OF ZONING COMPLIANCE; AND TO AMEND ARTICLE XX TO ADD A NEW SECTION 20.04 RELATED TO CERTIFICATES OF OCCUPANCY; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The following Ordinances have been amended or added:

- Section 1. 3.21 Amended Accessory Buildings and Structures
- Section 2. 16.04 Amended Preliminary Plan Review
- Section 3. 16.06 Amended Final Site Plan Review
- Section 4. 20.02(B) Amended Certificate of Zoning Compliance
- Section 5. Article XX. 20.04 New Section Certificates of Occupancy

The local unit may by resolution further restrict or repeal parts of the Ordinance in effect that are in conflict only to the extent necessary to give this ordinance full force and effect.

The Ordinance is available in its entirety at the Ontwa Township Hall 22625 US 12 Edwardsburg. This Ordinance shall take effect 30 days after publication.

Niles Daily Star: Apr. 15, 2023  
ORD 2023-02-13.4

Account # 141667  
Ad # 1629204

ONTWA TOWNSHIP  
PO BOX 209  
EDWARDSBURG MI 49112