

ONTWA TOWNSHIP
ZONING ORDINANCE

Adopted Date: _____, 2025

Effective Date: _____, 2025

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ARTICLE 1 – TITLE, PURPOSE, SCOPE, AND LEGAL BASIS

SECTION 1.01. TITLE

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

SECTION 1.02. PURPOSE

This Ordinance is based upon the Ontwa Township Master Plan and is designed (1) to promote the public health, safety and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to conserve natural resources and energy to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; (4) to insure that uses of land shall be situated in appropriate locations and relationships; (5) to avoid the overcrowding of population; (6) to provide adequate light and air; (7) to lessen congestion on the public roads and streets; (8) to reduce hazards to life and property; (9) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.03. SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.04. LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended.

ARTICLE 2 – DEFINITIONS

Section 2.01. Rules Applying to Text

The following listed rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. With the exception of this Article, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
5. A "building" or "structure" includes any part thereof.
6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
7. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
8. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Section 2.02. “A”

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY DWELLING UNIT (ADU): See Dwelling Unit, Accessory.

ACCESSORY USE OR STRUCTURE: A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure, including a garage.

ADULT USE: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

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

Specified Sexual Activities:

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

ADULT CARE FACILITY: An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks excluding adults related by blood, marriage, or adoption.

ADULT FOSTER CARE FACILITY: An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services.

ADULT FOSTER CARE FAMILY HOME: An adult foster care facility that is a private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provided supervision, personal care, and protection, in addition to room and board, 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection, in addition to room and board, 24 hours a day, 5 or more days a week, for 2 or more consecutive weeks.

AGRICULTURAL IMPLEMENTS, INCLUDING RETAIL SALES, SERVICING, AND RENTAL: A facility operated primarily to support agricultural or farming activities, including, but not limited to, grain elevators and bins, agricultural processing operations, and minor tractor or farm equipment repair.

AGRI-TOURISM ESTABLISHMENT: A commercial enterprise related to farming operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products; and which may include farm product retailing and sampling, educational and/or outdoor recreational programs, wedding barns, event venues, farm tours, horseback riding, corn mazes, ancillary food service facilities and similar activities.

ALLEY: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

ANIMAL: The following definitions shall apply so as to distinguish different categories of animals as they apply to land use:

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Animal, Domestic: A domestic animal is one whose breeding, shelter, and nourishment have been controlled, supervised, and provided by humans over the course of generations. Domestic animals shall be classified by the following specific categories:

Container Animal: Domestic animals (such as fish, turtles, frogs, toads, guinea pigs, gerbils, birds, and the like) normally and customarily kept at all times within a container providing the appropriate habitat.

Household Animal: Any domestic animal normally and customarily allowed within, and generally allowed to run freely throughout, the same dwelling unit as the human occupants for pleasure and companionship such as dogs, cats, ferrets, rabbits, pot belly pigs or designer/jewel pigs.

Farm Animal:

1. Any domestic animal, generally and customarily kept outdoors, other than those defined as household animals or container animals; such as horses; and
2. Any domestic animal generally and customarily kept outdoors for the purpose of creating food for human consumption and/or other products used by humans, but which may from time to time also be raised and maintained as pets, such as poultry, cattle, hogs, sheep, goats and the like.

ATTIC: The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment.

AUTOMOBILE REPAIR – MAJOR: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

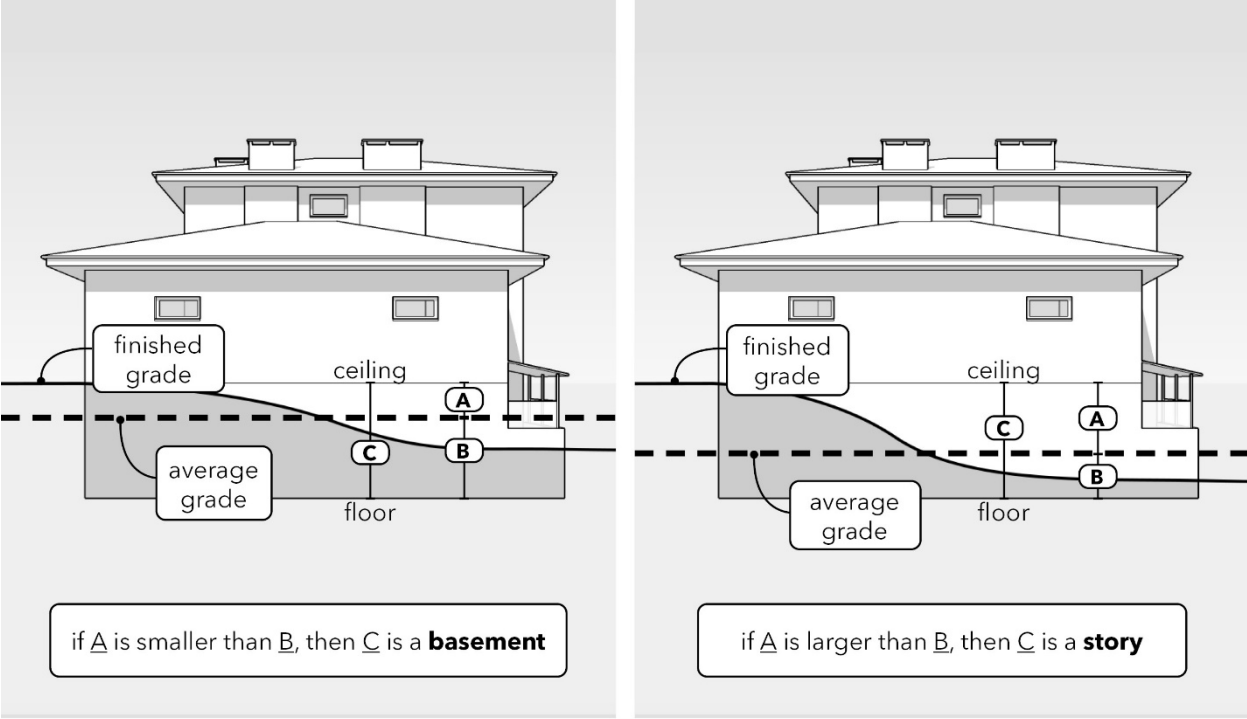
AUTOMOBILE REPAIR – MINOR: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair – Major."

AUTO, TRUCK, BOAT, AND RV SALES: A facility that conducts the outdoor display and sale of new or used cars, boats, recreational vehicles, trailers, trucks, and similar vehicles.

AVERAGE GRADE: See GRADE, AVERAGE

Section 2.03. “B”

BASEMENT: A portion of a building partly below grade, but so located that the vertical distance from the finished grade to the floor is greater than the vertical distance from the finished grade to the ceiling; provided, however, that if the vertical distance from the finished grade to the ceiling is four (4) feet or more, such basement shall be counted as a story. (see Figure 2.1)



BASEMENT - FIGURE 2.1

BILLBOARD: See Section 19.03.02

BOAT DOCK or DOCK: Any structure or device other than a building, including wharfs, piers, shore stations, permanent piers, boat lifts, canopies, or floats, erected or placed along the shoreline of a body of water which may or may not extend into or over the body of water on which human activity is carried out and alongside which watercraft may be secured for the purpose of loading and unloading passengers and cargo.

BOATHOUSE: An accessory building or structure erected at or near the water’s edge or partially on shore and partially within the water which is used primarily for the purpose of storing, housing, or enclosing from the elements, watercraft and other personal property.

BOAT LAUNCH: A facility to launch and retrieve watercraft, including motorized boats, canoes, kayaks, and/or personal watercraft, to and from a body of water. A Boat Launch may also be called a Boat Access Site (BAS).

BOAT WASHING STATION: A station, either permanent or portable, which is intended to remove aquatic invasive species from a boat before it enters or after it exits a lake.

BUILDING: Anything which is constructed or erected, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property, or carrying on business activities or other similar uses. Truck trailers, truck bodies, or bus bodies are not considered to be a building.

BUILDING HEIGHT: The vertical distance measured from the finished grade at the principal entrance to the highest point of the roof surface as shown on Figure 2.2.



BUILDING HEIGHT - FIGURE 2.2

BUILDING PERMIT: A written authority as issued by the Building Official on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with all the provisions of this Ordinance and the applicable Building Code.

BUILDING SETBACK LINES: Lines marking the required setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.

1. Front Building Setback Line: The line marking the required setback distance from the front lot line or street easement line, as applicable, which establishes the minimum front yard setback area.
2. Rear Building Setback Line: The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
3. Side Building Setback Lines: Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area

Section 2.04. “C”

CERTIFICATE OF OCCUPANCY: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

CERTIFICATE OF ZONING COMPLIANCE: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

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CAR WASH: Any building or premises or portions thereof used for the commercial washing of automobiles.

CHANNEL: A strait or waterway, other than a river, stream, or creek, between two land masses that lie close to each other.

CHANNELFRONT LOT: See Lot, Channelfront.

CHILD DAY CARE CENTER: A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services.

CHILD CARE HOME, FAMILY: A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

CHILD CARE HOME, GROUP: A private residence in which between seven (7) and twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

COMMERCIAL ROADSIDE MARKET STAND: See ROADSIDE MARKET STAND, COMMERCIAL

COMMUNITY CENTER: A building used as a place of meeting, recreation, or social activity and not operated for profit. Occasional and special event gatherings may from time to time include consumption of alcoholic beverages and meals upon securing any required permits or licensing for such activities from applicable local, County or State agencies.

CONTRACTOR'S SHOWROOM: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising a business, product, or service.

Section 2.05. "D"

DISTRIBUTION, WHOLESALE, TRUCKING, AND LOGISTICS OPERATION: Facilities for the storage, movement, and sale of goods to businesses for resale. This includes warehousing, freight transportation, truck terminals, bus servicing, moving and storage facilities, and other logistics-related operations.

DOCK: See BOAT DOCK

DRIVE-THROUGH OR DRIVE-THROUGH FACILITY: A principal use or accessory use of a commercial establishment that utilizes a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicle.

DWELLING: Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

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1. Dwelling Unit, Accessory (ADU): A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities (e.g. sink, shower, and toilet), that is an attached or detached extension to an existing single-family dwelling, including above a garage. May also be called by various names, including but not limited to mother-in-law suites, granny flats, etc.
2. Dwelling, Single Family: A building designed for use and occupancy by one (1) family only.
3. Dwelling, Two Family: A building designed for use and occupancy by two (2) families only.
4. Dwelling, Multi Family: A building designed for use and occupancy by three (3) or more families.

DWELLING UNIT: One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

DWELLING UNIT FLOOR AREA: See Floor Area, Dwelling Unit

Section 2.06. “E”

EASEMENT: The legal right given to a person or entity or to the public to cross on or over the property of another for a specified purpose.

EDUCATIONAL FACILITY: A physical location dedicated to providing educational services, including trade schools, technical career centers, colleges, universities, training centers, and other institutions offering formal instruction beyond the secondary level.

ESSENTIAL SERVICES: Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, piping conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of utility service by such public utilities or municipal department or commission or for the public health, safety or general welfare.

EXCACATION OR EXCAVATING: The removal of soil below the average grade of the surrounding land or street grade, whichever shall be highest, excepting common household gardening.

Section 2.07. “F”

FAMILY:

1. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit or;
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity,

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sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARM: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM OPERATION: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

FENCE: An enclosure or barrier, typically constructed of wood, wire, iron or plastic, used as a boundary, means of protection or privacy screen.

FERTILIZER PLANT: a facility that processes, granulates, compounds, produces, mixes, blends, or alters the composition of substances containing recognized plant nutrients, that are designed for use, or claimed to have value, in promoting plant growth.

FINANCIAL INSTITUTION: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings, loans, loan companies, and investment companies.

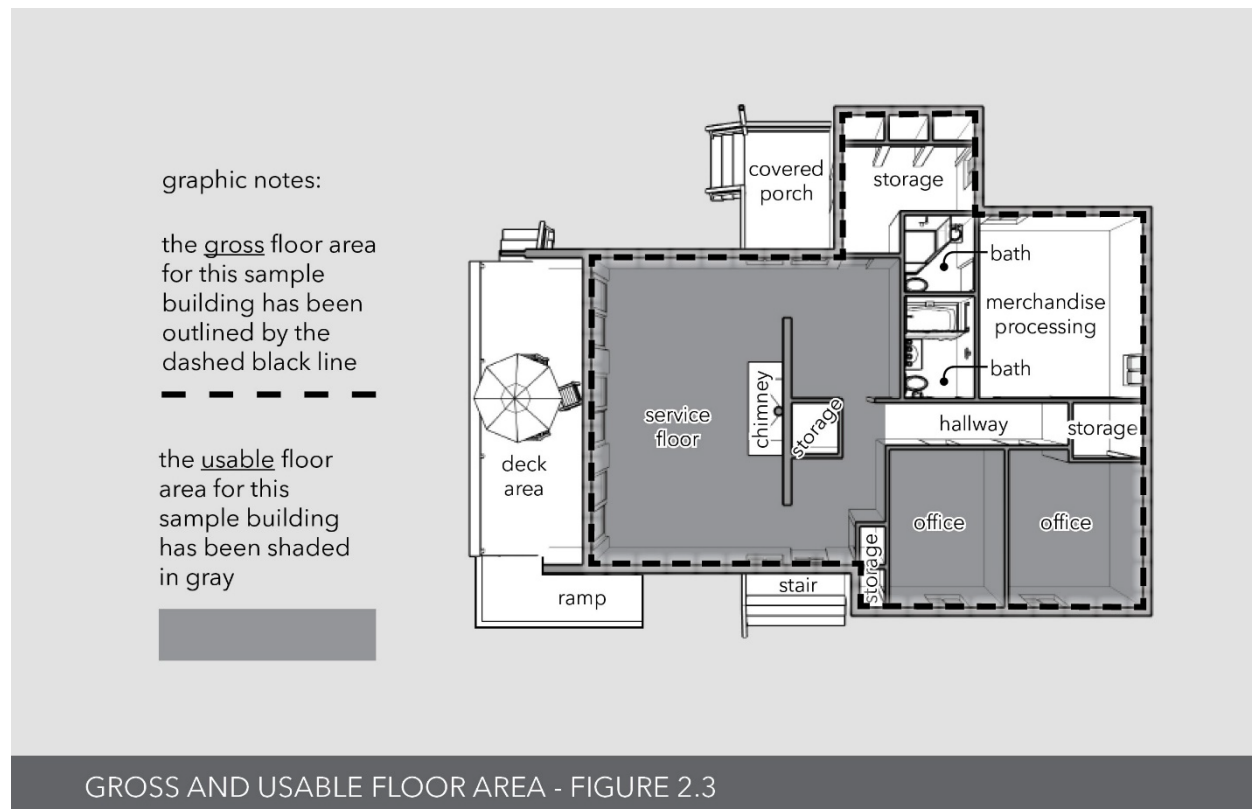
FINISHED GRADE: See GRADE, FINISHED

FLOOR AREA, DWELLING UNIT: The interior floor area of a dwelling, including stairway, halls, and closets but not including basements, porches, garages, breezeways, or carports.

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FLOOR AREA, GROSS: The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics.

FLOOR AREA, USABLE: That area used for, or intended to be used for, the sale of merchandise or services, or for the service of patrons, clients, or customers, but not including floor area used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, janitorial services, utilities, or sanitary facilities. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.



FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, and which may include cremation activities.

Section 2.08. “G”

GARAGE: An accessory building used primarily for the storage of vehicles for the use of the occupants of the main building on the lot.

GAS STATION: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental, where no more than two abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as accessory uses. A gas station may also include a convenience store.

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GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPs): Those practices as defined by the Michigan Department of Agriculture & Rural Development (MDARD) as promulgated from time to time.

GOVERNMENTAL, ADMINISTRATION OR SERVICE BUILDING: A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, but excluding medical or adult use marihuana, for subsequent sale, distribution, or for personal enjoyment.

GREEN SPACE or OPEN SPACE: An area or areas of grass, trees, landscaping in park like settings, set apart for residential recreation, community gathering, and enjoyment.

GRADE, AVERAGE: The arithmetic mean of the lowest and highest elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, NATURAL: The elevation of the ground surface in its natural state, before man-made alterations.

GRADE, FINISHED: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

GROSS FLOOR AREA: See FLOOR AREA, GROSS

Section 2.09. “H”

HOME OCCUPATION OR HOME BASED BUSINESS:

1. Home Occupation: An occupation conducted entirely within a primary residential dwelling by its occupants as an accessory use.
2. Home Based Business: An occupation customarily conducted primarily within an accessory building by the dwelling’s occupants as an accessory use.

HOSPITAL: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

HOTEL OR MOTEL: An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses.

Section 2.10. “I”

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to roofs over buildings or structures, parking and driveway areas, graveled areas, sidewalks, sheds, swimming pools, and paved recreation areas.

IMPROVEMENTS: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the

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health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

INDOOR RECREATION FACILITY: An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized events, including health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

Section 2.11. “J”

JUNK: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

JUNK YARD OR SCRAP YARD: A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

Section 2.12. “K”

KENNEL, PRIVATE: A type of home based business on which more than five (5) more dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding; sale; or adoption.

KENNEL, PUBLIC: Any lot, on which more than five (5) more dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding; sale; or adoption, except for a private kennel. By way of example, animal rescue centers, animal shelters, humane society facilities, and animal control centers are considered public kennels.

Section 2.13. “L”

LANDFILL: An area used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

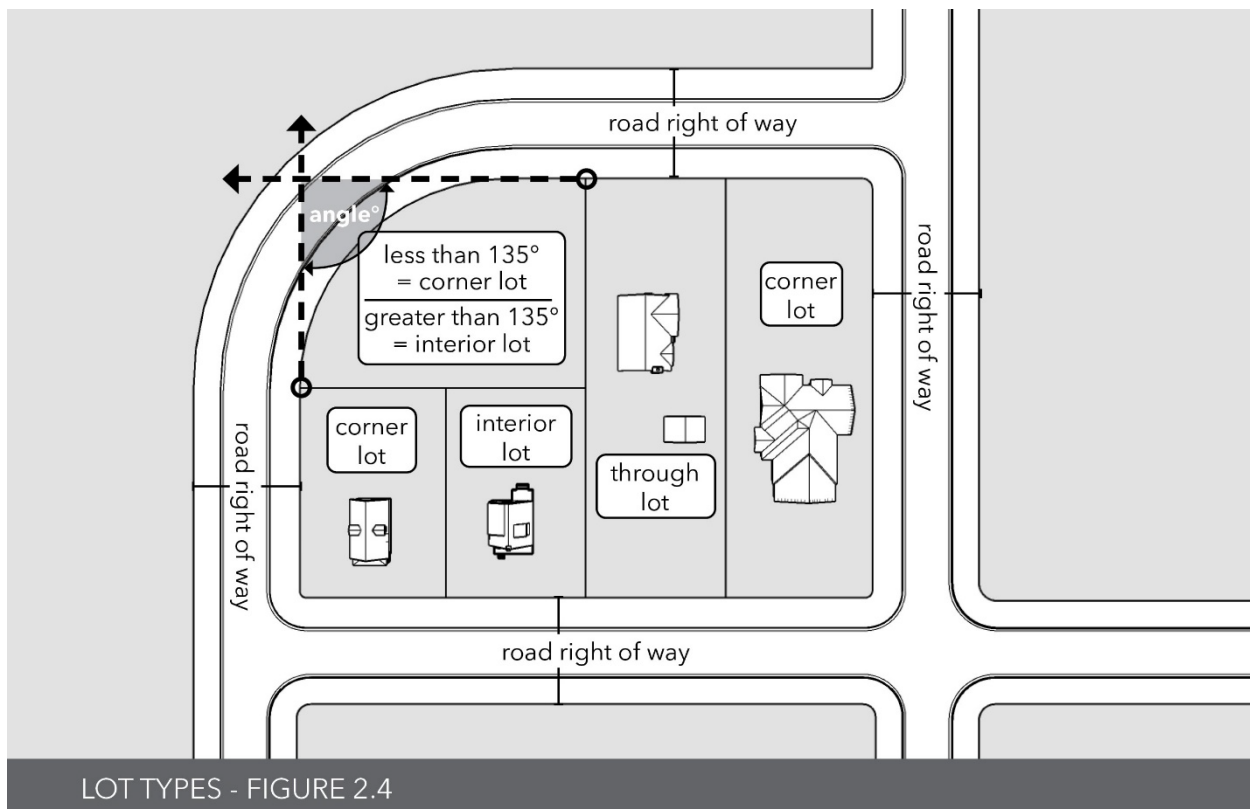
LANDSCAPING: The installation and maintenance of areas permanently devoted and maintained to the growing of trees, shrubbery, grass, and other plant material or by the use of such materials as crushed stone, rock, natural vegetation, or similar materials.

LAUNDROMAT OR DRY CLEANING OUTLET: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents, but which does not include a dry cleaning plant.

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LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

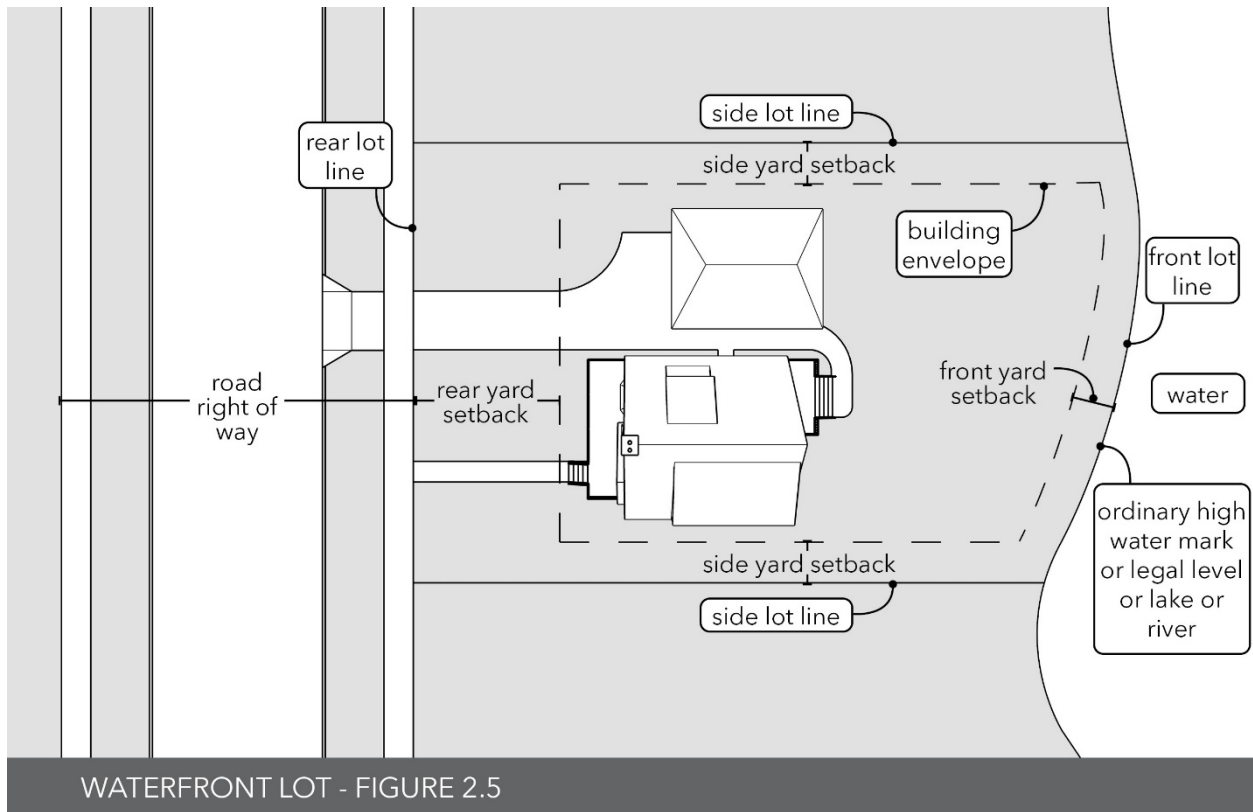
1. **Corner Lot:** A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less. (see Figure 2.4)
2. **Double Frontage Lot or Through Lot:** Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect. (see Figure 2.4)
3. **Lot Area:** The total area encompassed within the lot lines of a parcel or piece of property, excluding street or road rights-of-ways.

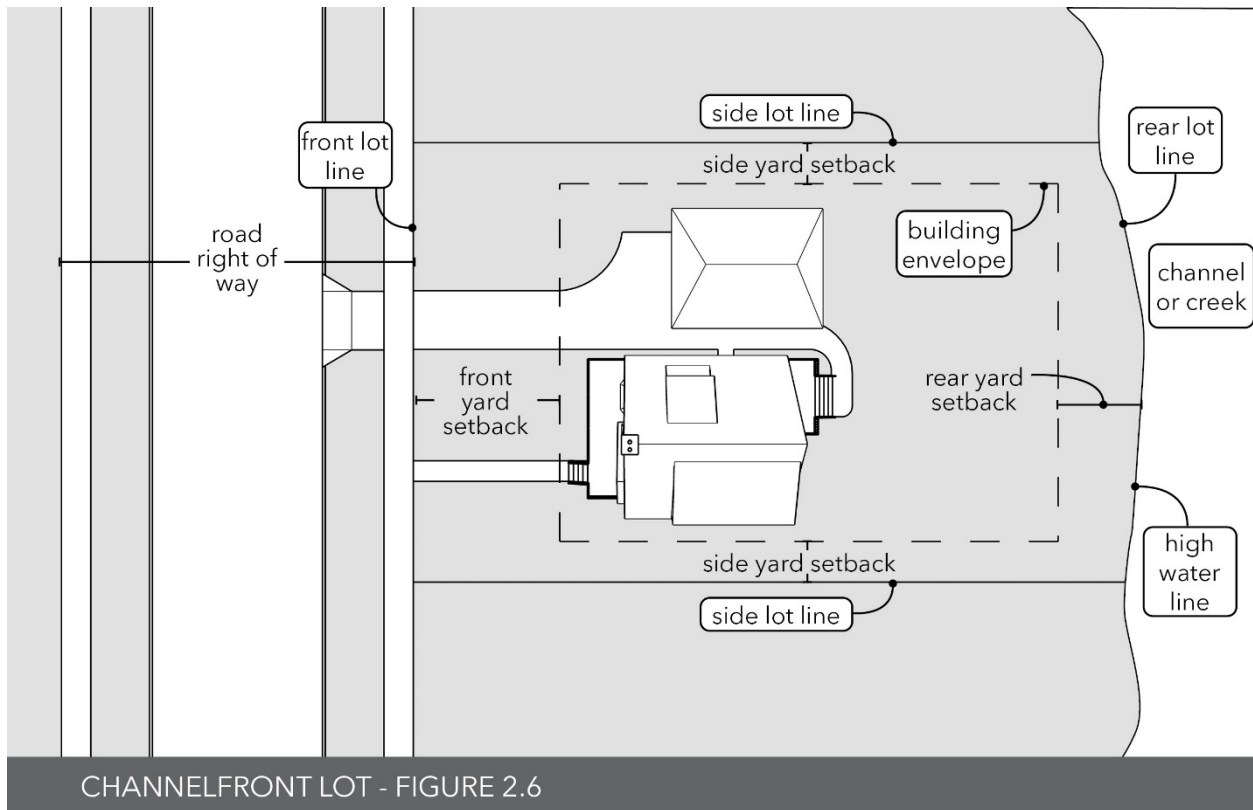


4. **Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by buildings or structures, including buildings, roofed decks and porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed. Lot coverage shall not include fences, walls, hedges used as fences, unroofed decks or porches, patios, or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.
5. **Lot, Channelfront:** A lot bounded on one side by a channel or creek (See Figure 2.7).
6. **Lot Depth:** The distance between the front and the rear lot lines, measured along the median between the side lot lines.

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7. Lot Width: The continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth.
8. Lot, Waterfront: A lot with a lot line that is coincident with the ordinary high water mark or legal level of a named lake or river, but excluding a channel or creek. (See Figure 2.6)





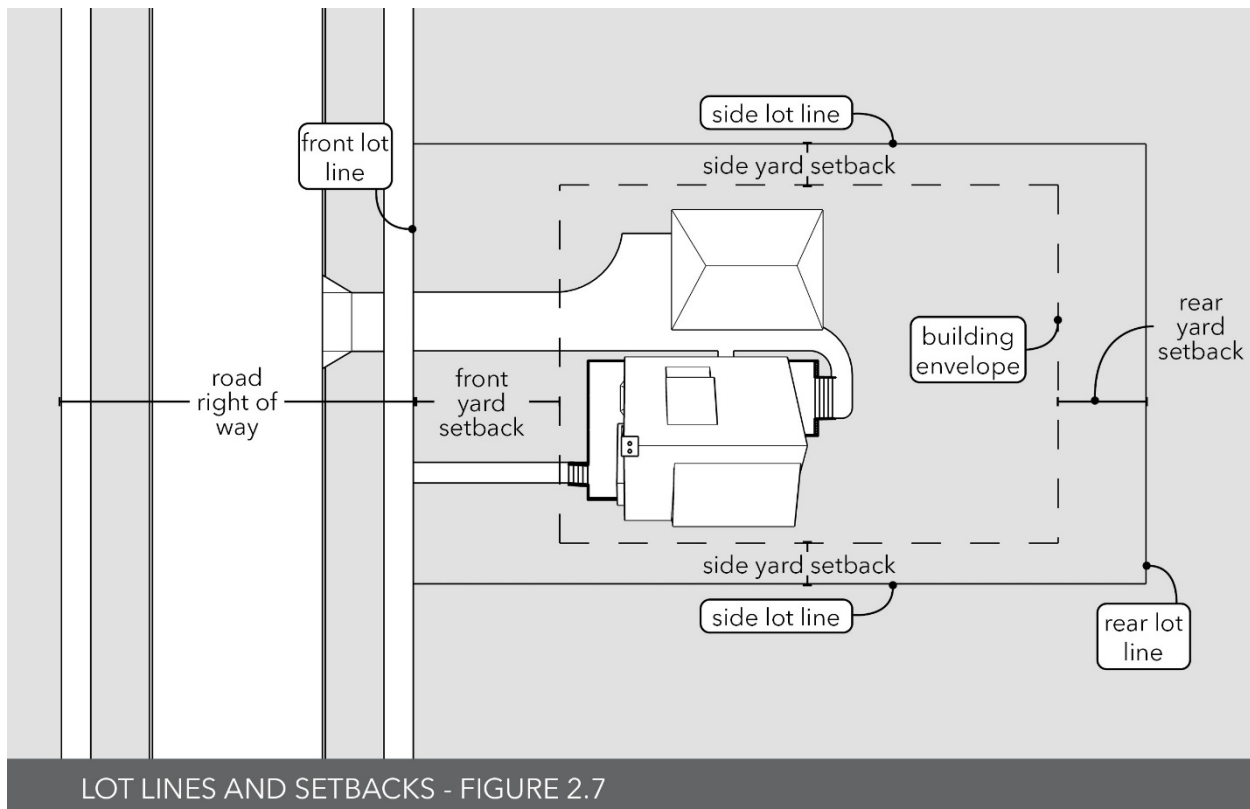
LOT LINES: The lines bounding a lot as defined herein:

1. Front Lot Line:

- A. In the case of an interior lot, that line separating the lot from the public street right of way or private street easement.
- B. In the case of a through lot, the Zoning Administrator shall designate the front lot line.
- C. In the case of a corner lot, the lots street line shall be considered the front lot line; except if both streets are being equal or if the front lot line is not otherwise apparent, the Zoning Administrator shall determine the front lot line.
- D. In the case of a waterfront lot, the lot line separating the lot from the water shall be considered the front lot line.
- E. In the case of a channelfront lot, the lot line separating the lot from the street right of way or easement shall be the front lot line.
- F. For all other instances not covered in A-E above, the Zoning Administrator shall determine the front lot line in consideration of the building orientation, property address, natural features or adjacent bodies of water, and other applicable factors. Once declared, the designated front lot line shall remain as such.

2. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

3. Side Lot Line: Any lot line other than the front lot line or rear lot line.



Section 2.14. “M”

MACHINE SHOP: An enclosed establishment where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used, including but not limited to, a blacksmith, tin-smith, welding, and sheet metal shops.

MANUFACTURED HOME: A dwelling which is transportable in one (1) or more sections, that is built on a 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 therein and is installed by a Michigan Licensed Manufactured home dealer or Michigan Licensed Manufactured home installer as required by Michigan statute, and administrative rules promulgated thereunder.

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

MANUFACTURING AND/OR PROCESSING FACILITY: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

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MEDICAL CLINIC: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care and emergency medical services, which might include minor surgical care, that generally require a stay less than 24 hours.

MINING OPERATION: The removal, loading, processing and/or transporting of topsoil, sand, gravel, stone, or other such minerals on, to, or from a lot, tract or parcel, in excess of 1,000 cubic yards per year, and including the incidental maintenance of machinery or equipment used in connection with such mining operation. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not constitute a mining operation.

MINI-WAREHOUSE OR SELF-STORAGE: A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

MOTORIZED VEHICLE: Every vehicle which is self-propelled that does not run on rails. By way of example, a car, truck, scooter, golf cart, and motorcycle are all considered motorized vehicles.

MULTI FAMILY DWELLING: See Dwelling, Multiple Family

Section 2.15. “N”

NATURAL GRADE: See GRADE, NATURAL

NEWSPAPER OFFICES AND PRINTING SHOP: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

NONCONFORMING STRUCTURE OR BUILDING: A building, structure, or portion thereof lawfully existing at the effective date of this Ordinance or applicable amendments thereto, which thereafter does not conform to the provisions of the Zoning Ordinance or the district in which it is located.

NONCONFORMING LOT: A lot of record lawfully existing at the effective date of this Ordinance or amendments thereto, which thereafter does not conform to the provisions of the Zoning Ordinance or the district in which it is located or other applicable zoning regulations.

NONCONFORMING USE: A use or activity which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, which thereafter does not contain a use of land permitted by this Ordinance or the district in which it is located.

NURSING HOME: A home licensed by the State for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Section 2.16. “O”

OFFICE: A designated space or building where business, professional, service, or governmental activities are conducted.

OPEN AIR BUSINESS: A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure including, but not necessarily limited to:

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1. Outdoor display area, storage, or sale of garages, manufactured homes, swimming pools, and similar activities.
2. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement parks, or similar recreational uses (transient or permanent).

OPEN SPACE: See GREEN SPACE.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation, pursuant to Part 325 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

OUTDOOR CAFE: A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject building, (b) enclosed on two sides or less by the walls of the building with or without a solid roof cover, or (c) enclosed on three sides by the walls of the building without a solid roof cover.

OUTDOOR RECREATION: A private establishment designed and equipped for the conduct of sports and leisure-time activities conducted outside of a building such as tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf courses and driving ranges, children’s amusement parks, or similar recreational uses

OUTDOOR STORAGE YARD: A facility that contains goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, or fertilizer, wood, masonry or concrete, mulch, and similar products.

Section 2.17. “P”

PERFORMANCE GUARANTEE: Any security that may be accepted by the Township as a guarantee that improvements required as part of an application for development are satisfactorily completed.

PERSONAL SERVICE ESTABLISHMENT: An establishment that offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, tanning and nail salons, massage facilities, garment repair, and other similar establishments.

PARK: A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space for passive or active use. A park may be either improved, which typically includes ancillary constructed or installed facilities, such as playground equipment, restrooms or picnic shelters; or unimproved, which may include interpretive programs and trail systems that take advantage of geological, biological or scenic resources. A boat launch as defined by this Ordinance may be located in a park as a park amenity, but shall not be the sole amenity in a park. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses shall not be considered parks.

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PARKING AREA, SPACE, OR LOT: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PARALLEL PLAN: A plan that demonstrates the maximum residential density feasible on a site that meets the standards established in the underlying zoning district(s).

PHOTOGRAPHY/ART STUDIO: A space designed and equipped for the creation, production and refinement of visual artworks, encompassing photography, painting, sculpture, pottery, and similar art forms.

PLACE OF PUBLIC ASSEMBLY: Buildings, structures, and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls, and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship, or similar activities involving assembled groups of people numbering thirty (30) or more.

PLANNING COMMISSION: The Ontwa Township Planning Commission, created pursuant to the Michigan Planning Enabling Act, PA 33 of 2008, as amended.

PRINCIPAL OR MAIN USE: The primary or predominant use of a lot.

PRIVATE CLUB OR LODGE: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit and open only to members, not the general public.

PRIVATE COMMUNICATION ANTENNAS: Private communication antennas shall mean an apparatus installed out-of-doors which is capable of receiving or transmitting communications for radio and/or television, including satellite dish reception antennas, amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are wireless communication facilities as defined herein and such other facilities as have been preempted from Township regulation by applicable State or Federal laws and regulations.

PRIVATE ROAD: A private road is a non-public roadway, having a defined right-of-way or easement, which serves or is located upon more than one separately held parcel or lot, or which serves more than three (3) dwelling units, or more than one commercial or industrial activity.

PRIVATE KENNEL: See KENNEL, PRIVATE

PROFESSIONAL OFFICE: A building or portion thereof that is primarily used for offices for members of a recognized profession maintained for the conduct of business in professions such as architects, engineering, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

PUBLIC KENNEL: See KENNEL, PUBLIC

PUBLIC ROAD: A roadway located within a public right-of-way and maintained by a government agency.

PUBLIC USES: Uses, buildings, and areas owned and/or operated by a local, state or federal government, including but not limited to public parks, playgrounds, trails, paths, and other recreational areas and open spaces; public schools and their accessory buildings, structures and uses; governmental offices; libraries, museums, and post offices.

Section 2.18. “Q”

Section 2.19. “R”

RECREATIONAL VEHICLE: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floating homes, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESEARCH, DEVELOPMENT, AND TESTING: An establishment for carrying on the investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

RESORT: A building or group of buildings containing lodging accommodations, with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, and golf, and which may furnish services customarily furnished at a hotel, including a restaurant and convention space primarily intended to serve users of the resort.

RESTAURANT: A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out.

RETAIL BUSINESS: A store or establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

ROADSIDE MARKET STAND: A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

ROADSIDE MARKET STAND, COMMERCIAL: A temporary building or structure designed or used for the display and/or sale of agricultural products not produced on the premises upon which the stand is located.

Section 2.20. “S”

SETBACK: The minimum horizontal distance necessary between a building, structure, or any part of a building, and a property line.

SIGN: See Section 19.03.02.

SINGLE FAMILY DWELLING: See Dwelling, Single Family

SOLAR ENERGY COLLECTOR OR SYSTEM: a system or facilities (including solar collector surfaces, panels and/or ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

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Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession, care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the Cass County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Building-Mounted Solar Energy Collector: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other element in whole or in part of a building. This also includes building-integrated photovoltaic systems ("BIPV").

Ground-Mounted Solar Energy Collector: A solar energy collector that is not attached to and is separate from any building on the lot on which the solar energy collector is located.

Small-Scale Solar Energy Collector: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic systems ("BIPV"), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.

Photovoltaic System: A collection of solar panels and related equipment and components used to convert light or heat into electrical power.

Utility Scale Solar Energy System: A solar energy system that is primarily used for generating electricity for sale and/or distribution off site to an authorized public utility or other firm for use in the electrical grid;

STREET: A right-of-way which affords traffic circulation and principal means of access to abutting property, except an alley.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. For the purposes of this Ordinance, parking lots, driveways, at-grade patios, walkways, decks, at-grade stairs, and underground structures such as septic tanks are not considered "structures."

SWIMMING POOL: A constructed basin or structure for the holding of water for swimming and aquatic recreation. This definition shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except when such pools are permanently equipped with a water recirculation system or involve structural materials.

Section 2.21. “T”

TECHNICAL OR VOCATIONAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, cooking school).

TOWNSHIP BOARD: Ontwa Township Board of Trustees.

TOWNSHIP: Ontwa Township, Cass County, Michigan.

TWO FAMILY DWELLING: See Dwelling, Two Family

Section 2.22. “U”

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

Section 2.23. “V”

VARIANCE: A modification of the provisions of the Zoning Ordinance granted by the Zoning Board of Appeals.

VEHICLE: Any self-propelled vehicle designed primarily for transportation of persons or goods along public roads, streets, alleys, or other public ways.

VETERINARY CLINIC: A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities.

Section 2.24. “W”

WATERFRONT LOT: See Lot, Waterfront

WAREHOUSE: A building used primarily for the storage of goods and materials.

WELDING SHOP: A building or part of a building where material working involves the joining of two or more pieces of metal by applying heat, through various means, to produce a localized union through fusion across the interface.

WIRELESS COMMUNICATIONS FACILITY: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. (Not included are private communication antennas for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities which are subject to state and federal law).

Section 2.25. “X”

Section 2.26. “Y”

YARD: An open space unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and

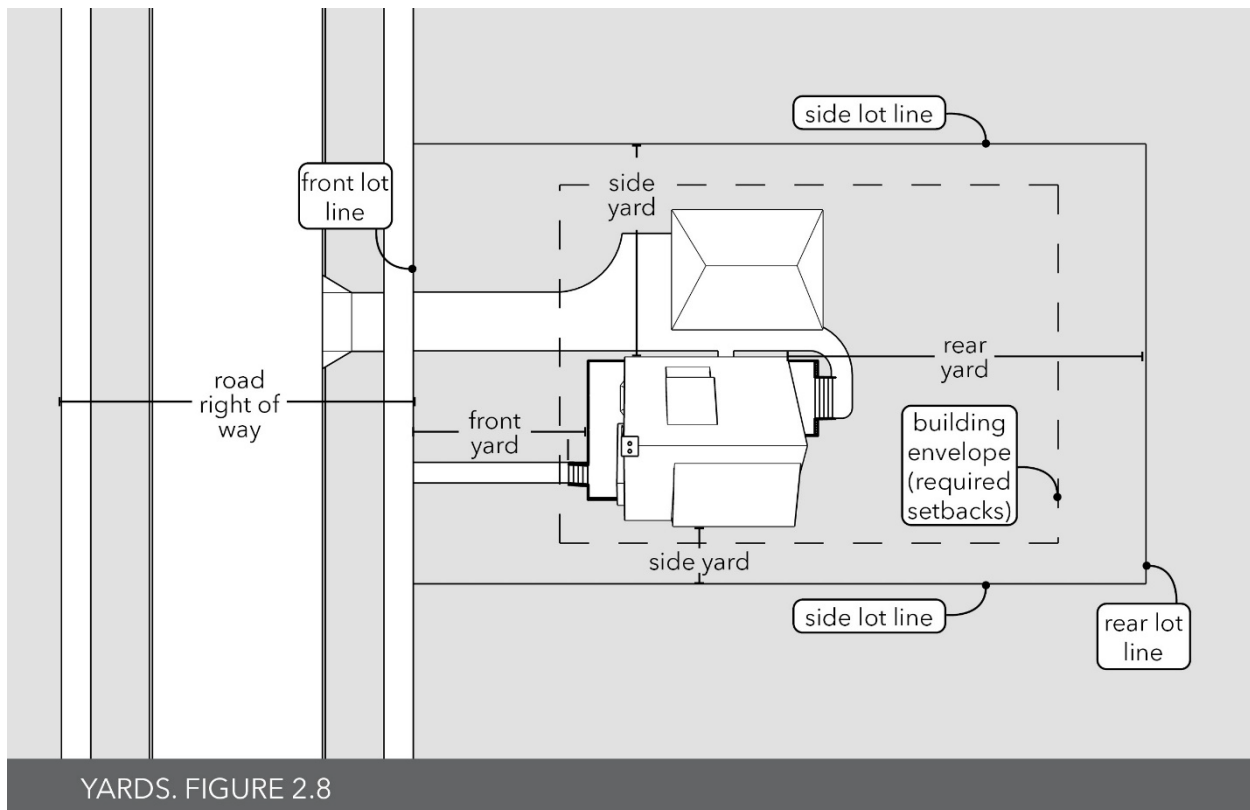
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furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest wall of the main building.

Side Yard: A yard between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the building.

Rear Yard: A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.



Section 2.27. “Z”

ZONING ACT: The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

ZONING ADMINISTRATOR: The Ontwa Township Zoning Administrator.

ZONING BOARD OF APPEALS: The Township of Ontwa Zoning Board of Appeals created pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

ARTICLE 3 - GENERAL PROVISIONS

SECTION 3.01. EFFECT OF ZONING

Zoning applies to all buildings, structures, lands and uses, unless preempted by local, state, or federal statutes or regulations. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected or altered, except in conformity with all provisions of this Ordinance.

SECTION 3.02. OUTSTANDING APPLICATIONS FOR BUILDING PERMITS

Any building permit issued prior to the effective date of this Ordinance shall be valid.

SECTION 3.03. AREA, FRONTAGE, AND USE CONDITIONS

1. Required Area or Space: A lot, yard, parking area, or other space shall not be divided, altered, or reduced such that it becomes nonconforming. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership, or a yard, parking area, or other space shall not be divided, altered or reduced to make it more nonconforming.
2. Existing Lots of Record: A nonconforming parcel or lot of record that does not meet the minimum lot area or width requirements of the district in which it is located may be used for any permitted or special land use in that zoning district, provided the proposed structure(s) or use(s) meet the dimensional requirements of that district, subject to Section 21.05 and all other requirements of this Ordinance.

SECTION 3.04. HEIGHT EXCEPTIONS

The following architectural features and structures shall be exempt from height regulations in all Zoning Districts: parapet walls not exceeding three (3) feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, housing necessary for mechanical appurtenances, electrical transmission towers, wireless communication facilities, private communication antennas, and television and radio transmission antennas and towers not exceeding seventy-five (75) feet in height.

SECTION 3.05. ESSENTIAL SERVICES

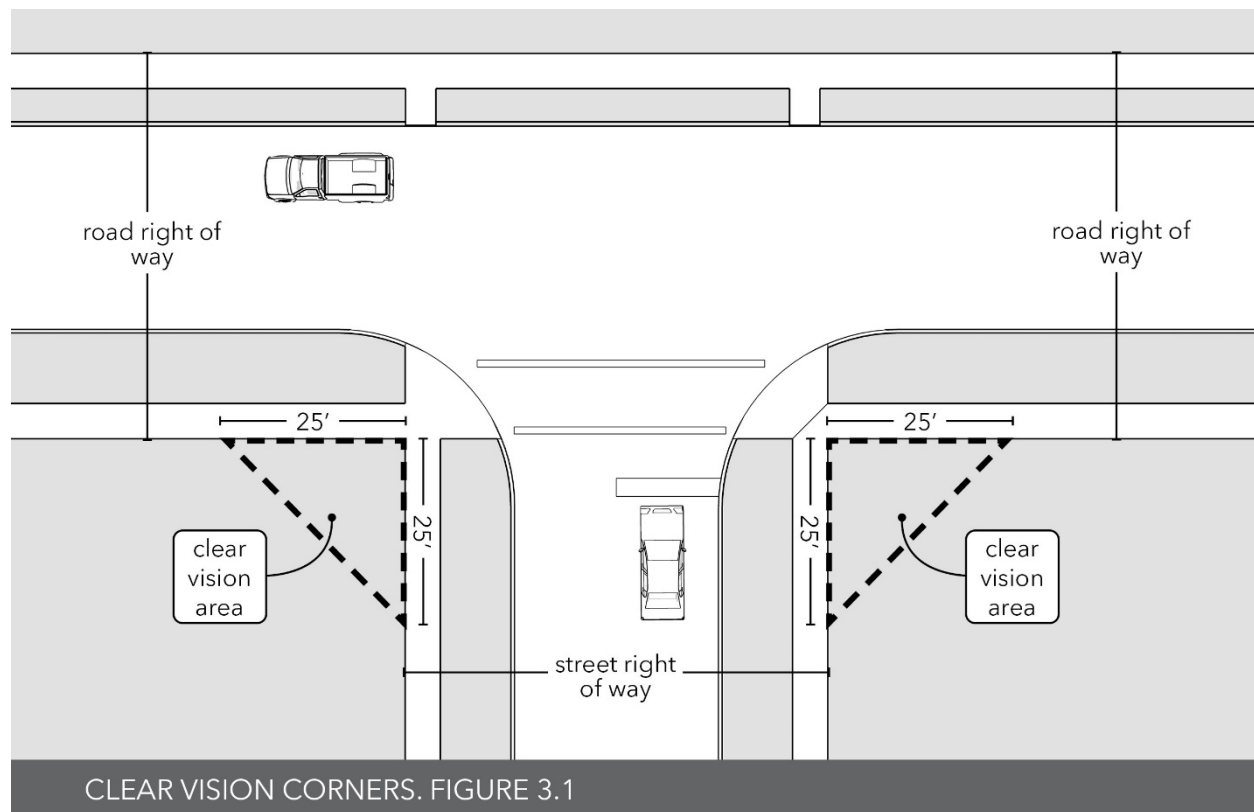
1. Essential services as defined in Article 2 are permitted in any Zoning District subject to the following conditions:
 - A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
 - B. Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.06. PRINCIPAL USE

No lot may contain more than one (1) principal building or principal use, except that groups of apartment units, agricultural, or multi-tenant commercial or industrial facilities that are operated as a single cohesive development with shared parking, lighting, signage, etc. may be deemed a principal use collectively.

SECTION 3.07. CLEAR VISION CORNERS

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three and one half (3½) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.



SECTION 3.08. FENCES AND WALLS

1. Construction of a fence shall require issuance of a zoning permit issued by the Zoning Administrator prior to construction or erection of the fence.
2. In non-residential zoning districts, no fence located in a front yard shall be more than fifty percent (50%) opaque, unless otherwise permitted by the Planning Commission during the site plan review process.
3. In residential zoning districts, fences more than fifty percent (50%) opaque located in a front yard shall not exceed a height of three (3) feet. Fences less than fifty percent (50%) opaque located in a front yard shall not exceed a height of four (4) feet. For a parcel abutting a lake in the LR, Lake Residential District, fences and landscaping located in the front yard (lake side)

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portion of the lot shall not exceed a height of three (3) feet. The Zoning Administrator, acting upon a written complaint, shall ensure that fences or walls, landscaping, or walls do not unreasonably obstruct views from neighboring properties.

4. For all other areas, a fence or wall shall not exceed six (6) feet in height, except that the Planning Commission may approve taller fences in an industrial or commercial district during the site plan review process.
5. For corner lots, a six (6) foot privacy fence or wall may be erected within the front setback area parallel to the side of the house which faces the street subject to Section 3.07.
6. The alteration of the natural grade of the land to increase the functional height of a fence shall be prohibited; with the Zoning Administrator having authority in determination of applicable grade. The height shall be measured from the average grade within a twenty-five (25) foot radius of the fence or wall.
7. Fences shall be constructed of materials commonly or customarily used for fencing and shall not be constructed of scrap materials, pallets, garage doors, or similar items. All fences shall be erected so that the finished side of the fence faces toward the adjacent property or rights-of-way. The Zoning Administrator shall determine which is the finished side of the fence.
8. All fences and walls shall be maintained in good condition.
9. Barbed wire, electrified wire or any form of single strand wire fence or barrier, excluding underground “invisible fencing” for pet containment, shall only be permitted in the AR district or on farms or farm operations, except that three-strand barbed wire located on a top of a fence may be permitted in the Industrial district upon approval by the Planning Commission.

SECTION 3.09. ENFORCEMENT OF PRIVATE DEED RESTRICTIONS

Ontwa Township accepts no responsibility for the enforcement of private deed restrictions or covenants as this Zoning Ordinance does not apply to deed restrictions or covenants.

SECTION 3.10. DRAINAGE

1. No premises shall be filled or graded so as to alter the natural discharge of surface water runoff such that it directs stormwater to or over abutting premises or roads in a manner that causes erosion, ponding, or surface accumulation of runoff thereon.
2. All building or site improvements or modifications shall be designed and constructed to minimize negative impacts on neighboring properties caused by storm water runoff or erosion.
3. In reviewing a site plan, the Planning Commission and/or Zoning Administrator shall have the authority to require a professional engineering drainage plan, soil erosion plan, water velocity study or similar information to be submitted for review prior to any plan approval or permit issuance, and the results of such studies or plans may be used as justification to approve or deny a request for a permit.
4. All new development requiring site plan review pursuant to Article 18, along with all PUDs, subdivisions, site condominiums or condominium projects, shall comply with the Cass County Drain Commissioner standards for stormwater.

SECTION 3.11. SEWAGE DISPOSAL AND WATER SUPPLY

1. There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial or other purposes, a safe and sanitary means of collection and disposal of sewage, and a safe and sanitary water supply system in accordance with the requirements of Cass County, the State of Michigan, and the Federal Government.
2. For new buildings, structures, and/or uses where sewage disposal is required, connection to a public sanitary sewer service is required if any point of the property line is within 300 feet of a public sanitary sewer service.
3. Any development requiring site plan review, and any plat or site condominium development that proposes to connect to public sanitary sewer service and/or public water service shall provide evidence that there is adequate capacity to accommodate the proposed development in cooperation with the Wastewater Administrator and/or Village Department of Public Works, as applicable.

SECTION 3.12. BASEMENT AND GARAGE DWELLINGS

1. The use of the basement or garage of a partially built or planned building as a residence or dwelling unit is prohibited in all districts.
2. The use of a garage as a dwelling unit is prohibited unless permitted by the Zoning Administrator as an accessory dwelling unit pursuant to Section 3.35.
3. The use of a basement more than four (4) feet below grade in a completed dwelling for sleeping quarters or as a dwelling unit is prohibited unless adequate means of egress are provided pursuant to the adopted Building Code of Ontwa Township.

SECTION 3.13. KEEPING OF ANIMALS

1. It is recognized that the keeping of an unlimited number of domestic animals within residential areas for a considerable period of time detracts from, and in many instances, is detrimental to the healthy and comfortable use of such areas. The keeping of the following domestic animals is permitted, subject to the following regulations and limitations:
 - A. Container animals, no limitation.
 - B. Household animals, if there are not more than five (5) such animals, boarded or kept on a single lot, except that a litter of pups or a litter of kittens may be kept for a period not exceeding four (4) months from birth, provided that no more than two (2) such litters shall be permitted on a property within one (1) calendar year.
2. Farm animals are permitted without limitation only in the A-R district, provided that Generally Accepted Agricultural Management Practices (GAAMPs) are met.
3. Special Land Uses: The keeping of farm animals in the R-1A, R1, LR or R-2 districts is prohibited unless authorized as a Special Land Use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:
 - A. The land area where the animals are to be kept.

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- B. The density of land uses in the vicinity of the site.
 - C. Whether or not noise, odors, and environmental or groundwater may adversely affect the use of adjoining properties or the surrounding neighborhood or the environment. The Zoning Administrator and the Planning Commission are authorized to require the applicant to conduct any environmental assessment(s) or studies as deemed necessary to determine if adjoining properties may be adversely impacted.
 - D. Methods by which such animals will be sheltered, fed, and restrained from leaving the premises.
 - E. The keeping of roosters is prohibited.
- 4. In addition to initial special land use authorization from the Planning Commission, the keeping of farm animals in any zoning district, except the AR District, shall require a nontransferable permit to be issued by the Zoning Administrator for an initial period of three (3) years and renewable for succeeding periods of three (3) years each thereafter.
 - 5. In granting or renewing a permit, the Zoning Administrator shall determine whether or not the permit holder or applicant is in compliance with all requirements of this Ordinance and any requirements, conditions, or restrictions established by the Planning Commission when authorization was granted
 - 6. The keeping of farm animals shall meet the following requirements.
 - A. All such land areas used by said non-household animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety and welfare.
 - B. No building or other structure sheltering or housing non-household animals shall be located closer than one hundred and fifty (150) feet to a right-of-way line and one hundred (100) feet from any side or rear property line.
 - 7. This Section shall not prohibit the keeping of up to fifteen (15) chickens, rabbits, and/or ducks in total, which are small container animals. In order to qualify the property owner must annually obtain a permit from the Zoning Administrator, which will only be issued for supervised youth agricultural experiences sponsored by an organization that is exempt from taxation under Section 501(c)(3) of the IRS Code of 1986, or by any subsequent corresponding IRS code of the United States, as amended, provided that the following standards are met:
 - A. All such land areas used by said non-household animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety, and welfare. Complaints may prevent the issuance of permits.
 - B. The keeping of roosters is prohibited.
 - C. No building or other structure sheltering or housing non-household animals shall be located closer than fifty (50) feet to a right-of-way line and fifty (50) feet from any side or rear property line.

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8. The requirements of this Section do not apply to farms and farm operations, as defined by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that Generally Accepted Agricultural Management Practices, as promulgated by the State of Michigan Department of Agriculture & Rural Development, are followed.

SECTION 3.14. MANUFACTURED HOMES

1. No person shall park a manufactured home overnight on any street, alley, highway or other public place except in a licensed manufactured housing community.
2. Manufactured homes located outside of a licensed manufactured housing community shall comply with the requirements of Section 3.23.
3. No manufactured home shall be connected to electrical power, water supply or sewage disposal facilities of any kind except in accordance with this Ordinance.
4. The Zoning Administrator may permit an individual manufactured home to be used as temporary living or working quarters for up to six (6) months while a dwelling is being constructed or repaired on the same premises, provided all sanitary requirements are approved by the Van Buren Cass District Health Department.
5. The Zoning Administrator may authorize a temporary permit for a dwelling in a new subdivision to be used as a sales and management office for a period of twelve (12) months.

SECTION 3.15. RESERVED

SECTION 3.16. HOME OCCUPATIONS AND HOME-BASED BUSINESS

Home occupations and home-based businesses as defined in this Ordinance are permitted in accordance with the requirements of this Section.

It is the intent of this Section to ensure the compatibility of home occupations and home-based business with other permitted uses in the area and with the character of the neighborhood. To this end, a home occupation or home-based business shall be clearly subordinate and incidental to the principal residential use of the property and shall be located and conducted so that neighbors, under normal circumstances, would not be aware of its existence.

It is further the intent of this Section to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of the residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.

Existing home occupations or home-based businesses not meeting the requirements of this Section shall be considered nonconforming uses pursuant to Article 21.

A home occupation may be permitted in all residential dwelling units in the “AR”, “R-1A”, “R-1”, “L-R”, “R-2”, and “M-H” zoning districts only upon the review of the Zoning Administrator. Home based businesses may be permitted in the “AR”, “R-1”, “R-1A”, “L-R”, and “R-2”, and “M-H” zoning districts only upon special land use approval by the Planning Commission in accordance with the provisions of Article 20.

In addition, a home occupation or a home-based business shall comply with all of the following regulations:

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1. Exemptions: Instruction in a fine art or craft is a permitted home occupation in all dwellings in the Township and shall not require approval by the Zoning Administrator or Planning Commission. In addition, family child care, family adult day care or adult foster care family homes or small group homes where six (6) or fewer persons are received for care are considered residential uses of property and shall not be required to obtain Township approval under this Section.
2. General Provisions for Home Occupations and Home-Based Businesses: The following standards shall apply to all home occupations and home-based businesses:
 - A. One (1) non-illuminated nameplate or sign not exceeding two (2) square feet in area shall be permitted for a home occupation or home-based businesses, and such sign shall not be located in a right of way. No other sign shall be utilized in connection with such home occupation.
 - B. There shall be no visible change in the exterior appearance of the premises, or other visible evidence of the conduct of such home occupation or home-based businesses.
 - C. In no event shall the use of a dwelling for a home occupation or home-based businesses alter the residential character of the dwelling.
 - D. No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation or a home-based business. The majority of all activities must be carried on indoors. No visible outdoor storage or display shall be permitted.
 - E. No equipment or process shall be used in the conduct of a home occupation or home-based business that creates off-site noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates off-site visual or audible interference in any radio or television receivers, or causes fluctuations in line voltage.
 - F. No home occupation or home-based business shall entail the use or storage of explosive, flammable, or otherwise hazardous material unless certified to, by the applicant, to be in compliance with all County, State and Federal laws, licenses, the local fire authority, and approved by the Planning Commission or, where applicable, the Zoning Administrator.
 - G. No traffic shall be generated by a home occupation or home-based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home-based business or home occupation shall not be located on the street or in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size.
3. Home Occupations: Home occupations shall meet the following additional standards:
 - A. The home occupation shall be conducted entirely within the dwelling by members of the family residing in such building and one (1) other person. A home occupation shall not be conducted, in whole or in part, in an accessory building.
 - B. No home occupation shall occupy more than twenty-five (25) percent of the usable floor area of the dwelling or 400 square feet, whichever is less.
4. Home-based Businesses: Home-based businesses shall meet the following additional standards:

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- A. Special land use approval by the Planning Commission pursuant to Article 20 shall be required for any home-based business.
- B. The home-based business shall only be conducted primarily in an accessory building located on the main property that has been permitted by the Zoning Administrator. The home business shall occupy a garage or accessory building; provided, that the Planning Commission may permit such use in an attached garage or a garage or accessory building located twenty (20) feet or more from an adjoining property.
- C. Visits by customers shall be permitted only between the hours of 9:00 a.m. to 8:00 p.m.

SECTION 3.17. CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, lights, fumes, odors, dust, noise or vibration beyond the lot on which the use is located. Further, no use shall be conducted or operated in a manner that interferes with the reasonable expectation of privacy of another person, as determined by the Zoning Administrator.

SECTION 3.18. ACCESSORY BUILDINGS AND STRUCTURES

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:

1. Except as permitted by Section 3.18(2) below, 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 3.35 of this Ordinance.
2. An accessory building may not be placed on a lot with no principal building unless (1) the lot containing the principal building is contiguous to the lot containing the accessory building, (2) the lots are in common ownership, and (3) the applicant provides the Township with a copy of a recorded deed restriction that ensures that the two lots are either combined or cannot be sold separately. No Certificates of Zoning Compliance or permits shall be issued until these requirements are met.

In addition to the foregoing, where the owner of a waterfront lot has acquired a lot directly across a street right-of-way within 100 feet from their principal building, an accessory building may be erected if 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 that ensures that the two lots cannot be sold or transferred separately. No Certificates of Zoning Compliance or permits shall be issued until these requirements are met.

3. 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

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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.

4. Standards for Attached Accessory Buildings:

- A. Attached accessory buildings shall be considered to be a part of the principal building shall meet all required setback and height requirements for the principal building.
- B. An attached accessory building, such as an attached garage or attached storage area, shall not exceed the square footage of the main floor of the principal building.

5. Required Setbacks for Detached Accessory Buildings:

- A. Detached garages and other accessory buildings shall not be erected within 100 feet of the front lot line 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, but in no case shall an accessory building be permitted within a required front yard.
- B. All accessory buildings over 120 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.
- C. Required setbacks from side or rear lot lines:
 - 1) For accessory buildings less than 120 square feet: 10 feet
 - 2) For accessory buildings 120 square feet or greater in the AR District: 20 feet
 - 3) For accessory buildings 120 square feet or greater in any other residential district: 10 feet
 - 4) In all other instances, accessory buildings 120 square feet or greater shall meet the setback requirements for the district in which they are located.
 - 5) 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.

6. Maximum Height for Detached Accessory Buildings:

- A. In the AR, L-R, R-1A, R-1 and R-2 districts, the tallest 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.
- B. In all other districts, accessory buildings shall not exceed the height of the primary buildings.

7. Maximum Area of Detached Accessory Buildings:

- A. In the L-R, R-1A, R-1, R-2, and AR districts, an accessory building up to 768 square feet in area may be placed on any lot subject to the lot coverage and other requirements of this Ordinance.
- B. In the L-R, R-1A, R-1, R-2, and AR districts, accessory buildings larger than 768 square feet (either singularly or in combination) may be permitted in the following circumstances:

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- 1) The cumulative area of all accessory buildings shall not exceed 2.5% of the lot area, excluding public or private street rights of way.
 - 2) For lots larger than 140,000 square feet, the cumulative area of all accessory buildings shall not exceed 3,500 square feet, unless a special land use permit is obtained from the Planning Commission.
8. The requirements of this Section do not apply to accessory buildings located on and used in connection with a farm or farm operations as defined by the Michigan Right to Farm Act, Act 93 of 1981, as amended.

SECTION 3.19. PRIVATE SWIMMING POOLS

Private swimming pools are permitted in all Districts, provided that a Certificate of Zoning Compliance is first obtained from the Zoning Administrator prior to a building permit being issued by the Building Official. The application for a Zoning Compliance permit shall be accompanied by plans and specifications for the proposed swimming pool and the same documentation must be approved by the Building Official before issuance of the permit. All private swimming pools shall comply with the following regulations:

1. No swimming pool shall be emptied in any manner that will cause water to flow upon another lot, or be emptied on any land if a storm drain is readily accessible to the premises.
2. Unless otherwise permitted by the Michigan Building Code or the International Pool and Spa Code, every swimming pool, the top of which is less than four (4) feet above ground level shall be completely enclosed with a permanent substantial fence of at least four (4) feet in height with gates of a self-closing and latching type with the latch on the inside of the gate so that access to the pool is prevented except under the supervision of the possessor or by permission.
3. Swimming pools which are five (5) or more feet above ground level shall be equipped with removable steps or other pool entry device which is capable of preventing entry to the pool by children.
4. No swimming pool including filtering system shall be closer than ten (10) feet to any side or rear lot line and no part of any pool or its required fencing shall be constructed within any yard adjacent to a street.
5. Pump houses shall not exceed sixteen (16) square feet in area, three (3) feet in height, and not closer than ten (10) feet to any side lot line.

SECTION 3.20. TRUCK PARKING AND RECREATIONAL VEHICLE STORAGE

No truck tractor with more than six wheels, no trailer or truck trailer, and no truck with a rated capacity of more than one (1) ton may be parked for more than (2) two hours in any residential district except the AR District unless completely enclosed in a barn or accessory building. The storage of inoperable unlicensed vehicles or any hauling equipment is prohibited except in an enclosed garage in all residential zones.

The outdoor storage of not more than one (1) recreational vehicle and recreational unit is permitted as follows:

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1. Such storage is permitted in rear yards, or in a side yard provided it is located between the front yard and the rear yard and provided that access from the front yard to the rear yard is maintained.
2. Such storage shall not be permitted in any front yard, except that such recreational vehicle or unit may be stored in a driveway within a front yard for a period of not more than 21 consecutive days.
3. Recreational vehicles and recreational units designed and designated for primary use upon a roadway or waterway requiring licensing or registration shall be currently licensed or registered at all times. Vehicles or units not requiring registration or licensing so kept, stored, or parked shall be maintained in good repair and in operating condition.
4. The open storage of disassembled or component parts for such recreational vehicles or units is prohibited at all times.
5. Recreational vehicles shall not be used for lodging or housekeeping purposes, except as otherwise authorized by a permit issued by the Zoning Administrator for a maximum of 21 consecutive days during the calendar year.
6. Any recreational vehicle or unit stored outdoors shall be the property of the occupant.
7. No recreational vehicle or recreational unit shall be parked or stored on any roadway or road right-of-way.

SECTION 3.21. RESERVED

SECTION 3.22. GARAGE AND YARD SALES

1. The incidental and customary sale of household goods in a garage sale, yard sale or similar types of sale is permitted in any residential zoning district without a permit, provided that:
 - A. The garage sale, yard sale or similar shall not last more than three (3) consecutive days;
 - B. That not more than two (2) such sales shall be conducted on any property per calendar year; and
 - C. Signs placed in connection with such sales shall be removed within twenty-four (24) hours of the termination of the sale.
2. A permit is not required to sell a personal vehicle; however, the vehicle must be titled to a person living at the property and have a current and valid license and registration. No more than four (4) automobiles shall be offered for sale per calendar year.

SECTION 3.23. RESIDENTIAL DWELLINGS, GENERALLY

1. All dwellings located outside of a manufactured housing community licensed by the Michigan Manufactured Housing Commission shall comply with the requirements of this Section. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.
2. There shall be a minimum floor area, exclusive of garage space, for all dwelling units equal to that specified in the zoning district where the dwelling is located.

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3. There shall be a minimum width throughout the entire length of the dwelling of twenty (20) feet measured between the exterior part of the walls having the greatest length.
4. If the dwelling is a mobile or manufactured home, all wheels, pulling mechanisms, tongues, axles, and the undercarriage shall not be visible from outside the dwelling, if applicable. If applicable, wheels shall be removed prior to placement or construction.
5. The dwelling shall be connected to a public sewer and water supply and/or a well or septic system approved by the Van Buren Cass District Health Department.
6. There shall be a minimum of a double pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run.
7. There shall be no additions to the living space of the dwelling unless it meets all the requirements of this Ordinance and is built according to the same minimum standard as the dwelling and approved by the Zoning Administrator.
8. Dwellings shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall comply with all County and state regulations.
9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity and be constructed using conventional building materials, forms, design, and generally neutral colors. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
10. A property survey may be required prior to construction of any dwelling pursuant to Section 22.11.

SECTION 3.24. PRIVATE COMMUNICATION ANTENNAS

In all zoning districts, the installation and/or use of private communication antennas as an accessory use, is permitted upon the approval of the Building Official, provided the provisions of this Section are satisfied.

1. Prior to the issuance of a permit for the erection of a private communication antenna in any zoning district the following provisions must be satisfied.
 - A. The applicant shall submit a site plan showing to scale the proposed location and the elevation of the antenna, buildings located on the site, roads, and natural features. In addition, the site plan shall also provide foundation and/or mounting detail as appropriate for the Building Official to determine safety and building code compliance.
 - B. No portion of an antenna shall display any advertising message or other graphic representation other than a manufacturers logo or name plate, provided such logo or name plate is of a size and character that is not legible from adjacent properties.
 - C. All antennas located on the same lot or premises as the use for which it is accessory to.

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- D. All antennas shall be of a color and texture so as to promote its visual blending into the adjacent background.
2. Ground Mounted Antennas:
- A. No antenna shall be constructed in any front yard area but shall be constructed to side or rear of the principal structure.
 - B. No antenna shall be located closer than five (5) feet of its leading edge to a rear or side property line.
 - C. All antennas not mounted on a principal or accessory building shall be permanently anchored to a foundation located on the ground.
 - D. All antennas which are visible from adjacent properties and/or by pedestrian and vehicular passerby shall be screened by landscaping around the structure in such a manner that the antenna is reasonably concealed as determined and required by the Building Official.
 - E. Conventional noncommercial radio and television antennas and amateur radio antennas shall not exceed the building height limitation of the zoning district.
3. Roof and/or Building Mounted Antennas:
- A. Antennas mounted on the roof or side of a building shall not exceed the height limitation for the district and further, no satellite dish antenna shall extend higher than five feet above the ridge or peak of the building's roof.
 - B. An antenna mounted on the roof or side roof of a building shall be located on that portion of the building located adjacent to the rear of the property unless it is demonstrated that an alternative location is as safe or safer and the visibility of the antenna from the adjacent properties and by pedestrian or vehicular passers-by is reduced or equal in comparison to a rear yard orientation/location.
4. Conditional Exemption: Satellite dish antenna less than three (3) feet in shall be exempted from the requirement of applying for and receiving approval under this Section.
5. Amateur Radio Service Antenna: An amateur radio service station antenna structure may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications upon obtaining a certificate of zoning compliance and a building permit.

SECTION 3.25. UNCLASSIFIED USES

Where a proposed use of land or use of a building is not expressly authorized, contemplated or named by this Ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Ordinance, the Zoning Administrator may determine that the use is unclassified. In the case of an unclassified use, an amendment to classify, permit and regulate the use may be initiated pursuant to Section 22.05. Unclassified uses may not be treated as a special land use.

SECTION 3.26. RESERVED

SECTION 3.27. LOT ACCESS

1. The Planning Commission may require any development having forty (40) or more dwelling units to have a minimum of two (2) points of access to a highway or arterial road as designated in the Master Plan, in order to protect the future residents and existing residents of the Township in the event of an emergency, or in the event of the blockage of an access point and to promote safer traffic flow. In making such a requirement, the Planning Commission shall consider the following:
 - A. The size and area of the proposed development, and the size of any of any adjacent existing, proposed, or potential developments.
 - B. The number of dwelling units in the proposed development, and the number of dwelling units in any adjacent existing, proposed, or potential plans.
 - C. The number of existing or proposed access points to the proposed development, and to any existing, proposed, or potential plans.
 - D. The distance between existing access point(s) to the proposed development and to adjacent existing, proposed, or potential plans.
 - E. The number of available potential access points to the proposed development to the area within the proposed plan and to a series of adjacent, existing, proposed, or potential plans.
 - F. The volume of traffic that is expected to be generated by the proposed development, and any proposed mixed uses that may impact the amount of traffic placed upon any street within a proposed development or and adjacent existing, proposed, or potential development.

SECTION 3.28. LOT LINE ADJUSTMENTS OR LAND DIVISIONS

1. Planning Commission Approval Required: Any proposed division of land shall be first reviewed by the Zoning Administrator, who shall refer the application to the Township Assessor. If approved by the Assessor, the application shall be forwarded to the Planning Commission for a decision and if approved, shall be signed, registered, and recorded with the Cass County Register of Deeds. The Planning Commission shall review all requests in a timely manner and apply the standards of the Zoning Ordinance and the principles of the Master Plan in reviewing the proposed land division.
2. Lot line adjustments may be approved and decided upon by the Zoning Administrator after a complete application has been submitted. The Zoning Administrator may opt to refer the matter to the Planning Commission for a decision.
3. Lot line adjustments and land divisions shall be processed consistent with all applicable Township Ordinances and the Michigan Land Division Act (Act 288 of 1967), as amended.
4. Following approval, an application for a land division or lot line adjustment shall be forwarded by the Planning Commission or Zoning Administrator, as applicable, to the Township Assessor.
5. Divisions of platted lots shall be governed by the Platted Lot Split Ordinance, Refer to Platted Lot Split Ordinance, Ordinance No 2025-5-12.1.

SECTION 3.29. ADMINISTRATIVE REVIEW OF WIRELESS COMMUNICATION FACILITIES

1. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted either as a principal or accessory use, and if approved by the Zoning Administrator, constructed and maintained in accordance with the standards and conditions of this Section.
 - A. Attached wireless communication facilities within all districts, where the existing structure is not proposed to be either materially altered or changed in appearance. This includes existing farm structures in the Township.
 - B. The collocation of an attached wireless communication facility which has been pre-approved for such collocation as part of an earlier approval by the Planning Commission.
 - C. The replacement of equipment on an existing structure
 - D. Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
2. In all other instances, wireless communication facilities may be only permitted with special land use approval by the Planning Commission, subject to the requirements of Article 20.
3. Timeframe for Approval:
 - A. Within fourteen (14) days of receipt of an application for wireless communication facility meeting the circumstances specified in 1 (A-D) above, the Zoning Administrator shall determine whether or not the application is administratively complete. Unless the Zoning Administrator provides a notice of deficiency as set forth below, the application shall be deemed administratively complete upon the earlier of when the Zoning Administrator makes such determination or fourteen (14) days after the application is received.
 - B. If the application is deemed administratively incomplete, the Zoning Administrator shall notify the applicant in writing, or by electronic notification, within such fourteen (14) day period that the application is not administratively complete and shall specify the information or fees necessary to make the application administratively complete. The time period specified in subsection A above shall be tolled until the applicant submits the information and fee required.
 - C. Once the application is deemed administratively complete, the application shall be approved or denied within sixty (60) days from the date it is deemed administratively complete.

SECTION 3.30. ANTI-FUNNELING/ANTI-KEYHOLING

The purpose of this Section is to protect water quality, controlling non-riparian use of waterways and to protect the health, safety and welfare of township residents and to provide for the effective date of this Ordinance.

1. Intent: It is the intent of this Section to promote the integrity of the lakes within Ontwa Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by limiting excess use; to promote the ecological balance of the water by limiting

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incompatible land use of the wetlands associated with the lakes; and maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit lake or waterway access to the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

2. Regulations: In any zoning district where a parcel or parcels of land having frontage to a lake, channel, or stream, such parcel or parcels of land may be used as:
 - A. access property; or
 - B. as common open space held in common by a subdivision, condominium association, planned unit development or associations or similar agencies; or
 - C. held in common by virtue of the terms of a plat of record; or
 - D. common use under deed restrictions of record; or
 - E. owners of those residing in two or more dwelling units located away from the waterfront; or
 - F. as a residential development for one or more dwelling units as permitted in the Township zoning ordinance; or
 - G. by easement, park, common fee ownership, single-fee ownership, condominium arrangement, license, or lease; or
 - H. combination of the above.

Such parcel or parcels shall only be used as stated above if the following conditions are met.

3. That said parcel of land contain a minimum of five thousand (5,000) square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred (100) feet. Frontage shall be measured by straight line which intersects each side lot line at the water's edge.
4. In the event the water frontage is proposed to be used by more than one dwelling unit, the water frontage shall not consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
5. In no event shall such a parcel or parcels of land abut a man-made canal or channel for purposes of funneling non-riparian owners onto a lake. Where said parcel or parcels contain dwelling units, then the fifty (50) linear feet of water frontage shall apply for each individual dwelling unit. In no case shall such canal or channel be excavated for the purpose of increasing the water frontage required by this regulation.
6. Where a park, common area, access property or similar use area is utilized as frontage, it shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

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7. Piers and docks located on an access property shall comply with the requirements of Section 3.31.
8. Nonconforming Uses: In any district in which accesses have been established before November 10, 2009, such accesses shall retain historic uses. It is the intent of this Ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.
9. For the purposes of this Section, “Access Property” shall mean a property, parcel or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease license, gift, business invitation or any other form or dedication or conveyance.
10. In those situations in which the frontage is occupied by multiple unit residential developments such as a PUD, condominium association, site condo development and the like, then the lake front area or lake frontage shall only be used in the same proportion, that is, at least fifty (50) feet of lake frontage for any one single-family home, one dwelling unit, one cottage, one condominium unit, one site condominium unit, one mobile or modular home unit or one apartment unit with right to use the frontage.

SECTION 3.31. RESERVED

SECTION 3.32. RESERVED

SECTION 3.33. WIND ENERGY SYSTEMS (WES)

The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy System (WES) shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

1. Definitions:

A. Wind Energy System (WES): a combination of:

- 1) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- 2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- 3) The generator, alternator, or other device used to convert the mechanical energy of the surface area into electrical energy; and
- 4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
- 5) Building or equipment accessory thereto.

B. Noncommercial WES: A WES placed upon land with the intent to provide electricity primarily for the owner of the property.

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- C. Commercial WES: One or more WES placed upon land with the intent to sell or provide electricity to others with a nameplate capacity less than 100 MW. The WES may or may not be owned by the owner of the property upon which the WES is placed.
 - D. Wind Farm: A grouping of commercial WES (3 or more).
 - E. WES Height: The distance as measured from the ground to the highest point of the WES, the highest point could either be the tip of the blade at its highest vertical point or the highest point of the WES structure.
2. Noncommercial wind energy systems (NWES) are permitted in any zoning district, provided:
- A. NWES facilities may be a principal use or an accessory use on a parcel.
 - B. Minimum parcel size upon which the NWES is to be located shall be one and one-half (1 ½) acres.
 - C. Minimum clearance between the ground and the tip of the blade at its lowest vertical point of a NWES shall be fifteen (15) feet. Maximum height of a NWES shall be sixty (60) feet. Any NWES of over sixty (60) feet in height can only be located in the “Agricultural/Residential District” or the “Industrial Districts” and is subject to a special land use permit.
 - D. Minimum setback of a NWES shall be equal to the height of the NWES structure.
 - E. For every additional NWES on a parcel, an additional one and one-half (1½) acres shall be provided; however, the wind turbines may be clustered on site. Properties with three (3) or more NWES per parcel are subject to the site plan review and shall include the following information:
 - F. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the NWES.
 - G. Existing and proposed setbacks of all structures located on the property in question.
 - H. Plan view and elevation view of the premises accurately depicting the proposed NWES and its relationship to all structures within three hundred (300) feet.
 - I. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Michigan Building Code as adopted by the Township; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
 - J. NWES electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township.
 - K. NWES shall be equipped with both a manual and automatic braking device capable of stopping the NWES operation in high winds, as established by the manufacturer.
 - L. NWES shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower containing the following information:
 - 1) Emergency phone number.

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- 2) Emergency shutdown procedures.
 - 3) "Warning, High Voltage"
- M. NWES shall not have affixed or attached any other signs, lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
- N. Noise emanating from the operation of NWES shall not exceed fifty (50) decibels, as measured on the DBA scale, measured at the nearest property line.
- O. The Township hereby reserves the right upon issuing any NWES special land use permit to inspect the premises on which it is located. If a NWES is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- P. Any NWES that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The twelve (12) month period may be extended if applied for by the proprietor and granted by the Township Board in writing.
3. Commercial Wind Energy Systems (CWES):
- A. The provisions of this subsection related to CWES shall not apply to CWES with a nameplate capacity in excess of 100 MW. In those instances, such systems shall be permitted upon approval by the Michigan Public Services Commission (MPSC) pursuant to Act 233 of 2023, as amended.
 - B. CWES facilities may be a principal use or an accessory use on a parcel.
 - C. All CWES facilities are only allowed in the "Agricultural/Residential District" and the "Industrial Districts" and must apply for a Special Land Use.
 - D. Minimum lot size for a CWES shall be twenty (20) acres, and a minimum of three (3) acres of site area is required for each CWES proposed within an eligible property; however, the wind turbines may be clustered on site.
 - E. In addition to the requirements for site plan application and review outlined in Section 18.04, the following information shall be included with any application of a Special Land Use for a CWES:
 - 1) Location of overhead electrical transmission or distribution lines.
 - 2) Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the CWES.
 - 3) Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the subject property including the distance of each from the exterior boundary.
 - 4) A Plan view and Elevation view of the premises accurately depicting the proposed CWES and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.

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- 5) Access road to the CWES facility with detail on dimensions, composition, and maintenance.
 - 6) Planned security measures to prevent unauthorized trespass and access. To prevent unauthorized climbing, CWES towers must comply with one of the following provisions:
 - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed on the tower.
 - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
 - 7) CWES maintenance programs shall be provided that describes the maintenance program used to maintain the CWES, including removal when determined to be obsolete.
- F. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- G. Each CWES shall be grounded to protect against natural lightning strikes and the electrical equipment and connections shall be designed and installed in adherence to the Electrical Code adopted by the Township.
- H. CWES towers shall be setback from the closest property line one and one half (1 ½) feet for every one (1) foot of tower height.
- I. CWES shall be setback from the above ground utility lines one (1) foot for every one (1) foot of tower height.
- J. Maximum height for a CWES shall be one hundred and seventy-five (175) feet.
- K. Colors and surface treatment of the CWES and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
- L. Blade-arcs created by the CWES shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
- M. Each CWES shall have one (1) sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
- 1) "Warning high voltage".
 - 2) Manufacturer's name.
 - 3) Emergency phone number.
 - 4) Emergency shutdown procedures.

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- N. CWES shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
- O. CWES shall be designed and constructed so as not to cause radio and television interference.
- P. Noise emanating from the operation of CWES shall not exceed sixty-five (65) decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
- Q. Any proposed CWES shall not produce vibrations humanly perceptible beyond the property on which it is located.
- R. The on-site electrical transmission lines connecting the CWES to the public utility electricity distribution system shall be located underground.
- S. No CWES shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the CWES with the utility company shall adhere to the Electrical Code as adopted by the Township.
- T. The applicant shall demonstrate mitigation plans to minimize impacts to birds and other wildlife that may collide with rotor blades. Bird flyways and migration patterns shall be considered in siting CWESs
- U. The Township hereby reserves the right upon issuing any CWES special land use permit to inspect the premises on which the CWES is located. If a CWES poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- V. Any CWES which are not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The twelve (12) month period may be extended if applied for by the proprietor and granted by the Township Board in writing.

SECTION 3.34. PARKS, BOAT LAUNCHES, AND BOAT WASHING FACILITIES

- 1. Intent: It is recognized that park and boating facilities are both related to recreational land uses. The intent of this Section is to provide clarification on the use of park and boating facilities and standards to be met by each.
- 2. General Provisions for Parks: The following standards shall apply to all park facilities:
 - A. A park shall not include a for-profit commercial establishment or for-profit business, whether or not recreation-oriented.
 - B. All parks developed after December 10, 2018 shall contain ADA compliant toilet restroom facilities. Such restrooms shall be connected to a public sewer system at the property owner's expense if a sewer system is available within 200 feet of the property line. If no sanitary sewer is available, only a septic system approved by the Van Buren Cass District Health Department shall be used.
 - C. Parks must be open to all persons without restriction.
 - D. Owners of parks shall be financially responsible for all costs incurred for regularly scheduled maintenance, trash cleanup, and all policing determined to be necessary by the Township or the Chief of Police as a result of the parks operation and/or requiring

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- Township or County services. All such costs incurred will be at the property owner's expense.
- E. A property owner that develops and/or maintains a park, in any Ontwa Township zoning district, shall provide the Township with a certificate of liability insurance naming the Township as co-insured in a liability umbrella limit equal to \$3 million dollars and holding the Township harmless.
 - F. All requirements of Section 3.10, 3.11, and 22.02(2) apply to parks.
3. General Provisions for Boat Launches or Boat Access Sites: The following standards shall apply to all boat launches or boating access sites:
- A. In order to minimize impacts from waves, a form of shoreline protection must be provided along all shorelines associated with the boat launch, including the launch, parking, and washing areas, unless otherwise required by the county, state, or federal regulations.
 - B. Each boat launch facility shall have a parking lot within 200 feet of the launch.
 - C. There shall be ADA compliant toilets available for public use. If the boat launch parcel is developed within 200 feet of a sanitary sewer, toilet facilities shall be located on the boat launch property and be both maintained and paid for by the property owner. If no sanitary sewer is available, only a septic system approved by the Van Buren Cass District Health Department shall be used.
 - D. All boat launches or boat access sites established after the effective date of this Ordinance shall include a boat washing facility installed and maintained by the property owner on the same property as the boat launch, or associated parking lot, pursuant to Section (4) below.
4. General Provisions for Boat Washing Stations: The following standards shall apply to all boat washing stations:
- A. A boat washing station shall be located on the same property as the boat launch or associated parking area. The property owner is responsible for maintaining a clear, refuse-free site, and controlling the facility's uses as required by the Township Ordinances at the property owner's expense.
 - B. A permanent boat washing station shall only utilize high pressure, heated water to wash boats, unless otherwise permitted by the Planning Commission.
 - C. Water/wastewater resulting from boat washing shall be disposed of through a sanitary sewer (not a storm water drain), if a sanitary sewer is available within 200 feet of the boat washing station. If no sanitary sewer is available, only a septic system approved by the Van Buren Cass District Health Department shall be used. The disposal of waste/wastewater shall be at the property owner's expense.
 - D. The boat washing station shall be available to all boaters and no additional fee shall be required for use of the boat washing facility.
 - E. The boat washing station shall be maintained in working order at all times, including its equipment and facility, by the property owner and at the expense of the property owner. The boat washing station shall be promptly repaired by the property owner. Failure to do this may result in closure of the boat launch by the Zoning Administrator.

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- F. A boat washing station shall include a containment area to prevent runoff near lakes and/or wetlands and for the collection of all waste/wastewater during the boat washing operation process.
- G. Boat washing stations must comply with all applicable county, state and federal rules, regulations, and requirements. It shall be a violation of the Township Ordinance for any boater to launch a boat into a lake without first using the boat washing facility if one is provided.

SECTION 3.35. ACCESSORY DWELLING UNITS

1. Location and Dimensional Requirements:

- A. ADUs are permitted in the AR, R-1, R-1A, LR, and R-2 districts only upon receipt of a zoning compliance permit issued by the Zoning Administrator.
- B. No more than one ADU shall be permitted on a parcel. An ADU is not permitted pursuant to this Section if there is no principal building.
- C. Detached ADUs shall be considered accessory buildings, and therefore shall only be permitted on properties where an accessory building could otherwise be located, subject to the provisions of this Section.
- D. An ADU may be attached to the main building, a detached building, or located on the second story of a detached garage.
- E. An ADU may be permitted in a detached accessory building located across the street from a lakefront parcel as permitted in Section 3.18(2). However, the ADU must be located on the second story of such accessory building. Further, only one ADU shall be located permitted between the two parcels.
- F. The area and height of a detached ADU shall not exceed the maximum requirements for an accessory building in the district in which the ADU is located.
- G. Under no circumstances shall the maximum lot coverage for a given district be exceeded.
- H. Detached ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located, along with all lot coverage requirements and all other applicable standards. ADUs attached to the principal dwelling shall meet the same setbacks as required for the principal dwelling.

2. Design Requirements:

- A. The ADU shall include one kitchen, one bathroom, and a sleeping area separate from the primary residence, and the ADU shall meet all applicable provisions of the Building Code and other regulations.
- B. The ADU shall comply with all building, electrical, mechanical, plumbing, property maintenance, and other applicable codes for dwellings.
- C. The exterior design of an ADU, whether attached or detached, shall be compatible with the principal dwelling on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and shall be harmonious with the character and scale of the surrounding neighborhood.

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- D. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking for adjacent properties.
- E. Windows in an ADU facing an adjoining residential property must be designed to protect the privacy of neighbors unless fencing or landscaping is provided as screening.
- F. Attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

3. Use and Occupancy Requirements:

- A. The ADU shall not result in excessive traffic, parking congestion, or noise.
- B. A minimum of one additional dustless off-street parking space shall be provided on the lot containing the ADU as required in Section 19.01.
- C. The property owner must occupy either the principal dwelling or the ADU.
- D. The ADU shall be connected to public water and wastewater systems where such systems are available or required pursuant to applicable Township ordinances. If connected to a private well and septic system, such systems must be approved by the Van Buren Cass District Health Department.
- E. If the ADU is connected to a public sewer system, it shall comply with all applicable regulations, including, but not limited to, the payment of additional service charges and/or connection fees as determined by the Township pursuant to the adopted Sewer Use Ordinance and Sewer Connection and Rate Ordinance of Ontwa Township.
- F. Neither the principal dwelling nor the ADU shall be utilized for short-term rental purposes as defined and regulated by the adopted Ontwa Township Short Term Rental Ordinance.

4. Deed Restriction Required:

- A. Before obtaining an occupancy permit, the property owner shall file with the Zoning Administrator a declaration of restrictions that shall be recorded with the Cass County Register of Deeds containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - 1) The zoning permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - 2) The ADU is restricted to the approved size.
 - 3) The ADU shall not be sold separately from the principal dwelling.
 - 4) All above declarations shall run with the land and are binding upon any successor in ownership.
 - 5) The deed restrictions shall lapse upon the removal of the ADU.

5. Existing Accessory Dwelling Units:

- A. ADUs in existence on the effective date of this Ordinance that do not comply with the provisions of this Section shall be considered nonconforming uses and shall be subject to applicable provisions of Article 21 of this Ordinance.

SECTION 3.36. SMALL-SCALE SOLAR ENERGY SYSTEMS

1. Applicability: This Section applies to any system of small-scale solar energy collector systems. This Section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and mounted less than five (5) feet above the ground, nor does this Section apply to the larger utility scale solar energy collector systems, which are regulated in Section 20.05.24.
2. General requirements:
 - A. Permit Required: No small-scale solar energy collector system shall be installed or operated except in compliance with this Section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system.
 - B. Applications: In addition to all other required application contents as listed in Section 18.04, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from all lot lines and adjacent structures shall be submitted along with the zoning permit application for review by the Zoning Administrator in a hard copy and electronic form designated by the Township.
 - C. Glare and Reflection: The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. Such collectors shall not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.
3. Installation:
 - A. A small-scale solar energy collector shall be permanently and safely attached to the ground or a structure or building. Solar energy collectors, and their installation and use, shall comply with all building codes and all other applicable Township and state requirements.
 - B. Small scale solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
4. Power Lines: On-site power lines between solar panels and inverters shall be installed and maintained underground pursuant to applicable building and electrical codes.
5. Abandonment and Removal: A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months or more will be considered abandoned unless the responsible party with an ownership interest in the system provides substantial evidence to the Township every six (6) months (after the twelve (12) months of no energy production) of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the installation of the system within one (1) year of abandonment.
6. Building-Mounted Solar Energy Collectors: These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
 - A. Maximum Height: The maximum height permitted in the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet by such collectors.

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- B. Obstruction: Building-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
7. Ground-Mounted Solar Energy Collectors: These systems are permitted in all zoning districts subject to the following conditions.
- A. Rear and Side Yards: The equipment and collectors may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory structures.
 - B. Front Yard: The equipment and collectors may be located in the front yard only if located no less than one hundred (100) feet from the front lot line.
 - C. Obstruction: Ground-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
 - D. Vegetation: All vegetation underneath solar energy infrastructure shall be properly maintained so as to not block access to solar collectors.
8. Maximum Number: There shall be no more than one (1) ground-mounted solar energy collector system permitted per lot.
9. Maximum Size:
- A. Residential uses: There shall be no more than one percent (1%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, of collector panels on a ground-mounted solar energy collector system.
 - B. Agricultural, Commercial, and Industrial uses: There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system.
10. Maximum Height:
- A. For Residential uses: The maximum height shall be six (6) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
 - B. For Active Agricultural, Commercial, and Industrial uses: The maximum height shall be sixteen (16) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.
11. Minimum Lot Area: One (1) acre shall be the minimum lot area to establish a ground-mounted solar energy collector system.
12. Screening: Screening shall be required by the Zoning Administrator in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
13. Limits: Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on the lot. However, the charging of solar batteries used on the property and the sale of limited excess power through a net billing or net-metering arrangement shall be permitted. Larger systems may be approved by the Planning Commission if a greater electricity need is demonstrated to power on-site buildings and uses.

SECTION 3.37. MAN MADE PONDS

Man-made ponds shall meet the following conditions:

1. Unless otherwise exempted by this Ordinance, the creation of a man made pond shall be subject to site plan review and approval by the Planning Commission.
2. This section shall not apply to detention/retention ponds approved by the Township and any pond with a surface area of less than 1,000 square feet. Ponds with an area greater than 5 acres shall be subject to approval by the Michigan Department of Energy, Great Lakes, and Environment (EGLE).
3. A man-made pond shall only be permitted in the AR district and shall be set back a minimum of thirty (30) feet from all property lines.
4. Man-made ponds shall not alter the water table more than six (6) inches as measured at the property line.
5. No pond shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence of use thereof does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to the public health.
6. The discharge pipe from any pond without a direct outlet to an established drain shall:
 - A. not exceed four (4) inches in diameter;
 - B. be constructed of galvanized iron or other such standard and durable material as may be approved by the Township Engineer.
7. No ponds shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer system is prohibited.
8. No public water shall be used in connection with the filling or operation of a pond.
9. The slopes of the banks or sides of the pond shall be constructed so that for each one foot of fall there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of at least five (5) feet. Slopes that are constructed steeper than this may be permitted if the proposed slopes are approved by the Township Engineer. These slope requirements shall not apply to any industrial facility, an agricultural irrigation pond, nor to any natural body of water or established County drain.
10. Unless otherwise authorized by the Planning Commission as a mining operation under the provisions of Section 20.05.17 spoils shall be retained on-site, graded, and seeded to promote rapid revegetation and to minimize the risk of erosion.
11. No pond shall be constructed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
12. The applicant shall secure applicable County, State, and Federal permits prior to authorization by the Planning Commission.

ARTICLE 4 – MAPPED DISTRICTS

SECTION 4.01. ZONE DISTRICTS

The Township of Ontwa is hereby divided into the following zoning districts:

AR	Agricultural/Residential District	Residential Districts
R-1A	Residential District	
R-1	Residential District	
L-R	Lake Residential District	
R-2	Residential District	
M-H	Manufactured Housing Community District	
MFR	Multi-Family Residential District	
C-1	Commercial/Service District	Commercial Districts
C-2	General Commercial District	
I-1	Light Industrial District	Industrial Districts
I-2	Heavy Industrial District	
WF	Waterfront Overlay District	Overlay District
PUD	Planned Unit Development District	PUD District

SECTION 4.02. ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Ontwa Township, Cass County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, or in the event of change in

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the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of one hundred sixty-five (165) feet from the front lot line. The zoning standards of the front zoning district apply to the principal dwelling. The location of any other building will be governed by which zone the building is located.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03. AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a district on the zoning map, such land shall be in the "AR" Zoning District.

ARTICLE 5 - AGRICULTURAL/RESIDENTIAL DISTRICT "AR"

SECTION 5.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for a compatible blend of farming, single family dwellings, and other uses that require large parcels of land. Certain complimentary religious, educational and recreational facilities may also be permitted.

SECTION 5.02. USES PERMITTED BY RIGHT

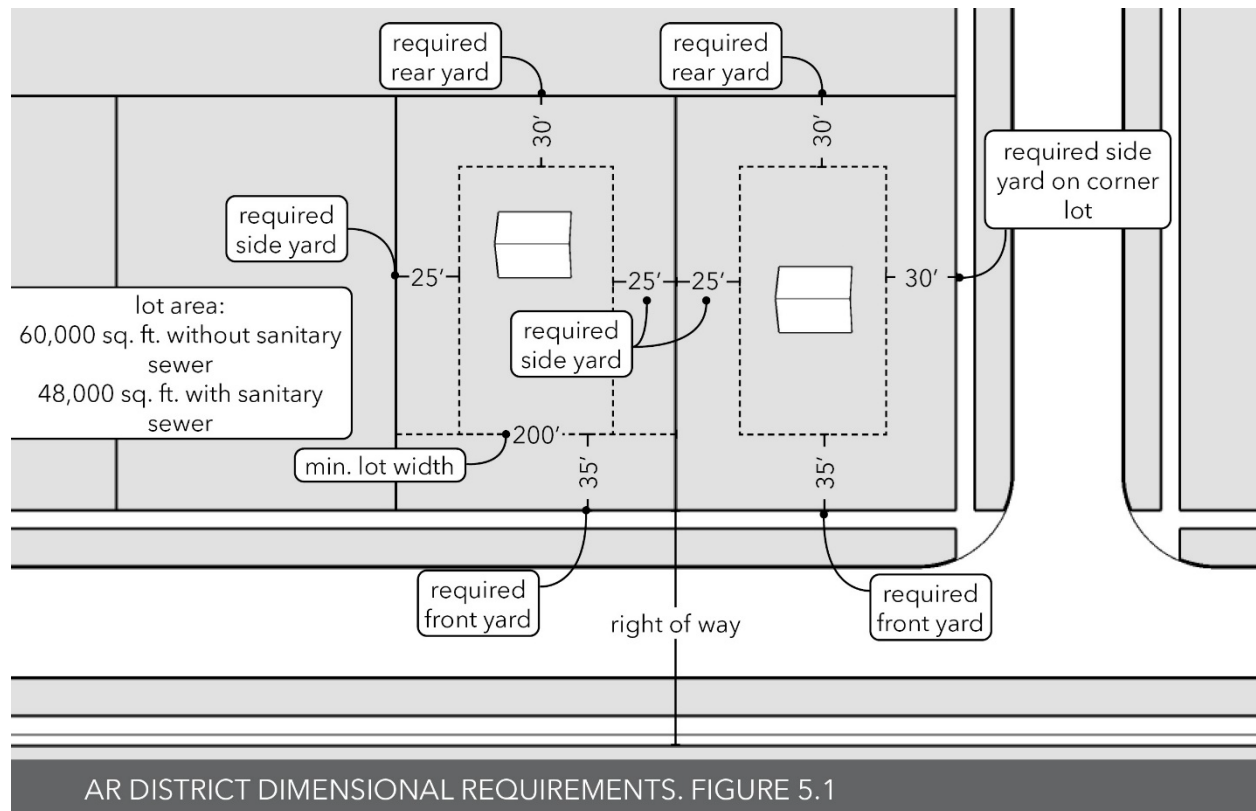
1. Dwellings, Single Family
2. Farms and Farm Operations
3. Home Occupations
4. Roadside Stands
5. Places of Public Assembly
6. Public Uses
7. Outdoor or Indoor Recreation
8. Child Care Family Homes
9. Adult Foster Care Family Homes

SECTION 5.03. SPECIAL LAND USES

1. Agri-tourism Establishments, subject to Section 20.05.04
2. Home Based Businesses subject to Section 20.05.13
3. Mining Operations subject to Section 20.05.17
4. Landfills subject to Section 20.05.15
5. Child Care Group Homes subject to Section 20.05.08
6. Adult Foster Care Small Group Homes subject to Section 20.05.03
7. Adult Foster Care Large Group Homes subject to Section 20.05.04
8. Kennels subject to Section 20.05.14
9. Utility Scale Solar Energy Systems subject to Section 20.05.24
10. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 5.04. DIMENSIONAL REQUIREMENTS

Minimum Front Yard	35 feet
Minimum Side Yard	25 feet 30 feet for a side lot line that adjoins a street
Minimum Rear Yard	30 feet
Minimum Lot Area	60,000 square feet without sanitary sewer 48,000 with sanitary sewer
Minimum Lot Width	200 feet
Maximum Height	35 feet or 2½ stories, whichever is less
Minimum Dwelling Unit Floor Area (exclusive of attached garages)	1,000 square feet 800 square feet on the ground floor
Maximum Impervious Surface Coverage	35%



ARTICLE 6 – RESIDENTIAL DISTRICT "R-1A"

SECTION 6.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township exclusively for low density, single family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted.

SECTION 6.02. USES PERMITTED BY RIGHT

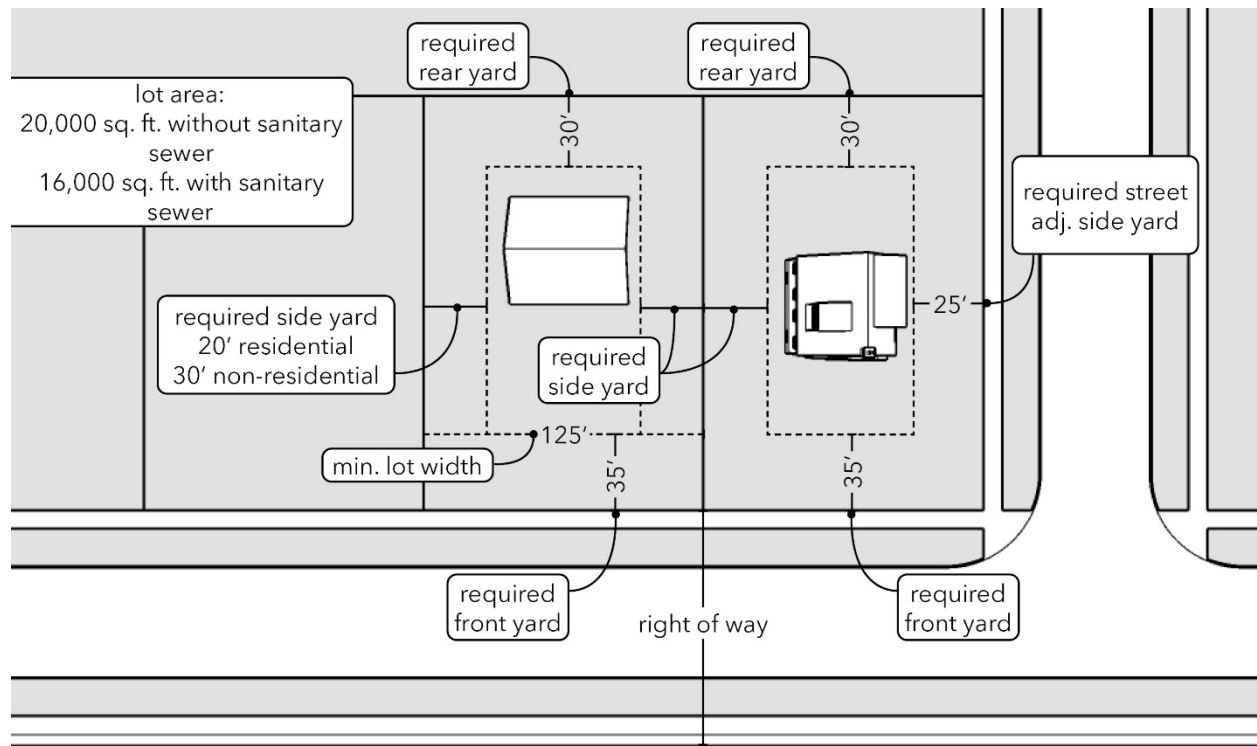
1. Dwellings, Single Family
2. Home Occupations
3. Public Uses
4. Places of Public Assembly
5. Child Care Family Homes
6. Adult Foster Care Family Homes

SECTION 6.03. SPECIAL LAND USES

1. Home Based Businesses subject to Section 20.05.13
2. Child Care Group Homes subject to Section 20.05.08
3. Adult Foster Care Small Group Homes subject to Section 20.05.04
4. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 6.04. DIMENSIONAL REQUIREMENTS

Minimum Front Yard	35 feet
Minimum Side Yard	20 feet 25 feet for a side lot line that adjoins a street 30 feet for non-residential principal buildings
Minimum Rear Yard	30 feet
Minimum Lot Area	20,000 square feet without sanitary sewer 16,000 square feet with sanitary sewer
Minimum Lot Width	125 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Minimum Dwelling Unit Floor Area (exclusive of attached garages)	1,500 square feet 800 square feet on the ground floor
Maximum Impervious Surface Coverage	35%



R-1A DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 6.1

ARTICLE 7 – RESIDENTIAL DISTRICT "R-1"

SECTION 7.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for low density single family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted.

SECTION 7.02. USES PERMITTED BY RIGHT

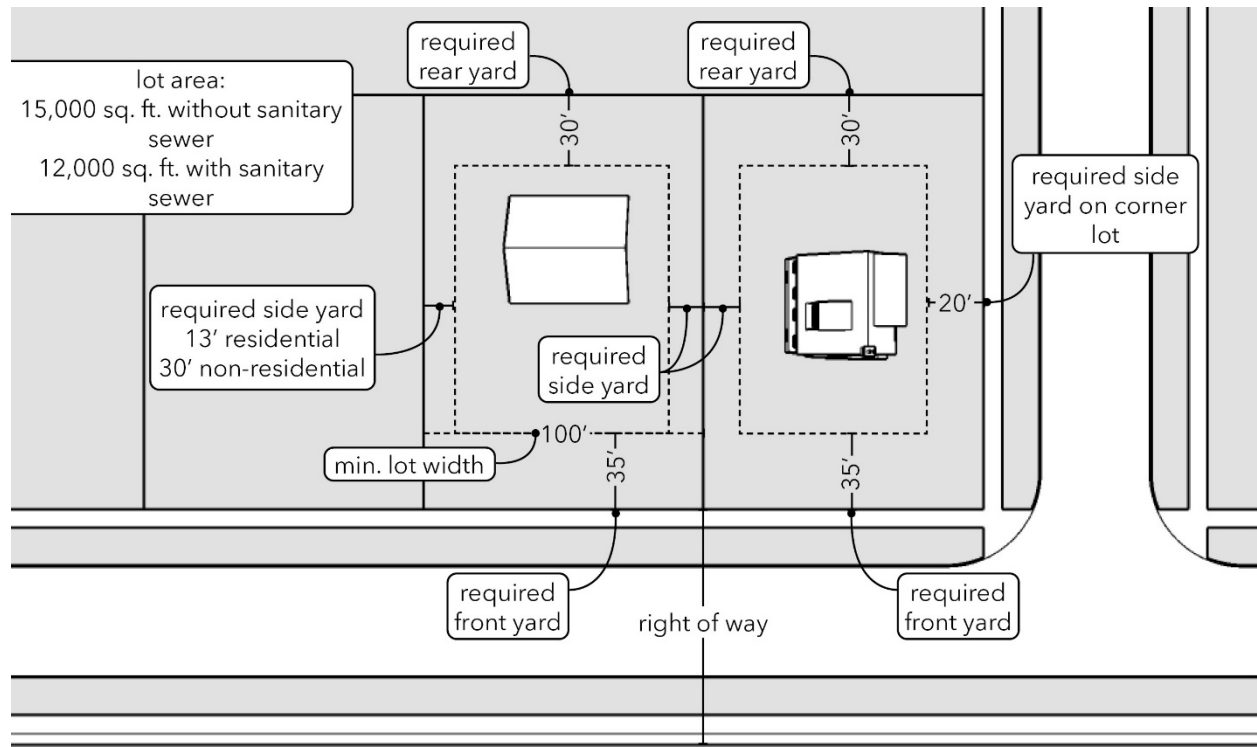
1. Dwellings, Single Family
2. Home Occupations
3. Public Uses
4. Places of Public Assembly
5. Child Care Family Homes
6. Adult Foster Care Family Homes

SECTION 7.03. SPECIAL LAND USES

1. Home based businesses subject to Section 20.05.13
2. Child Care Group Homes subject to Section 20.05.08
3. Adult Foster Care Small Group Homes subject to Section 20.05.03
4. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 7.04. DIMENSIONAL REQUIREMENTS

Minimum Front Yard	35 feet
Minimum Side Yard	13 feet 20 feet for a side lot line that adjoins a street 30 feet for non-residential principal buildings
Minimum Rear Yard	30 feet
Minimum Lot Area	15,000 square feet without sanitary sewer 12,000 square feet with sanitary sewer
Minimum Lot Width	100 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Minimum Dwelling Unit Floor Area (exclusive of attached garages)	1,200 square feet 700 square feet on the ground floor
Maximum Impervious Surface Coverage	35%



R-1 DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 7.1

ARTICLE 8 – LAKE RESIDENTIAL DISTRICT "L-R"

SECTION 8.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for single family dwellings. It is further the intent of this Ordinance that uses within this area be located to protect the water quality, fish and wildlife resources, scenic and aesthetic qualities, and recreational values.

SECTION 8.02. USES PERMITTED BY RIGHT

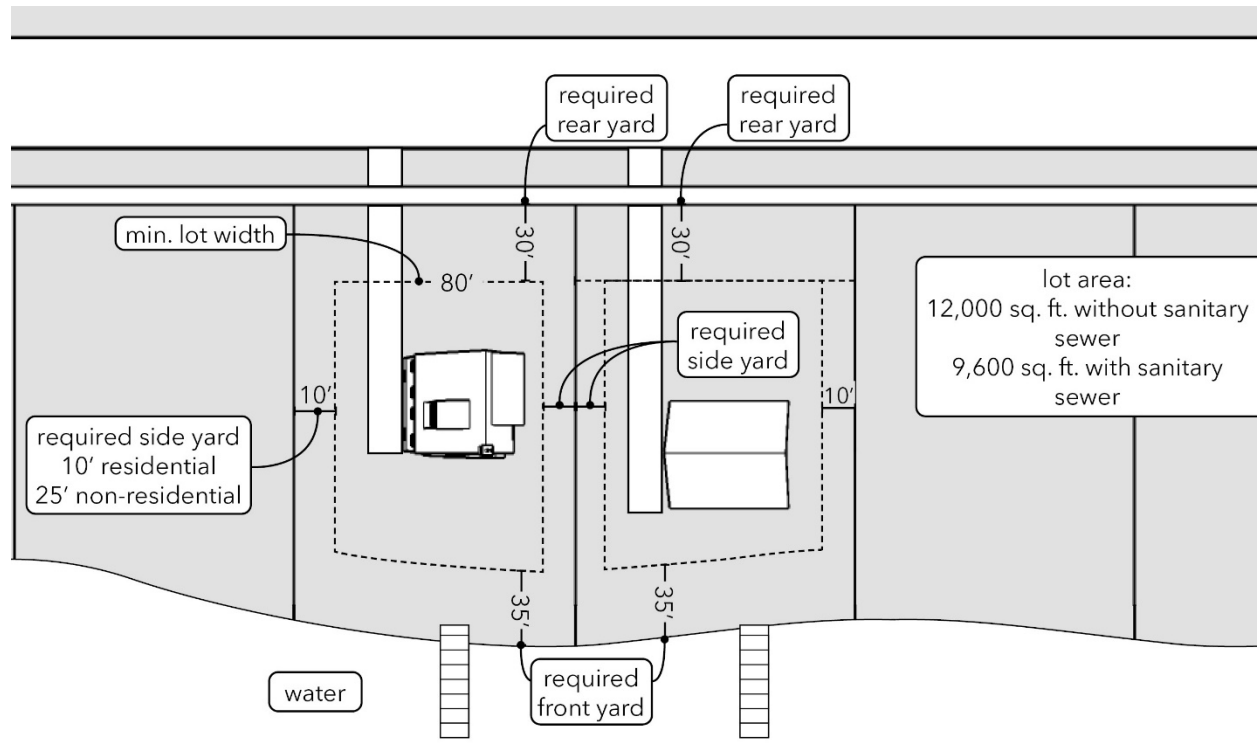
1. Dwellings, Single Family
2. Home Occupations
3. Public Uses
4. Child Care Family Homes
5. Adult Foster Care Family Homes

SECTION 8.03. SPECIAL LAND USES

1. Home based businesses subject to Section 20.05.13
2. Child Care Group Homes subject to Section 20.05.08
3. Adult Foster Care Small Group Homes subject to Section 20.05.03
4. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 8.04. DIMENSIONAL REQUIREMENTS

Minimum Front Yard	35 feet
Minimum Side Yard	10 feet 15 feet for a side lot line that adjoins a street 25 feet for non-residential principal buildings
Minimum Rear Yard	30 feet
Minimum Lot Area	12,000 square feet without sanitary sewer 9,600 square feet with sanitary sewer
Minimum Lot Width	80 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Minimum Dwelling Unit Floor Area (exclusive of attached garages)	1,000 square feet 700 square feet on the ground floor
Maximum Impervious Surface Coverage	35%



L-R DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 8.1

ARTICLE 9 – RESIDENTIAL DISTRICT "R-2"

SECTION 9.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for single family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted.

SECTION 9.02. USES PERMITTED BY RIGHT

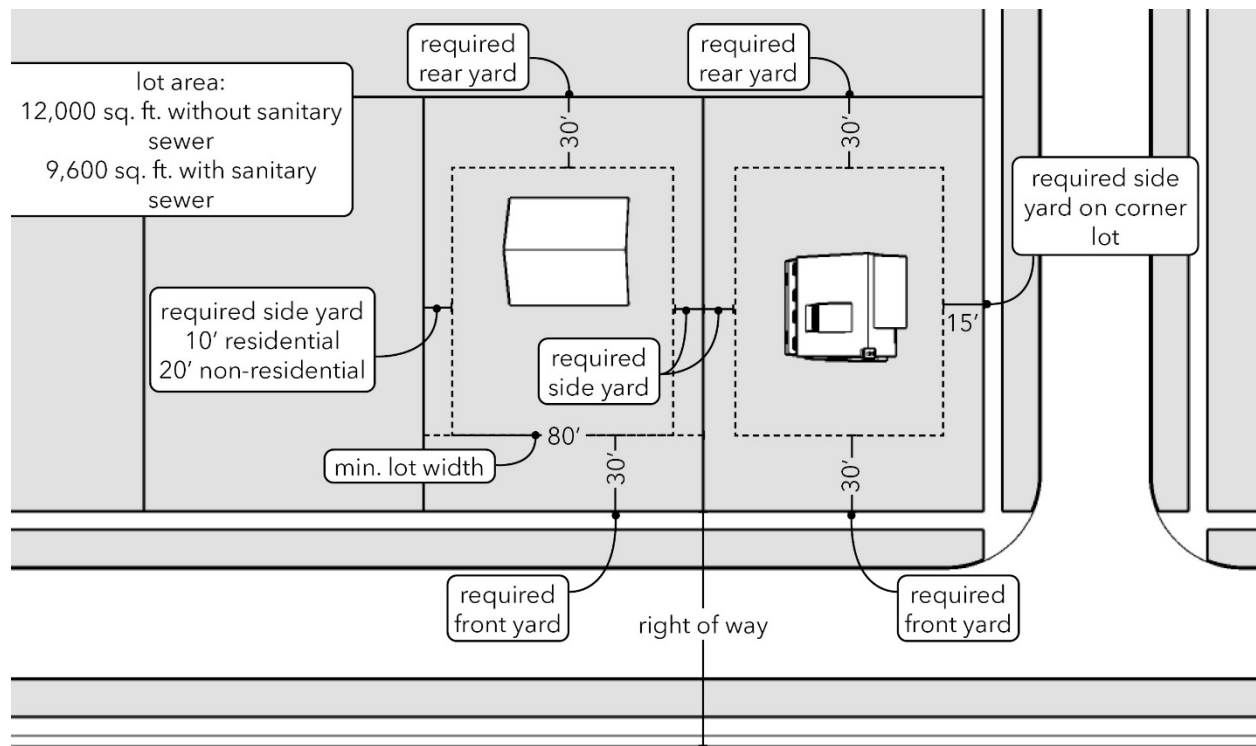
1. Dwellings, Single Family
2. Dwellings, Two Family
3. Home Occupations
4. Public Uses
5. Places of Public Assembly
6. Child Care Family Homes
7. Adult Foster Care Family Homes

SECTION 9.03. SPECIAL LAND USES

1. Home based businesses subject to Section 20.05.13
2. Child Care Group Homes subject to Section 20.05.08
3. Adult Foster Care Small Group Homes subject to Section 20.05.03
4. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 9.04. DIMENSIONAL STANDARDS

Minimum Front Yard	30 feet
Minimum Side Yard	10 feet 15 feet for a side lot line that adjoins a street 20 feet for non-residential principal buildings
Minimum Rear Yard	30 feet
Minimum Lot Area	12,000 square feet without sanitary sewer 9,600 square feet with sanitary sewer
Minimum Lot Width	80 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Minimum Floor Area	1,000 square feet 800 square feet on the ground floor
Maximum Impervious Surface Coverage	35%



R-2 DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 9.1

ARTICLE 10 – MANUFACTURED HOME PARK DISTRICT "M-H"

SECTION 10.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for manufactured home parks.

SECTION 10.02. USES PERMITTED BY RIGHT

1. Manufactured home parks as regulated by the State of Michigan pursuant to Public Act 419 of 1976.
2. Home occupations

SECTION 10.03. SPECIAL LAND USES

1. Home Based Business as regulated in Section 20.05.13
2. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 10.04. ADDITIONAL REQUIREMENTS

1. The site development requirements of the Manufactured Housing Commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be satisfied. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Licensing and Regulatory Affairs (LARA) or other agency having jurisdiction. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
2. Manufactured home parks permitted in Section 10.01(1) above shall be subject to site plan review by the Planning Commission.

ARTICLE 11 – MULTI-FAMILY RESIDENTIAL DISTRICT “MFR”

SECTION 11.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township exclusively for multi-family dwellings which are consistent with the Township Master Plan.

SECTION 11.02. USES PERMITTED BY RIGHT

1. Two-family Dwellings
2. Multiple-family Dwellings
3. Child Care Family Homes
4. Adult Foster Care Family Homes
5. Home Occupations

SECTION 11.03. SPECIAL LAND USES

1. Home based businesses subject to Section 20.05.13
2. Child Care Group Homes subject to Section 20.05.08
3. Adult Foster Care Small Group Homes subject to Section 20.05.03
4. Wireless Communication Antennas, subject to Section 20.05.26

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SECTION 11.04. DIMENSIONAL STANDARDS

Minimum Front Yard	35 feet
Minimum Side Yard	20 feet, or the height of the building wall adjacent to the side lot line, whichever is greater
Minimum Rear Yard	30 feet
Minimum Lot Area	1 acre without sanitary sewer 35,000 square feet with sanitary sewer
Minimum Lot Width	125 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Minimum Floor Area per Unit	600 square feet
Minimum Lot Area per Unit	4,300 square feet

SECTION 11.05. ADDITIONAL STANDARDS

1. No building shall contain more than twelve (12) dwelling units.
2. All multiple-family developments shall be connected to a public sanitary sewer system if it is available. If a public sanitary sewer system is not available, such buildings may be connected to a private septic system certified and approved by the Van Buren Cass District Health Department.
3. Access: In order to achieve a development with an orderly internal circulation system that does not impose on surrounding lower density uses and districts, the following access standards are required:
 - A. Dwelling unit entrances shall be located not more than three hundred (300) feet from a public street and/or private street.
 - B. Dwelling units shall be located within one-hundred fifty (150) feet of an off-street parking area.
 - C. Entrances to dwelling units shall not face an A-R, R-1, or R-1A zoned property, nor shall the entrances face a street that directly opposite a property zoned A-R, R-1, or R-1A.
 - D. Multiple-family dwelling units shall not have their principal means of access through an A-R, R-1, or R-1A district.
4. Group Buildings:
 - A. Where there is more than one building located on a lot, no building shall be located in front of the main entrance wall of another unless separated by a common yard of at least fifty (50) feet in which event the front yard required under Section 11.04 shall be maintained.
 - B. No building shall be located in back of the rear entrance wall of another unless separated by a common yard of at least one hundred (100) feet.
 - C. Every group building shall have a landscaped rear yard of at least thirty (30) feet unobstructed by any accessory building, provided such space may be located across a driveway leading to a garage within the building.
 - D. Groups of apartment buildings are required to be in single ownership and shall be located on one parcel of land.
 - E. No group building shall be located closer than a distance equal to its total height to any other building.
5. Refuse: For all group buildings there shall be provided a screened area or a building or a portion thereof for the collection of garbage or waste so that such refuse shall not be visible from any building, adjacent property, or public street.

ARTICLE 12 - COMMERCIAL/SERVICE DISTRICT “C-1”

SECTION 12.01. DESCRIPTION AND PURPOSE

The intent of the C-1 Commercial/Service District is to provide areas in the Township where local services, offices, and convenience shopping facilities can be clustered together so as to serve the day-to-day needs of Township residents.

These regulations are intended to promote development of a pedestrian-accessible mixed-use district, consisting of a variety of retail, office, and service uses. Because of the variety of uses permitted in the C-1 District, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Permitted uses should be complementary to each other and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district. It is the further intent of this district to prohibit automotive related services and other intensive uses which tend to interfere with the continuity and character of the district. In evaluating a proposed development, the Township may require additional studies such as traffic impact studies, environmental analyses, and similar documentation to evaluate the impact of proposed land use on the community.

SECTION 12.02. USES PERMITTED BY RIGHT

1. Retail Businesses
2. Personal Service Establishments
3. Professional Offices
4. Restaurants
5. Financial Institutions
6. Public Uses
7. Newspaper Offices and Printing Shops
8. Photographers Studio
9. Laundromats and Dry Cleaning Outlet
10. Commercial Roadside Market.

SECTION 12.03. SPECIAL LAND USES

1. Gas Stations, subject to Section 20.05.12
2. Places of Public Assembly, subject to Section 20.05.20
3. Outdoor cafes, subject to Section 20.05.18
4. Permitted Uses with drive-through, subject to Section 20.05.19
5. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 12.04. DIMENSIONAL STANDARDS

Minimum Front Yard	75 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	20 feet when the rear yard abuts a commercial zone 50 feet in all other instances
Minimum Lot Area	None
Minimum Lot Width	80 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	35%

ARTICLE 13 - GENERAL COMMERCIAL DISTRICT “C-2”

SECTION 13.01. DESCRIPTION AND PURPOSE

The intent of the C-2 General Commercial District is to provide suitable locations for a variety of retail, service, and office uses, including more intensive commercial uses not permitted in the C-1 District and which may be incompatible with pedestrian movement. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Township as well as areas beyond the Township limits.

It is the intent of this district to encourage the consolidation of permitted uses so as to avoid strip commercial development and lessen traffic congestion by reducing the number of commercial driveways opening onto major streets. Because of the variety of business types permitted in this district, attention must be focused on site layout, vehicular circulation, and coordination of site features between adjoining sites. The design of commercial facilities should be compatible with surrounding development. This district should be so located as not to encroach upon any residential, agricultural, or rural preserve areas. In evaluating a proposed development, the Township may require additional studies such as traffic impact studies, environmental analyses, and similar documentation to evaluate the impact of proposed land use on the community.

SECTION 13.02. USES PERMITTED BY RIGHT

1. Retail Businesses
2. Personal or Professional Service Establishments
3. Offices
4. Restaurants
5. Financial Institutions
6. Governmental Buildings
7. Newspaper Offices and Printing Shops
8. Photographers Studio
9. Laundromats and Dry Cleaning Outlet
10. Commercial Roadside Market
11. Contractor’s Showrooms
12. Technical or Vocational Schools
13. Hotels/motels
14. Funeral Homes
15. Private Clubs, lodges, banquet halls, and fraternal organizations
16. Indoor Recreation
17. Financial Institutions with drive-through
18. Self-storage facilities

SECTION 13.03. SPECIAL LAND USES

1. Places of Public Assembly, subject to Section 20.05.20
2. Outdoor Cafes, subject to Section 20.05.18
3. Gas Stations, subject to Section 20.05.12
4. Auto, Truck, Boat and RV sales, subject to Section 20.05.05
5. Car Washes, subject to Section 20.05.07
6. Permitted Uses with drive-through, subject to Section 20.05.19
7. Outdoor or Open Air Businesses, subject to Section 20.05.21
8. Outdoor Recreation Uses, subject to Section 20.05.22
9. Educational Facilities, subject to Section 20.05.10
10. Hospitals, subject to Section 20.05.10
11. Veterinary Clinics, subject to Section 20.05.25
12. Adult Businesses, subject to Section 20.05.01
13. Wireless Communication Antennas, subject to Section 20.05.26

SECTION 13.04. DIMENSIONAL STANDARDS

Minimum Front Yard	75 feet
Minimum Side Yard	10 feet where walls facing interior side lot lines contain windows or other openings Otherwise none
Minimum Rear Yard	20 feet when the rear yard abuts a commercial zone 50 feet in all other instances
Minimum Lot Area	None
Minimum Lot Width	80 feet
Maximum Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	35%

SECTION 13.05. ADDITIONAL STANDARDS

1. No accessory building or uses other than parking or authorized signs shall be permitted in the front yard; provided that no parking areas are located closer than ten (10) feet of any road right-of-way line.
2. The facade of all buildings shall be finished with face brick, wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns.
3. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-way.
4. There shall be no outside storage or processing of any goods. Outdoor seating and sidewalk sales may be permitted.

ARTICLE 14 – LIGHT INDUSTRIAL DISTRICT "I-1"

SECTION 14.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township primarily to accommodate wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts.

SECTION 14.02. USES PERMITTED BY RIGHT

1. Agricultural Implements, including Retail Sales, Servicing, and Rentals
2. Manufacturing, Processing, or Assembly Facilities
3. Warehouses and Storage Facilities
4. Greenhouses
5. Research, Development, and Testing Facilities
6. Machine Shops
7. Printing Shops
8. Mini-Warehouses and Self-Storage Facilities

SECTION 14.02. SPECIAL LAND USES

1. Kennels, subject to Section 20.05.14
2. Wireless Communication Antennas, subject to Section 20.05.26

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SECTION 14.04. DIMENSIONAL STANDARDS

Minimum Front Yard	35 feet
Minimum Side Yard	20 feet 50 feet when the side yard abuts a residential zone
Minimum Rear Yard	25 feet 50 feet when the side yard abuts a residential zone
Minimum Lot Area	0.5 acres without public sewer 18,000 square feet with public sewer
Minimum Lot Width	150 feet
Maximum Height	45 feet or 3 stories, whichever is less
Maximum Impervious Surface Coverage	35%

SECTION 14.05. GENERAL PERFORMANCE STANDARDS

The following shall be considered to be the minimum performance standards, subject to county, state or federal standards and requirements which may be more restrictive:

1. Fire and Explosive Hazards: All activities shall be carried on only in a building conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosive hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Every factory or manufacturing building shall be equipped with automatic fire extinguishers approved by the fire chief as being sufficient in view of the nature and extent of the fire risk.
2. Atmospheric Pollution: There shall be no emission of smoke, atomic radiation, fumes, gas, dust, odors, or other atmospheric pollutant which will disseminate beyond the lot in such a manner as to create a public nuisance, cause damage or inconvenience to other buildings or properties, or imperil the health of humans or animals.
3. Liquid or Solid Waste: No industrial operation shall directly discharge untreated industrial waste of any kind into any river, stream or reservoir, pond or lake. All methods of sewage and waste disposal shall conform to all local, state, and federal regulations or other applicable statutes.
4. Vibration: There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
5. Noise: There shall be no noise emanating from the operation which will create a public nuisance or adversely affect the surrounding areas.
6. Glare: There shall be no direct or sky reflected glare which would be damaging to the human eyes or cause a hazardous condition on a public street or disturbs adjacent properties.
7. Outdoor Storage: Any outdoor storage of materials must be screened from the view of neighboring properties or from the street through the use of a landscaped screen, wall or solid fence at least six (6) feet high but in any event such screen wall or fence shall be high enough to completely screen the stored materials.

Outdoor storage areas shall be kept neat and clean, with vegetation, insects, and animals controlled to minimize the hazards of fire and other threats to public health and safety.

SECTION 14.06. ENVIRONMENTAL PERFORMANCE REGULATIONS.

1. Intent: The intent of these regulations is to protect the groundwater and surface water quality in Ontwa Township by establishing regulations for the storage of hazardous substances requiring groundwater protection measures and requiring the disclosure of the location of storage, use, and disposal areas of hazardous substances as a condition of site plan review.
2. Applicability: These regulations apply to all businesses or facilities which generate, store, or handle hazardous substances. For the purpose of this Section, hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by Michigan Department of Natural Resources or Department of Environment,

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Great Lakes, and Energy. Petroleum products and waste oil are also considered hazardous substances.

3. Pollution Prevention Plan: Any use generating, handling, or storing hazardous substances shall have a Pollution Incident Prevention Plan approved by the Michigan Department of Environment, Great Lakes, and Energy. This approved plan shall be submitted to the Planning Commission before the site plan will be approved.

Any use generating, handling, or storing hazardous substances shall provide a list of these substances to the Zoning Administrator at the time of site plan review application.

4. Above Ground Storage:

- A. Hazardous substances stored drums or other containers shall be product-tight.

- B. Secondary containment of hazardous substances shall be provided by all uses which are subject to the site plan review procedures as contained herein. Secondary containment shall be designed to trap leaks and spills before they reach the ground and such containment measures shall be sufficient to store the hazardous substances for the maximum anticipated period of time necessary for the recovery of any released substance.

Such secondary containment facilities shall include but are not limited to: a concrete structure with concrete floor, concrete dike, an enclosed storage building with concrete floor provided no floor drains are installed, drip pans under spigots, and chemical storage cabinets.

- C. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from damage by weather or vandalism. Secondary containment shall be provided and shall be sufficient to store any released substance for the maximum anticipated period of time necessary for its recovery including an allowance for an expected accumulation of precipitation.

- D. At a minimum, state and federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport and disposal of hazardous substance shall be met.

- E. The location of the above ground storage of hazardous substances and methods of primary and secondary containment shall be clearly illustrated on the site plan.

5. Below Ground Storage:

- A. Any hazardous substance stored underground shall comply with the requirements of the Michigan Department of Environment, Great Lakes, and Energy, and the Michigan Fire Marshal.

- B. All underground storage tanks which have been out of service for nine (9) months shall be removed from the site.

ARTICLE 15 – HEAVY INDUSTRIAL DISTRICT "I-2"

SECTION 15.01. DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for manufacturing, assembling and fabrication activities, including large scale and specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts.

SECTION 15.02. USES PERMITTED BY RIGHT

1. Agricultural Implements, Including Retail Sales, Servicing, and Rentals
2. Manufacturing, Processing, or Assembly Facilities
3. Warehouses and Storage Facilities
4. Greenhouses
5. Research, Development, and Testing Facilities
6. Machine Shops
7. Printing Shops
8. Mini-Warehouses and Self-Storage Facilities
9. Fertilizer Plants
10. Outdoor Storage Yards
11. Junkyards, Scrapyards, Savage Yards, and Wrecking Operations
12. Welding Shops
13. Distribution, Wholesale, Trucking, and Logistics Operations

SECTION 15.03. SPECIAL LAND USES

1. Kennels, subject to Section 20.05.14
2. Wireless Communication Antennas, subject to Section 20.05.26

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SECTION 15.04. DIMENSIONAL STANDARDS

Minimum Front Yard	35 feet
Minimum Side Yard	20 feet 50 feet when the side yard abuts a residential zone
Minimum Rear Yard	25 feet 50 feet when the side yard abuts a residential zone
Minimum Lot Area	0.5 acres without public sewer 18,000 square feet with public sewer
Minimum Lot Width	150 feet
Maximum Height	45 feet or 3 stories, whichever is less
Maximum Impervious Surface Coverage	35%

SECTION 15.05. ADDITIONAL STANDARDS

General and Environmental Performance Standards of Sections 14.05 and 14.06 shall be satisfied.

ARTICLE 16 – WATERFRONT OVERLAY DISTRICT

SECTION 16.01. PURPOSE AND INTENT

The purpose and intent of the Waterfront Overlay District is to preserve and protect the safe and healthful conditions on all lands near the edge of all lakes, rivers, tributary streams and wetlands as set forth below. It is further the purpose and intent of this district to ensure that the Township is provided with sufficient information to properly evaluate the impact of proposed developments and land uses on the Township's lakes, rivers, tributary streams and wetlands. These regulations seek to balance the protection of the ecosystem while enabling low-intensity development where appropriate.

SECTION 16.02. APPLICABILITY

The requirements of this overlay district are in addition to and shall supplement those imposed on the same lands by the provisions of the underlying zoning district. All uses requiring site plan review, special land uses, subdivisions and site condominiums shall be subject to the requirements of this Section. The provisions of this Article do not apply to single-family residential uses and accessory uses ordinarily associated with single-family residences such as accessory buildings and home occupations.

1. The Waterfront Overlay District shall consist of all properties within 500 feet of the following bodies of water in Ontwa Township and their associated channels, as illustrated on the Township Zoning Map:
 - A. Pleasant Lake
 - B. Spring Lake
 - C. Cobert Lake
 - D. Eagle Lake
 - E. Christiana Lake
 - F. Juno Lake
 - G. Garver Lake
 - H. Christiana Creek
 - I. Cobus Creek

SECTION 16.03. WETLANDS

An applicant planning to make any improvements or changes to a regulated wetland within the district must obtain a permit from EGLE in accordance with Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, PA 451 of 1994.

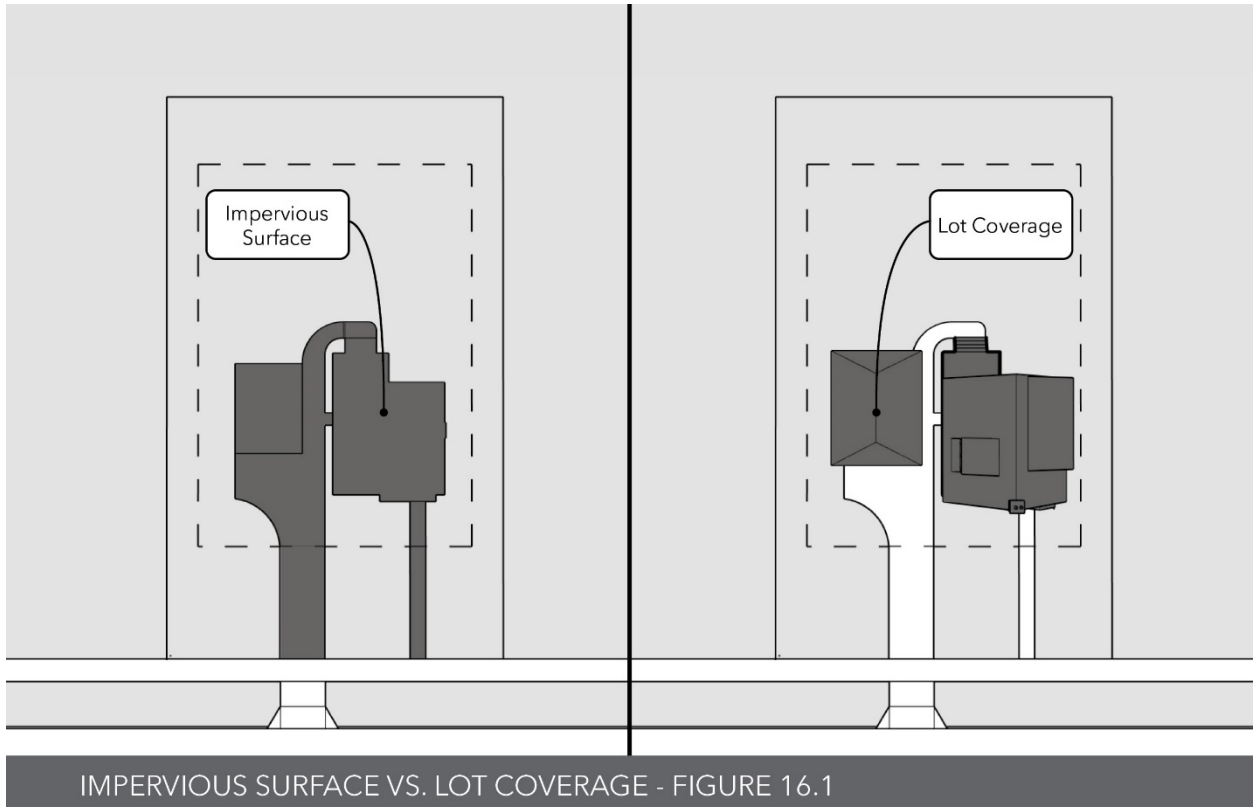
SECTION 16.04. PERMITTED AND SPECIAL LAND USES

Except for those uses that are prohibited in Section 16.05(2), all land uses permitted by right or by special land uses in the underlying district shall continue to be permitted by right or by special land use in the Waterfront Overlay District, subject to the additional requirements of this Article.

SECTION 16.05. ADDITIONAL REGULATIONS

The following regulations shall apply to that part of any property that is within the Waterfront Overlay District:

1. Maximum Impervious Surface Coverage: No more than 35% of the area of that part of a lot within the Waterfront Overlay shall be occupied by impervious surfaces. The Zoning Administrator or Planning Commission may permit an applicant to exceed this standard if the applicant demonstrates that uses permitted either by right or special land use would be otherwise unfeasible.



2. Prohibited Uses: All uses whose main services require the handling, use, production/manufacturing, creating, or disposal of hazardous, toxic or flammable substances including but not limited to: petroleum products, pesticides, herbicides, solvents, radioactive materials, biological wastes, caustic, corrosive or flammable liquids, or similar materials shall be prohibited on parcels that are entirely or partially in the Waterfront Overlay District

SECTION 16.06. SITE PLAN REVIEW STANDARDS

1. Site Plan Requirements

- A. Additional Materials Necessary: When site plan review and approval is required for a property that is entirely or partially within the Waterfront Overlay District pursuant to Article 18 of this Ordinance, the site plan shall include the following additional materials, in addition those required by Article 18:

- 1) The location of the ordinary high water mark, if applicable;

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- 2) The location of any 100-year floodplain or special flood hazard areas on the subject property as set forth by the Federal Emergency Management Agency FEMA;
 - 3) A written narrative describing how the applicant will prevent erosion, manage stormwater runoff and protect wetlands, lakes and streams from erosion and pollution, and generally meet the intent of this Article. If the site plan is approved pursuant to Article 18 of this Ordinance, the written narrative shall become part of and a condition of such site plan approval.
- B. Additional Review Criteria/Performance Standards: In addition to the considerations of Section 18.06 of this Ordinance, the Planning Commission shall also consider the following criteria when reviewing a site plan for a property that is entirely or partially within the Waterfront Overlay District:
- 1) That the proposed use, including all buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon adjacent bodies of water, streams, wetlands or the groundwater supply.
 - 2) That as many natural features of the landscape are retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining bodies of water, streams and/or wetland areas.
 - 3) That any adverse effect of the proposed development and activities emanating therefrom upon adjacent bodies of water, streams or wetlands is minimized to the greatest extent practicable.
 - 4) That a plan for storm water discharge and soil erosion control has been approved by the appropriate public agency and is designed to minimize adverse effects upon adjacent bodies of water, streams, wetlands or the groundwater supply.
 - 5) The general relationship to shore and river preservation principles where appropriate, and the extent which the site plan is consistent with the intent and purpose of this Article.
- C. That all applicable local, regional, State and federal regulations are met. Where feasible, all permits shall be submitted to the Township before any earthwork or construction activities take place.

ARTICLE 17 – PLANNED UNIT DEVELOPMENTS

SECTION 17.01. PURPOSE AND INTENT

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements might result in a situation less in the interest of the public health, safety, and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Township Zoning Ordinance and for other exceptional uses not so provided.

It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

Under this Article, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, glare, traffic congestion, ingress, egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on the public health, safety, and general welfare of the people of the surrounding area.

SECTION 17.02. OBJECTIVES

The objectives of these Planned Unit Development standards are:

1. To permit flexibility in the regulation of land development.
2. To encourage innovation in land use, the potential for mixed land use, and variety in design, layout, and type of structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
4. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.
5. To encourage the innovative use, re-use, and improvement of existing sites and buildings.
6. To facilitate the development and expansion of the Township's system of sidewalks, pathways, and open spaces.

It is also the intent of the PUD regulations to provide a process for approval of PUD proposals in two steps: (1) preliminary development plan and rezoning approval by the Planning Commission and Township Board, and (2) final site development plan approval by the Planning Commission.

Review of zoning and preliminary development plans shall concentrate on review of the qualifying conditions, regulations and conditions, dimensional and use standards, and design considerations specified in this Article. The second step of the PUD approval process is review

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and approval of a final site development plan, which shall comply with the requirements for final site plan review as required by this Article.

SECTION 17.03. DISTRICTS PERMITTED

The establishment of a Planned Unit Development is permitted in all Zoning Districts.

SECTION 17.04. QUALIFYING CONDITIONS AND REGULATIONS

Planned Unit Developments shall meet the following general standards:

1. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of three (3) acres.
2. The applicant shall demonstrate that the benefits of the proposed development are not achievable under any single zoning classification.
3. A PUD shall result in a development that is substantially consistent with the goals and objectives of the Township's Master Plan and future land use plan.
4. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.

SECTION 17.05. DIMENSIONAL AND USE STANDARDS

1. The Planning Commission may recommend and the Township Board may alter lot or unit size standards, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and other provisions of this Ordinance, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in this Article. The Planning Commission may recommend and the Township Board may alter dimensional standards of the Ontwa Township Subdivision Ordinance, Site Condominium Ordinance, and Private Road Ordinance, provided that such modifications are consistent with all other applicable local, state, and federal requirements, and the standards of this Article.
2. Land uses in a PUD shall be limited to those permitted in the underlying zoning district, except that the Planning Commission may recommend and the Township Board may authorize land uses not permitted in the underlying district where the land is located, provided that such uses are consistent with the intent of this Section, the Township Master Plan, and the standards set forth herein. Generally, mixed land uses shall demonstrate direct relationships, such as being designed to directly serve, or be accessory to, uses permitted within the underlying zoning district.
3. All Planned Unit Developments shall conform to the following requirements:
 - A. Use Restrictions: In addition to those permitted in the underlying zoning district, the following uses may be approved as a PUD:
 - 1) Group camps and campgrounds, including recreational vehicle parks.
 - 2) Country clubs.
 - 3) Golf courses and outdoor sports facilities.
 - 4) Hospitals.

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- 5) Hotels and motels.
 - 6) Nursing homes and senior citizens housing.
 - 7) Philanthropic institutions.
 - 8) Schools, colleges, and institutions of higher learning.
 - 9) Attached single-family dwellings.
 - 10) Religious institutions.
 - 11) Mixed use developments, traditional and village centered neighborhoods where there are direct relationships between the mix of uses and principal uses permitted within the underlying zoning district. A mixed use development includes the different forms of residential development identified in the Zoning Ordinance. Commercial uses are not permitted in a mixed use development.
- B. Maximum Densities: For the purposes of this Article, maximum densities shall be determined on the basis of a parallel plan. The parallel plan shall demonstrate a practical project for the subject property applying all Township rules and regulations with the existing zoning absent the flexibility of the PUD provisions. Federal and State regulations shall also be considered in the review of the parallel plan. This parallel plan shall determine the maximum number of dwelling units or lots permitted in the PUD.
- C. Density Bonus: A density bonus of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density bonus shall include no less than two (2) of the following elements:
- 1) A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space for the residents of the development.
 - 2) Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
 - 3) Donation or contribution of land or amenities that represent a significant community benefit.
 - 4) Other similar elements as determined by the Planning Commission and Township Board.
- D. Sewer and Water Service: In the event public sewer or water service is not available at the time of the development, PUD may utilize a private sewer or water system, provided such sewer and/or water system is approved by the appropriate federal, state, county or local agencies and the Township Board. The Township may require utility studies in its review of a PUD to ensure that adequate capacity exists to serve the proposed development.

SECTION 17.06. APPLICATION PROCEDURES

1. Preapplication Conference: Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator and such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:

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- A. A legal description of the property in question;
 - B. The total number of acres to be included in the project;
 - C. A parallel plan indicating a conventional zoning layout of the subject property demonstrating a practical project applying the existing zoning regulations of the Township and other Township, State and Federal regulations;
 - D. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 - E. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - F. The number of acres to be preserved as open space or recreation space; and
 - G. All known natural resources and natural features.
2. Preliminary Site Development Plan - Submission and Content: Following the preapplication conference, a Preliminary Site Development Plan and completed application for a PUD rezoning request shall be submitted to the Zoning Administrator at least thirty (30) days prior to the next scheduled Planning Commission meeting. If the application is complete, the Zoning Administrator shall present the preliminary site plan to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by a completed application form and fee as determined by the Township Board. The Preliminary Site Development Plan shall contain at a minimum the following information:
- A. Date, north arrow, and scale which shall not be more than 1" = 100'.
 - B. Locational sketch of site in relation to surrounding area.
 - C. Legal description of property including common street address.
 - D. Size of parcel.
 - E. All lot or property lines with dimensions.
 - F. General location of all buildings within one hundred (100) feet of the property lines.
 - G. General location and size of all existing structures on the site.
 - H. General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is submitted on the Final Site Development Plan.
 - I. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
 - J. A preliminary phasing plan indicating boundaries and uses included to be constructed during the phase.
 - K. General size and location of all areas devoted to green space.
 - L. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - M. All areas within the 100-year floodplain, wetland areas or bodies of water.
 - N. Existing topographical contours at a minimum of five (5) foot intervals.

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- O. A narrative describing:
 - 1) The nature of the project.
 - 2) The proposed density, number, and types of dwelling units if a residential PUD.
 - 3) A statement describing how the proposed project meets the objectives, qualifying conditions, and other standards of this Article.
 - 4) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - 5) Proof of ownership or legal interest in property.
3. Staff and/or Consultant Review: In its review of a PUD, the Planning Commission and Township Board shall consider the comments and opinions of its engineer, planner, attorney, or any other staff or consultants deemed necessary.
4. Preliminary Site Development Plan - Planning Commission Review: The Planning Commission shall review the Preliminary Site Development Plan and shall make reasonable inquiries of the applicant. The Planning Commission shall review the Preliminary Development Plan according to the provisions this Article.
5. Public Hearing: The Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the PUD application, notice of which, shall be published and delivered in accordance with Section 22.04 of this Ordinance.
6. Planning Commission Recommendation: Following the public hearing, the Planning Commission shall recommend to the Township Board to either approve, approve with conditions, or deny the PUD rezoning request and Preliminary Site Development Plan. In making its recommendation to the Township Board, the Planning Commission shall document its findings of fact that the proposed PUD meets (or does not meet) the intent of this Article and the standards of Section 17.07.
7. Preliminary Site Development Plan – Township Board Review: After receiving the recommendation of the Planning Commission, the Township Board shall hold a public hearing for the purpose of receiving comments relative to the PUD application and shall be published and delivered in accordance with Section 22.04 of this Ordinance. Based on all the information gathered from the public hearing and consideration of the recommendation of the Planning Commission, the Township Board shall either approve, approve with conditions, or deny the PUD application and Preliminary Site Development Plan in accordance with the requirements of this Article and the standards for approval and conditions for a PUD as contained herein.
8. A building permit shall not be issued until the Planning Commission has approved the PUD Final Site Development Plan.

SECTION 17.07. STANDARDS FOR APPROVAL

To approve a Preliminary Site Development Plan and PUD rezoning, the Planning Commission and Township Board shall apply the following standards:

1. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

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2. The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
4. The Planned Unit Development shall not change the essential character of the surrounding area when compared to permitted uses in the underlying zoning district.
5. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.
6. The proposed use(s) shall be compatible with adjacent land use(s), the natural environment, the capacities of affected public services and facilities, and shall be consistent with the public health, safety, and welfare of the residents of Ontwa Township.
7. The Planned Unit Development shall facilitate the development and expansion of the Township's system of sidewalks, pathways, and open spaces.

SECTION 17.08. EFFECT OF APPROVAL

1. Approval by the Township Board of a Planned Unit Development rezoning application and Preliminary Site Development Plan shall constitute an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this Article including all aspects of the Preliminary Site Development Plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.
2. The Planned Unit Development amendment including the Preliminary Site Development Plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property subject to approval of the Final Site Development Plan. All uses not specifically specified in the Preliminary Site Development Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with the final site development plan, unless amended as permitted by Section 17.12. At its discretion, the Township Board may cause a separate ordinance to be created documenting the elements of the PUD. The applicant shall record an affidavit with the Cass County Register of Deeds that shall contain the following:
 - A. Date of approval of the PUD by the Township Board.
 - B. Legal description of the property.
 - C. Legal description of the required green space along with a plan stating how this green space is to be maintained.
 - D. A statement that the property will be developed in accordance with the approved PUD Final Site Development Plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

SECTION 17.09. FINAL SITE DEVELOPMENT PLAN

1. Following PUD rezoning and Preliminary Site Development Plan approval from the Township Board, the applicant shall submit a complete Final Site Development Plan, which includes complete documentation that all of the preliminary site development plan recommendations or conditions have been met and are ready for final review.
2. The Final Site Development Plan shall contain the same information required final site plan review pursuant to Article 18.
3. The Planning Commission may conduct a public hearing prior on the Final Site Development Plan, though it is not required. If held, public notice shall be given following the procedures specified in Section 22.04.
4. If the final site development plan conforms to the preliminary site development plan and any conditions attached thereto, the Planning Commission shall approve the Final Site Development Plan under the procedures outlined in Article 18, Site Plan Review.

SECTION 17.10. APPROVED PUDS

1. In approving a PUD Final Site Development Plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - A. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD Final Site Development Plan and the Final Site Development Plan shall be recorded in the office of the Cass County Register of Deeds. They shall remain unchanged except upon the mutual consent of the Planning Commission after a properly noticed public hearing and the landowner. The Planning Commission shall maintain a record of conditions that are unchanged. The Final Site Development Plan, as approved, shall act as a restriction upon the development. The development must conform to the Final Site Development Plan.

2. Performance Guarantee: In approving a preliminary for final site development plan, the Planning Commission or Township Board may require a performance guarantee pursuant to Section 22.08.

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3. Time Limitations on Development: An application for Final Site Development Plan approval shall be made within one year of Preliminary Site Development Plan approval. If the property owner/developer does not fulfill this provision, the Planning Commission may grant an extension up to one (1) year provided the owner/developer presents reasonable evidence to the effect that the PUD has encountered unforeseen difficulties and is not ready to proceed. Following expiration of the time limit and any extension, if the application has not been filed, the Planning Commission may recommend, following a public hearing with notice provided as required by law, to the Township Board rezoning of the property to its previous zoning district.
4. Each PUD shall be under construction within one (1) year after the date of final approval of the Final Site Development Plan by the Planning Commission. If said development does not fulfill this provision, the Planning Commission may grant a one-year extension provided the developers present reasonable evidence to the effect that the PUD has encountered unforeseen difficulties and is not ready to proceed. Should the aforementioned provisions not be fulfilled, any building permit issued for said development shall be invalid and void.

SECTION 17.11. PROJECT PHASING

1. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the Township. Each phase of a PUD project requires the submittal of a site plan and review under Article 18 of this Ordinance, the requirements of this Article, and other applicable Township Ordinances.
2. Prior to the construction of future phases, the applicant shall provide a site plan to the Zoning Administrator for purposes of determining that all conditions of the phase to be constructed, as originally approved, will be met.

SECTION 17.12. MODIFICATION OF A PUD

1. Minor changes to a PUD Final Site Development Plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of structures, roads and other public ways, parking areas, signs, lighting, and driveways may be moved provided that are in the same general location as approved in the Preliminary Site Development Plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.
2. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.01. PURPOSE

The intent of this Article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his/her objectives in the utilization of his/her land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

It shall also be the purpose of this Article to ensure that a proposed development and its components, appearance, and function is in compliance with this Ordinance, other Township ordinances, and applicable state and federal laws.

The site plan review procedures and standards in this Section are intended to provide a consistent and method of review of proposed developments; to provide for privacy, the efficiency for the public and local government servicing, the preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences; the prevention of air, water and noise pollution; and the limitation of obnoxious odors, glare, and exposure to toxic substances and wastes.

SECTION 18.02. SITE PLAN REQUIRED

1. Site plan review and approval shall be required for all uses described in this Section prior to any change of use, or before any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development.
2. Except as hereinafter provided, no building permit shall be issued for any building or use, or reduction or enlargement in size or other alteration of any building or change in use of any building, including accessory structures unless a site plan is first submitted and approved by the Planning Commission pursuant to the provisions of this Article.
3. All uses in the following districts shall require site plan approval:
 - A. C-1 Commercial/Service District
 - B. C-2 General Commercial District
 - C. I-1 Light Industrial District
 - D. I-2 Heavy Industrial District

In the AR, R-1A, R-1, LR, R-2, M-H, and MFR districts, site plan approval shall be required for all uses except for single-family and two-family dwellings, their accessory buildings and uses, home occupations, and farming structures.

4. Site plan review and approval shall be required for all special land uses, and for all developments, including single-family dwellings, to be located in wetland as defined by the Michigan Department of Energy, Great Lakes, and Environment (EGLE), or within a 100-year Floodplain as determined by FEMA.
5. Site plan review and approval shall not be required if the construction, alteration, or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review.

SECTION 18.03. OPTIONAL PRELIMINARY SITE PLAN REVIEW

1. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final site plan review. The purpose of such procedure is to allow discussion between a developer 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 sketch plans shall include as a minimum the following:
 - A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - B. Legal description, property parcel number, and street address of the subject parcel of land.
 - C. Scaled sketch plans provided in both hard copy and PDF format showing tentative site and development plans.
2. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

SECTION 18.04. APPLICATION PROCEDURES

1. A request for final site plan approval shall be made at least thirty (30) days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following:
 - A. An application for site plan review consisting of the following:
 - 1) A completed application form, as provided by the Township.
 - 2) Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
 - 3) A legal description of the subject property.
 - 4) A small-scale sketch of properties, streets and use of land within one half (1/2) mile of the area.
 - 5) Ten (10) copies and a PDF of the site plan showing the entire site and all land within 150 feet of the site. The scale of the site plan shall be not less than 1 inch = 50 feet if the subject property is less than 3 acres, and 1 inch = 100 feet if 3 acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. The site plan shall include and illustrate at a minimum the following information:
 - a. Existing adjacent streets and proposed streets.
 - b. Existing and proposed lots.
 - c. Existing and proposed parking lots and access points.
 - d. Proposed buffer strips or screening.
 - e. Existing natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills and similar natural assets both on the subject property and within one hundred (150) feet of the property line.
 - f. Existing and proposed buildings.

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- g. Existing and proposed general topographical features including contour intervals no greater than two (2) feet.
 - h. Present zoning of the subject property and adjacent property within 150 feet.
 - i. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 - j. Location and type of drainage, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all stormwater calculations.
 - k. Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
 - l. Location and detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination.
 - m. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- 6) A narrative describing:
- a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives and open spaces.
 - c. Dwelling unit densities by type, if applicable.
 - d. Proposed method of providing sewer and water service as well as other public and private utilities.
 - e. Proposed method of providing storm drainage.
- B. Modification of Requirements: The Zoning Administrator or Planning Commission may waive the submission of certain materials outlined in this Section 18.04(A)(5-6) if such materials are determined to be not pertinent to the application.
- C. Alternatively, the Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, or hydrogeological studies to aid in the evaluation of any site plan.

SECTION 18.05. ACTION ON APPLICATION AND PLANS

1. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit one copy to each Planning Commissioner; one copy to the Fire Department when applicable, one copy to

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other area review agencies when applicable, and retain one copy in the Township offices. The Zoning Administrator may also send a copy to the Township Planner, Engineer, Attorney, and other consultants if deemed necessary for review and comment prior to the Planning Commission's decision.

2. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
3. The Planning Commission or Zoning Administrator may hold a public hearing on any application site plan review, though it is not required. If held, notice of such hearing shall be provided in accordance with Section 22.04 of this Ordinance.
4. After a public hearing, if held, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and provided to the applicant by the Zoning Administrator.
5. The Planning Commission may attach reasonable conditions to the approval of a site plan.

SECTION 18.06. SITE PLAN REVIEW CRITERIA

In the process of reviewing a site plan, the Planning Commission shall consider the following:

1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township, the Cass County Road Commission, or MDOT if applicable.
2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That the plan is consistent with the principles of complete streets as articulated in the Township's Master Plan, that sufficient sidewalks and pathways are provided to accommodate non-motorized transportation options, and that adequate green space has been provided.
5. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, walls or landscaping.
6. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
7. That all buildings and structures are accessible to emergency vehicles.

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8. That a plan for erosion control and/or storm water discharge has been approved by Cass County Drain Commissioner, Cass County Conservation District, and/or any other appropriate agency.
9. That the approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
10. That the site plan is consistent with the goals, objectives, and future land use policies of the adopted Township Master Plan.

SECTION 18.07. APPROVED SITE PLANS

1. Site Plan Approval: A Site Plan shall be approved if it contains the information required by, and is in compliance with, this Zoning Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Township and the other copy shall be retained by the applicant.
2. Conformity to Approved Site Plans: Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto which have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform with such approved plans, site plan approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.
3. Duration of Approval: An approved site plan shall be valid for a period of one (1) year after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for up to one (1) year if the evidence shows that all of the following conditions exist:
 - A. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - B. The requirements and standards, including those of this Zoning Ordinance that are reasonably related to the development, have not changed.
 - C. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.

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- D. There has not been a change in state or federal law, or local ordinance prohibiting the construction or further construction of the approved project.
4. An application for an extension of a site plan must be filed at least 30 (thirty) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.
 5. If a site plan expires pursuant to subsection 18.07(3) above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Article.

SECTION 18.08. CHANGES TO APPROVED SITE PLAN

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

1. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, driveways, streets, travel lanes, landscaping, and building size up to ten (10) percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
2. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

SECTION 18.09. APPEALS

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

SECTION 18.10. PERFORMANCE GUARANTEES

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section 22.08 of this Ordinance.

ARTICLE 19 – SITE DEVELOPMENT REQUIREMENTS

SECTION 19.01. PARKING AND LOADING

Section 19.01.01. Purpose and Intent

1. Purpose and Intent: The intent of this Section is to ensure sufficient land area out of the public right-of-way set aside for the temporary storage or parking of motor vehicles to avoid vehicle congestion and parking on roadways. As such, no parking space required herein shall be located in, or encroach upon, any public right-of-way unless otherwise noted. Additionally, this Section is intended to prevent “over-parking” and excessive parking area pavement, which can undermine the rural and agricultural character of the Township and cause storm-water runoff issues.

Section 19.01.02. Scope

1. Scope: In all zoning districts, off-street facilities for the temporary storage or parking of motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided in accordance with this Section.
2. Parking Areas Required: Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use(s). 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 as applicable, additional off-street parking shall be provided commensurate with such increase in intensity of use.
3. Reduction in Parking: The Planning Commission or Township Board may require that the size of a parking lot be decreased if it determines during the review process that there exists an abundance of excess parking.
4. General Standards: Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and parking areas for multiple dwellings, businesses, places of public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:
 - A. The number of off-street parking spaces required shall be determined in accordance with Section 19.01.03 below. For uses not specifically mentioned therein, the quantity of off-street parking required shall be established by the Zoning Administrator using requirements for similar uses and/or using technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.
 - B. Any area once designated as required off-street parking shall not be changed to any other use unless and until equivalent facilities meeting the standards of this Section are provided elsewhere. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.

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- C. The provision of common parking facilities for several uses in the same vicinity is encouraged. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. The total number of parking spaces provided for each use may be less than the total cumulative individual requirements if the peak needs for the use(s) occur at distinctly different times of the day from the peaks of the other use(s), as determined by the Zoning Administrator or Planning Commission, as applicable.
- D. The storage of merchandise, equipment, or junk within a designated parking area is prohibited. Motor vehicles for sale and the repair of vehicles shall be prohibited in all parking areas, except for those vehicles registered in the name of persons owning or renting the housing on the lot where such repair activity takes place for a period not to exceed 30 days, and except for approved business uses involved in the conduct of motor vehicle sale or repair.
- E. Off-street parking, whether public or private, for nonresidential uses and multiple-family development shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- F. Off-street parking facilities required for single and two-family dwellings shall consist of a driveway, and typically a garage or combination thereof, and shall be located on the premises they are intended to serve. For single and two-family dwellings, off-street parking shall not be permitted in the required front yard except on a driveway which leads to an approved parking space. Parking areas in a driveway shall not obstruct any sidewalk or nonmotorized pathway, or street (whether public or private). Parking shall not occur in a lawn area.
- G. Parking lots shall be effectively screened pursuant to Section 19.02 of this Ordinance.
- H. Parking lot and driveway lighting facilities shall be arranged and designed pursuant to Section 19.04 of this Ordinance.

Section 19.01.03. Off-Street Parking Requirements

Uses	Minimum Parking Requirement
Residential	
Adult Foster Care Family Homes	Applicant shall demonstrate parking demand
Adult Foster Care Large Group Homes	Applicant shall demonstrate parking demand
Adult Foster Care Small Group Homes	Applicant shall demonstrate parking demand
Child Care Family Homes	Applicant shall demonstrate parking demand

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Child Care Group Homes	Applicant shall demonstrate parking demand
Dwellings, Single & Two Family	2 spaces for each dwelling unit
Dwellings, Multi Family	1 space for each bedroom
Dwelling Unit, Accessory	1 space per unit
Commercial & Office Uses	
Adult Businesses	1 space per 350 square feet of GFA
Auto, Truck, Boat and RV sales	Applicant shall demonstrate parking demand
Car Washes	3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including car wash bays
Commercial Roadside Market	Applicant shall demonstrate parking demand
Contractor’s Showrooms	Applicant shall demonstrate parking demand
Financial Institutions	1 space per 200 square feet of GFA
Gas Stations	1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel pump
Governmental Buildings	1 space per 300 square feet of gross floor area, unless Planning Commission determines a lesser parking allotment will effectively serve the use
Greenhouses	Applicant shall demonstrate parking demand
Home Based Business	Applicant shall demonstrate parking demand
Home Occupations	Applicant shall demonstrate parking demand
Hotels/motels	5 spaces, plus 1 space for each occupancy unit, plus additional spaces required for accessory uses
Kennels	Applicant shall demonstrate parking demand
Laundromats and Dry Cleaning Outlet	1 space for each 2 washing and/or dry-cleaning machines
Medical Clinic	1 space for each employee of largest shift, plus 1 space per 200 square feet gross floor area

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Outdoor cafes	Applicant shall demonstrate parking demand
Outdoor or Open Air Businesses,	1 space per 200 square feet of usable floor area, plus 1 space for each 2,000 square feet of outdoor display area
Outdoor Storage Yards	Applicant shall demonstrate parking demand
Personal Service Establishments	1 space per 350 square feet of GFA
Professional Service Establishments	1 space per 450 square feet of GFA
Photographers Studio	Applicant shall demonstrate parking demand
Private Clubs, lodges, banquet halls, and fraternal organizations	1 space per 350 square feet of GFA
Professional Office	1 space per 300 square feet of gross floor area
Restaurants	1 space per 3 units of legal capacity
Retail Businesses	1 space for each 150 square feet UFA up to 10,000 sq ft, plus 1 space for each 200 square feet of remaining UFA
Roadside Stands	Applicant shall demonstrate parking demand
Veterinary Clinics	1 space per 300 square feet of GFA
Institutional, Recreational, and Cultural Uses	
Educational Facilities	1 space per employee of largest shift, plus 1 space per classroom, plus 1 space per 4 seats of legal seating capacity in a gymnasium or auditorium
Hospitals	1 space per employee in largest shift, plus 1 space for each 3 beds dedicated to in-patient care and 1 space for each 1,000 square feet dedicated to out-patient services
Outdoor or Indoor Recreation	Applicant shall demonstrate parking demand
Places of Public Assembly	1 space per 4 units of legal capacity
Public Uses	Applicant shall demonstrate parking demand
Industrial Uses	

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Fertilizer Plants	1 space per employee of largest shift, plus 1 space per 2,000 square feet of GFA
Funeral Homes	1 space per employee of largest shift, plus 1 space per 4 units of legal seating capacity in any facility for interment services
Junkyards, Scrapyards, Savage Yards, and Wrecking Operations	Applicant shall demonstrate parking demand
Landfills	Applicant shall demonstrate parking demand
Machine Shops	Applicant shall demonstrate parking demand
Manufacturing, Processing, or Assembly Facilities	1 space per employee of largest shift, plus 1 space per 2,000 square feet of GFA
Mining Operations	Applicant shall demonstrate parking demand
Mini-Warehouses and Self-Storage Facilities	1.5 spaces per 100 storage units
Newspaper Offices and Printing Shops	Applicant shall demonstrate parking demand
Research, Development, and Testing Facilities	5 spaces, plus 1 space for every 1,500 square feet gross floor area
Utility Scale Solar Energy Systems	Applicant shall demonstrate parking demand
Warehouses and Storage Facilities	1 space per employee, plus 5 visitor spaces
Welding Shops	Applicant shall demonstrate parking demand
Agricultural Uses	
Agricultural Implements, including Retail Sales, Servicing, and Rentals	Applicant shall demonstrate parking demand
Agri-tourism Establishments	Applicant shall demonstrate parking demand

1. Adjustment of Standards: The Planning Commission may increase or decrease the parking requirements of the schedule above upon request of an applicant. The applicant shall submit, in writing, justification for the proposed adjustment. In order for the Planning Commission to

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grant modifications to parking requirements, the increase or decrease shall not result in any of the following:

- A. Inadequate parking that does not accommodate the needs of the associated use.
- B. Large, unwarranted amounts of unused parking spaces.
- C. A reduction in critical open space or natural features.
- D. A detrimental effect on the preservation of the rural character of the Township
- E. Negative impacts on the public health, safety, and welfare.

In evaluating the request, Planning Commission may consult and rely upon technical publications from entities such as the Institute of Transportation Engineers to determine required parking to evaluate and confirm any such parking demand projection.

2. Deferred Parking: Where the property owner or applicant can demonstrate that the required number of parking spaces is excessive, the Planning Commission may defer construction of a portion of the required number of parking spaces until some future date if the following conditions are met:
 - A. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section.
 - B. Such areas shall only be used as open landscaped space until parking is constructed.
3. Barrier-Free Requirements:
 - A. Off-street parking facilities shall be reserved for physically handicapped persons pursuant to PA 1 of 1966 (MCL 125.1351-1356, as amended) and shall meet the following standards:
 - 1) Signs shall be located approximately six (6) feet above grade.
 - 2) Each reserved parking space shall be not less than twelve (12) feet wide.
 - 3) Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.
 - 4) Barrier-free parking spaces shall be located as close as possible to walkways and building entrances.
 - 5) Signs shall be provided when necessary, indicating the direction to a barrier-free entranceway into a building.

Section 19.01.04. Parking Lot Layout, Construction, and Maintenance

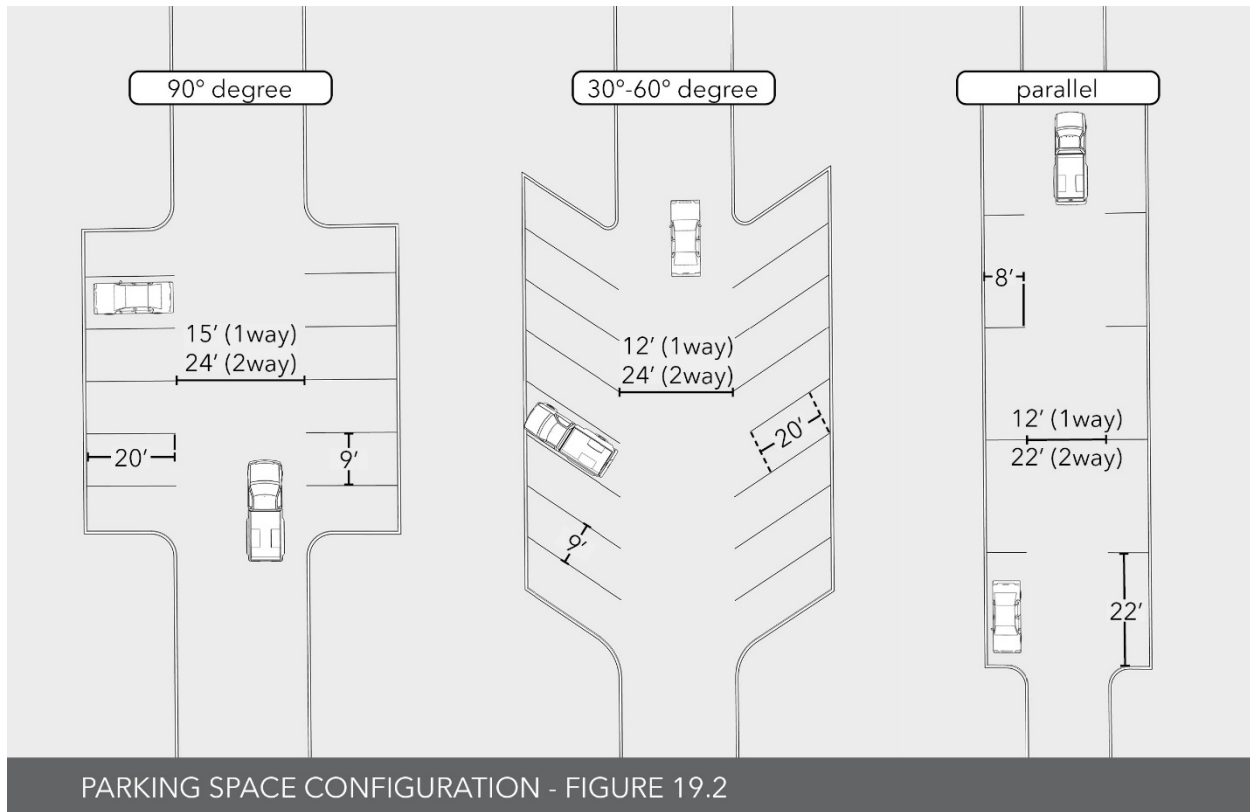
1. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives so located as to minimize traffic congestion.
2. Bumper stops or wheel chocks shall be provided, as necessary or as required by the Township, and located so as to prevent any vehicle from projecting over the lot line.
3. The parking lot and its driveway shall be designed to provide adequate drainage to eliminate surface water.

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4. The surface of the parking lot, except for parking areas serving single and two-family dwellings, and including drives and maneuvering aisles, shall be constructed of asphalt, concrete, or a similar all-weather dustless material approved by the Planning Commission.
 - A. The Planning Commission may permit alternative surface materials for parking areas such as gravel, asphalt millings, or another acceptable material.
 - B. In determining whether an alternative surface is acceptable, the Planning Commission shall consider the proposed land use, its intensity, hours of operation, anticipated traffic volumes, zoning district, the character of adjacent properties, and similar factors.
5. Parking areas shall be maintained in good condition, free of trash and debris, and parking spaces shall be clearly marked.
6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Angle	Maneuvering Aisle (width)	Parking Space (width)	Parking Space (length)
0 degrees (parallel)	12 feet	8.5 feet	22 feet
30-59 degrees	13 feet	9 feet	20 feet
60-74 degrees	17 feet	9 feet	20 feet
75-90 degrees	24 feet	9 feet	20 feet

- A. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner that will least interfere with traffic movements. All parking spaces shall be designed in such a manner as to not permit vehicles to back directly out onto a public street.
- B. Parking lots shall be landscaped in accordance with Section 19.02.



Section 19.01.05. Loading Spaces

1. Any building or group of buildings erected or enlarged which requires the receipt or distribution of materials or merchandise in vehicles shall provide adequate space on the same lot for loading and unloading. Such space may occupy any required side or rear yard, but no such space shall be located closer than fifty (50) feet to any lot in a Residential or Agricultural District unless enclosed by a wall or masonry fence not less than six (6) feet in height. Loading spaces shall be sized in relation to floor areas as follows:
 - A. Up to twenty thousand (20,000) square feet - one (1) space;
 - B. Twenty thousand (20,000) or more, but less than fifty thousand (50,000) square feet - two (2) spaces; and
 - C. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.
2. Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.
3. The Planning Commission or Zoning Administrator, as applicable, may increase or decrease the number of loading spaces required by this Section upon request of an applicant. In making such a determination, the Planning Commission shall consider the proposed land use, its intensity, frequency of delivery and type of delivery vehicles to be used, hours of operation, and similar factors.

SECTION 19.02. LANDSCAPING

Section 19.02.01. Purpose and Intent

1. This Section intends to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall rural character in the Township.
2. The standards of this Section are also intended to screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, minimize negative impacts of storm-water runoff, minimize noise, air, and visual pollution, and promote the preservation of healthy, desirable trees.
3. The landscape standards of this Section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

Section 19.02.02. General Landscaping Requirements

1. Plan Required: Individual single-family dwellings, two-family dwellings, and agricultural uses are not subject to the provisions of this Section. When a site plan is required pursuant to Article 18, landscaping shall be incorporated into the site and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.
2. Time of Installation: Wherever this Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Zoning Administrator may allow a postponement of installation of up to six (6) months upon request of an applicant based on seasonal weather conditions if a performance guarantee is provided pursuant to Section 22.08, but all landscaping must be installed within one (1) year of issuance of a certificate of occupancy.
3. Adjustment of Requirements: Pursuant to the site plan review process described in Article 18, the Planning Commission may review a landscape plan and determine that the provisions of this Section would better serve the intent and purpose of this Ordinance if modified; and may require additional landscaping beyond these minimum requirements when deemed necessary due to the scope and nature of the proposed development. Additionally, the Planning Commission may waive or lessen requirements of this Section when it finds circumstances that warrant a decrease in the requirements or in a finding that existing landscaping or screening, or existing conditions on the site, will be preserved and would meet the intent of this Section.

Section 19.02.03. Buffer Zones and Berms

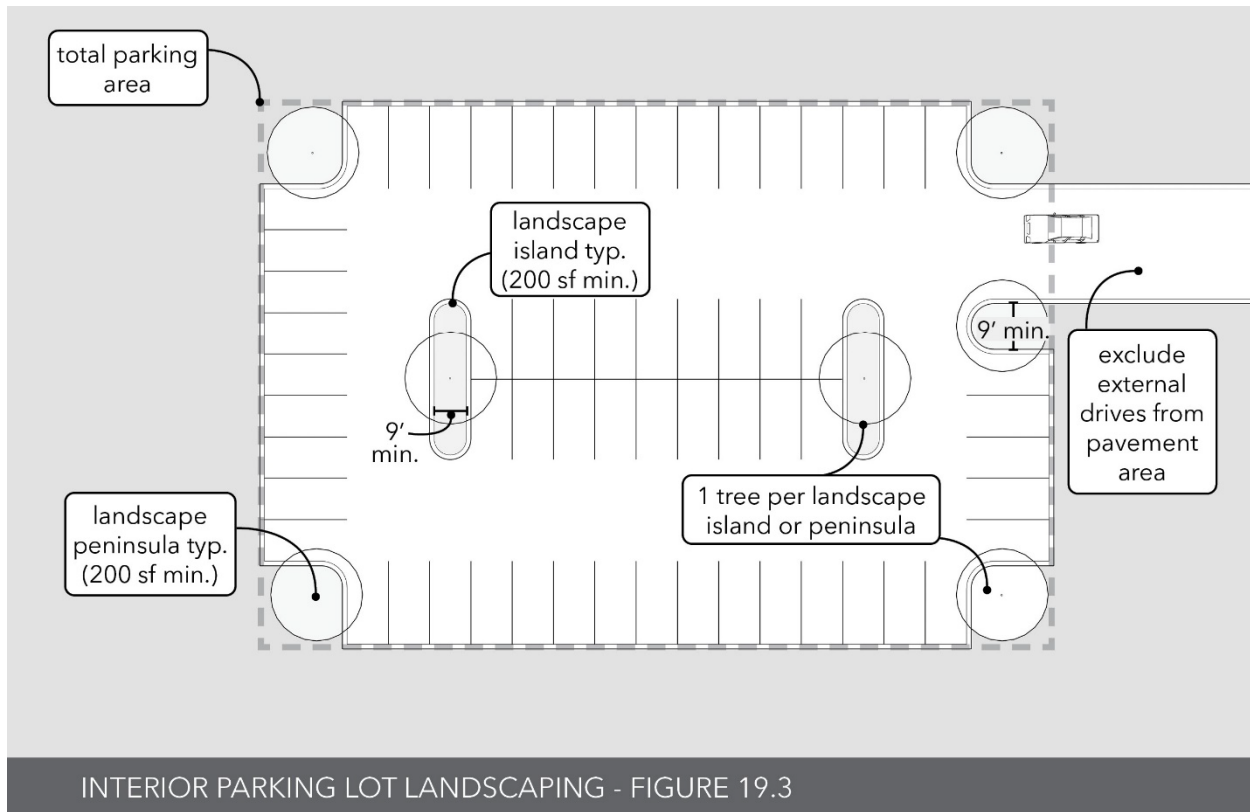
Buffer zones and berms are required as follows:

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1. For any property in the C-1, C-2, I-1, or I-2 district, an obscuring fence or greenbelt shall be provided along any side or rear yard that abuts any residential zone according to the following guidelines:
 - A. Earthen berms shall be located within the side or rear yards of any lot used for an industrial use which abuts a residential zoning district.
 - B. For each fifty (50) feet of length or portion thereof of the earthen berm, plantings shall consist of:
 - 1) One (1) deciduous canopy tree
 - 2) One (1) deciduous understory tree
 - 3) Three (3) evergreen trees
 - 4) Four (4) shrubs
 - C. If an obscuring fence or wall is used, it shall consist of a masonry wall, wooden privacy fence, or similar structure approved by the Township six (6) feet in height. Fences or walls may be eight (8) feet in height in the I-1 or I-2 Districts that abut residential districts or residential uses.
 - D. Front yard screening may be required for a nonresidential use that is across the street from a residential use or zoning district.
2. For any property in the MFR or MH district, a minimum 20 feet of landscaped yard shall be provided along any rear or side yard that abuts the AG, R-1A, R-1, R-2, or LR district.

Section 19.02.04. Parking Lot Landscaping

1. Parking Lot Landscaping: Within every parking area containing twenty (20) or more proposed spaces, at least one (1) deciduous tree shall be used for every twenty (20) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:
 - A. Landscaping shall be dispersed within the parking area in order to break up large expanses of parking surface and help direct smooth traffic flow within the lot.
 - B. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the site plan.



INTERIOR PARKING LOT LANDSCAPING - FIGURE 19.3

Section 19.02.05. Plant Materials Specifications

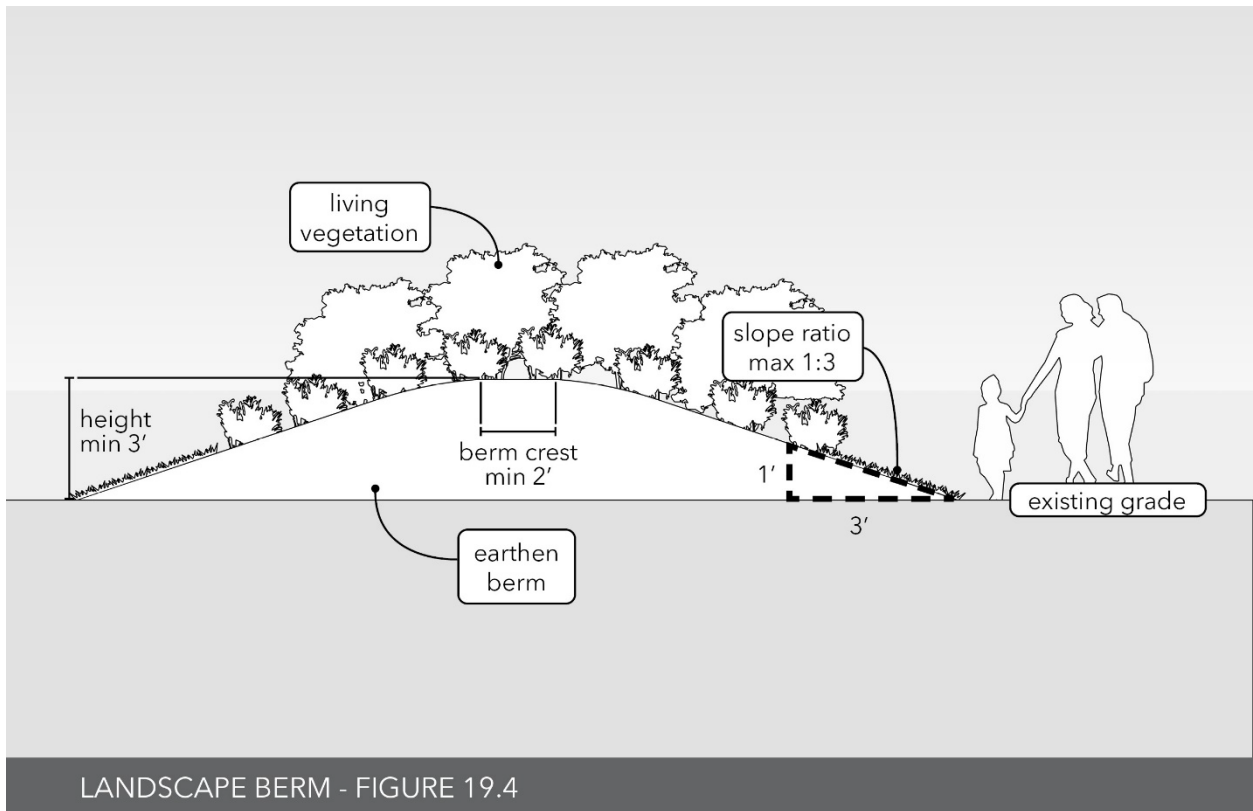
1. Plant materials required herein shall meet the following minimum size standards:

Trees	
Canopy Tree, single stem	2" caliper
Understory Tree	1-1/2" caliper or clump form
Evergreen Tree (well brushed and dense)	5-6 feet (height)
Shrubs	
Deciduous	36 inches (height)
Evergreen	24 inches (height)

2. Landscaped areas and plant materials required by this Ordinance shall be maintained in accordance with the following:
 - A. Areas must be kept free from refuse and debris.
 - B. Plant materials, including lawn areas, shall be maintained in a healthy condition, neat and orderly in appearance.
 - C. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced within six (6) months of written notice from the Zoning Administrator, or within an extended time period as specified in said notice.

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- D. All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued growth and vitality.
 - E. Plant materials shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
3. Standards for Berms. Where a berm is provided, the following standards shall apply:
- A. Berms shall be a minimum of three (3) feet in height, and not exceeding a 3:1 slope, with a minimum 2' crown on top. All required plant material shall be placed on the top and side slope facing the exterior of the site.
 - B. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
 - C. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.



4. The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to susceptibility to storm damage, propensity for root clog of drains and sewers, susceptibility to disease or insect pests, or other undesirable characteristics, such as being an exotic invasive species:

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- Silver Maple
- Box Elder
- Honey Locust (Thorned)
- Ginko (Female)
- Mulberry
- Black Locust
- Willow
- Siberian Elm
- Slippery Elm (Red Elm)
- Chinese Elm
- Horse Chestnut
- Poplar
- Ailanthus
- Catalpa
- Osage Orange
- Cottonwood
- European Barberry
- Purple Loosestrife
- Phragmites,
- Cleveland Pear
- Autumn Olive
- Russian Olive

5. Modification of Requirements: Modifications to this Section may be permitted as follows:

- A. Increases in Required Landscaping: For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may increase recommended landscape plantings in any required buffer zone if in its discretion an increase is found to be necessary to reasonably achieve the intent of this Article. In making such determination, the following shall be considered:
- 1) That such screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking, or other similar impact on adjoining parcels.
 - 2) That absent such conditions, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.
- B. Reductions and Substitutions: If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, or if the landscaping requirements of this Ordinance are otherwise determined to be inapplicable, impractical, or unfeasible, the Planning Commission may approve modifications to the planting, screening, and/or berming recommendations of this Ordinance. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the intent of this Ordinance.

SECTION 19.03 SIGNS

Section 19.03.01. Purpose and Intent

This Section intends to provide regulatory parameters for the location and method of display of signs in Ontwa Township in a manner consistent with the following purposes:

1. To protect and further the health, safety, and welfare of the Township's residents, property owners, and visitors.
2. To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
3. To conserve and enhance community character.
4. To promote uniformity in the size, number, or placement of signs within districts.

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5. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to direct motorists to their destinations safely.
6. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
7. To allow for the reasonable continuance of the use of nonconforming signs.
8. To recognize that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
9. To protect the First Amendment of the Constitution by prohibiting the regulation of the content or any information included on the sign.
10. To achieve a substantial government interest in public safety, aesthetics, and protection of property values by administering the minimum amount of regulation necessary.

Section 19.03.02. Definitions

Abandoned Sign: A sign for which no legal owner can be found; or a sign that is dilapidated, has fallen into disrepair or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.

Ancillary Sign: A sign that is separate from and subordinate in area to the principal sign, and does not exceed two square feet in area.



BANNER SIGN - FIGURE 19.5

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Banner Sign: A sign constructed of cloth, fabric or other light temporary material with or without a structural frame, intended for a limited period of display not to exceed forty-five (45) days, including decoration displays for holidays or public demonstrations.

Billboard: An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the billboard is located.



Roof Sign: A sign which is erected, constructed and maintained above the roof of the building.

Exempt Sign: A sign that is exempt from either a sign permit or from the provisions of this Section, as described in Section 19.03.03.

Feather Sign: A portable lightweight piece of cloth, fabric, or other similar material in the shape of a feather that is supported by a slender rod or pole driven into the ground.

Flag: A lightweight piece of cloth, fabric, or other similar material that is attached either to a ground-mounted pole used exclusively for the purpose of flag display or attached to a permanent building using a flag pole bracket.

Freestanding Sign: A sign structurally separated from a building being supported by one or more poles or braces, or attached directly to the ground.

Government Sign: A sign that is erected or required to be erected by any local, state, federal government entity.

Ground Sign: A sign supported by uprights or braces in or upon the ground surface.

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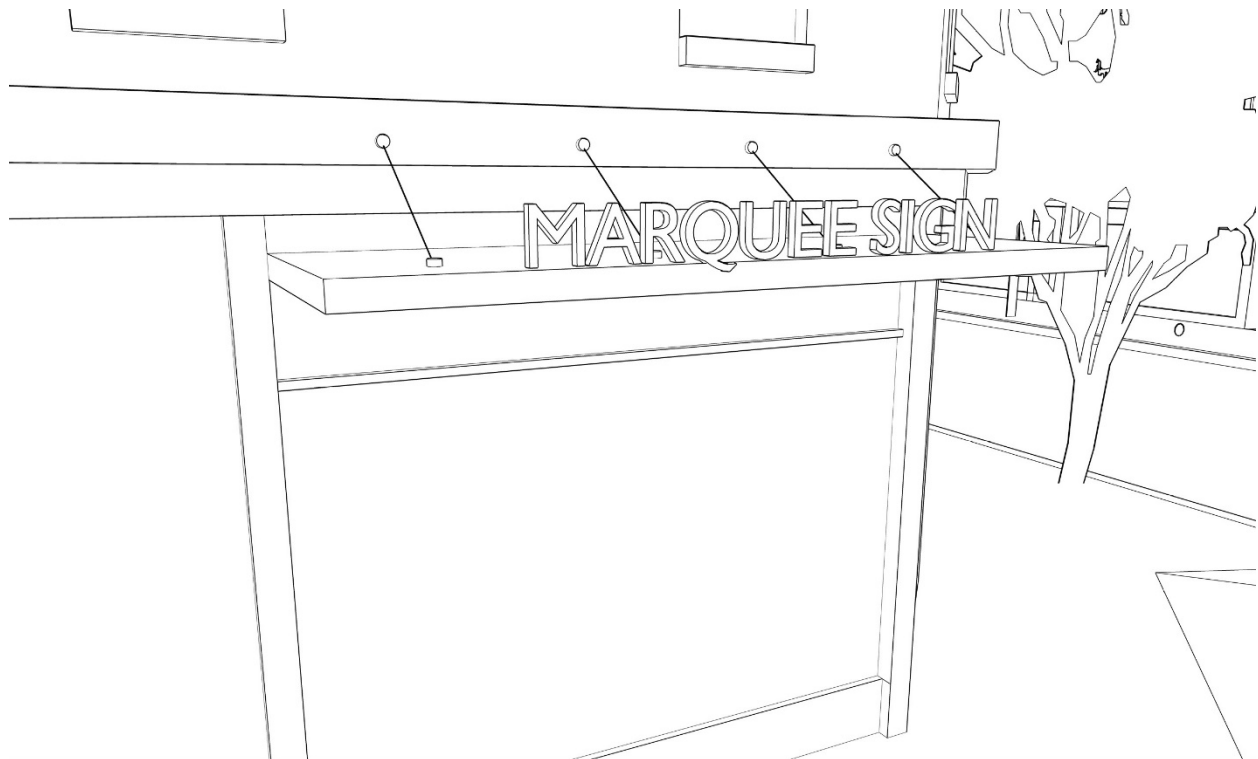
Human Sign: A sign that is held by a person and displayed on or off-site to attract the attention of passing pedestrians and vehicular traffic.

Illegal Sign: A sign that does not meet the requirements of this Section and that has not received legal nonconforming status.

Inflatable Sign: Any three-dimensional object, including a tethered balloon or air dancer, capable of being filled with air or gas depicting a character, figure, product, or product trademark, whether or not such object contains a message or lettering, that may or may not have some form of movement.

Illuminated Sign: A sign which is lit by the use of internal or external electrical means, electrical devices, and/or wiring. This includes signs with internal lighting, or signs illuminated by the use of attached or unattached external floodlights or light bulbs of any type.

Marquee Sign: A sign attached to or hung from a marquee, canopy, awning, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.



MARQUEE SIGN - FIGURE 19.7

Permanent Sign: A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.

Pole Sign: A free-standing sign that is supported by a single structure, pole, or brace that is less than 50 percent of the width of the sign.

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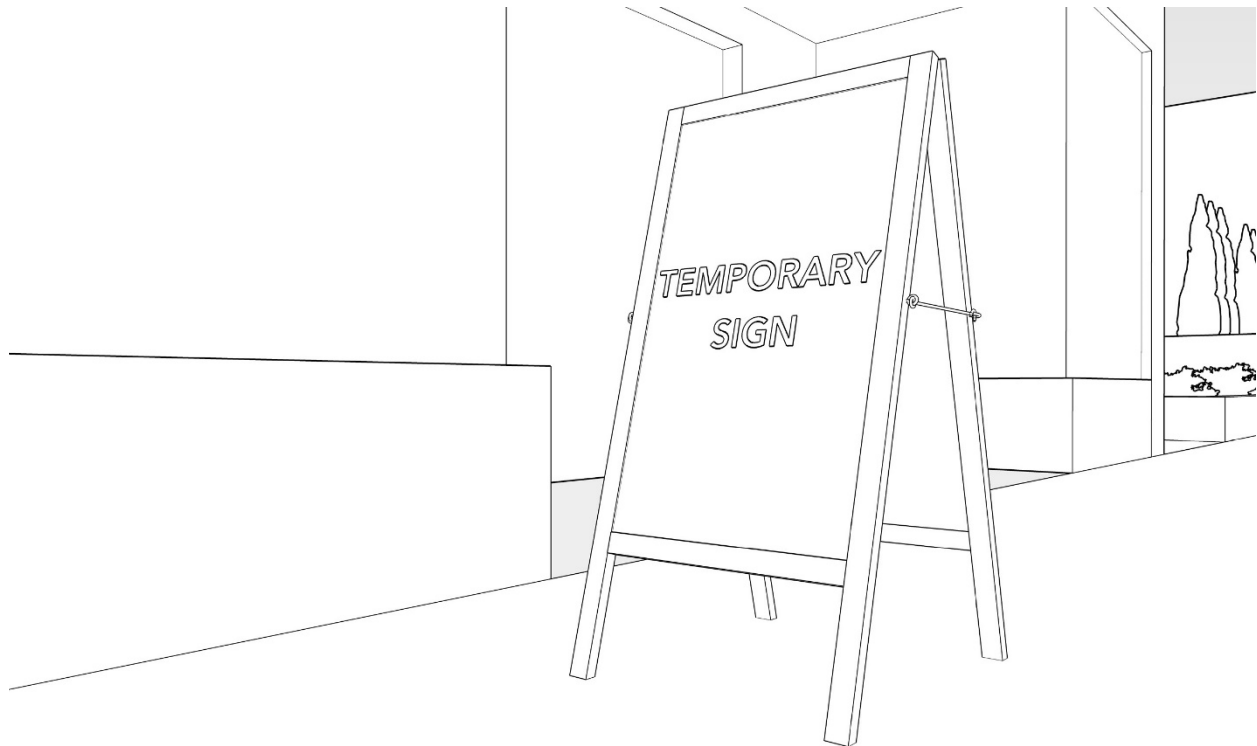
Portable Sign: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Projecting Sign: A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

Reader Board: A sign with a fixed or changing display or message composed of a series of internal lights or digital images and text that may be changed through electronic or manual means.

Sign: Any fabricated sign or outdoor display structure consisting of any letter, figure, character, mark, point, marquee sign, design poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out-of-doors for recognized advertising purposes.

Temporary Sign: A sign installed for a limited period of time intended to be removed within a time period as specified herein. Examples of temporary signs include, but are not limited to, wire-framed signs, banners, feather signs, and signs with wooden or metal supports that are placed into the ground, without a permanent foundation. Temporary signs are not designed to withstand wind and snow loads as prescribed by the Michigan Building Code.



TEMPORARY SIGN - FIGURE 19.8

Wall Sign: A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

Window Sign: A sign installed on or inside a window and intended to be viewed from the outside.

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Vehicle Sign: A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, buses, boats, trailers, semi-trailers or airplanes, except that signs may be parked on-site provided they are located in such a manner that they do not function as signs.

Section 19.03.03. Exempt Signs

The following signs shall not require a permit but shall be subject to all other applicable regulations of this Section.

1. Government signs, including wayfinding, identification, traffic control, light pole banner signs, and signs placed by essential services.
2. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
3. Memorial signs or tablets that are either (a) cut into the face of a masonry surface; or (b) constructed of bronze or other incombustible material when located flat on the face of a building
4. Special decorative displays or signs used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes when authorized by the Township.
5. Signs in the A-R district that serve only to identify the name of a farm, farm owner, crops, or livestock produced on the farm.
6. Signs with an area of less than two square feet.
7. Traffic control signs approved and established by state, county, or local units of government.
8. Internal site traffic circulation, menu boards, and wayfinding signs on private property.
9. Window signs, provided no flashing lights are used in conjunction with the window sign and the sign does not occupy more than 25% of the window area.
10. Flags and flagpoles, provided no more than three (3) flag poles are erected at a height not to exceed 35'.
11. Wireframe signs as regulated herein.

Section 19.03.04. General Regulations for Signs in All Districts

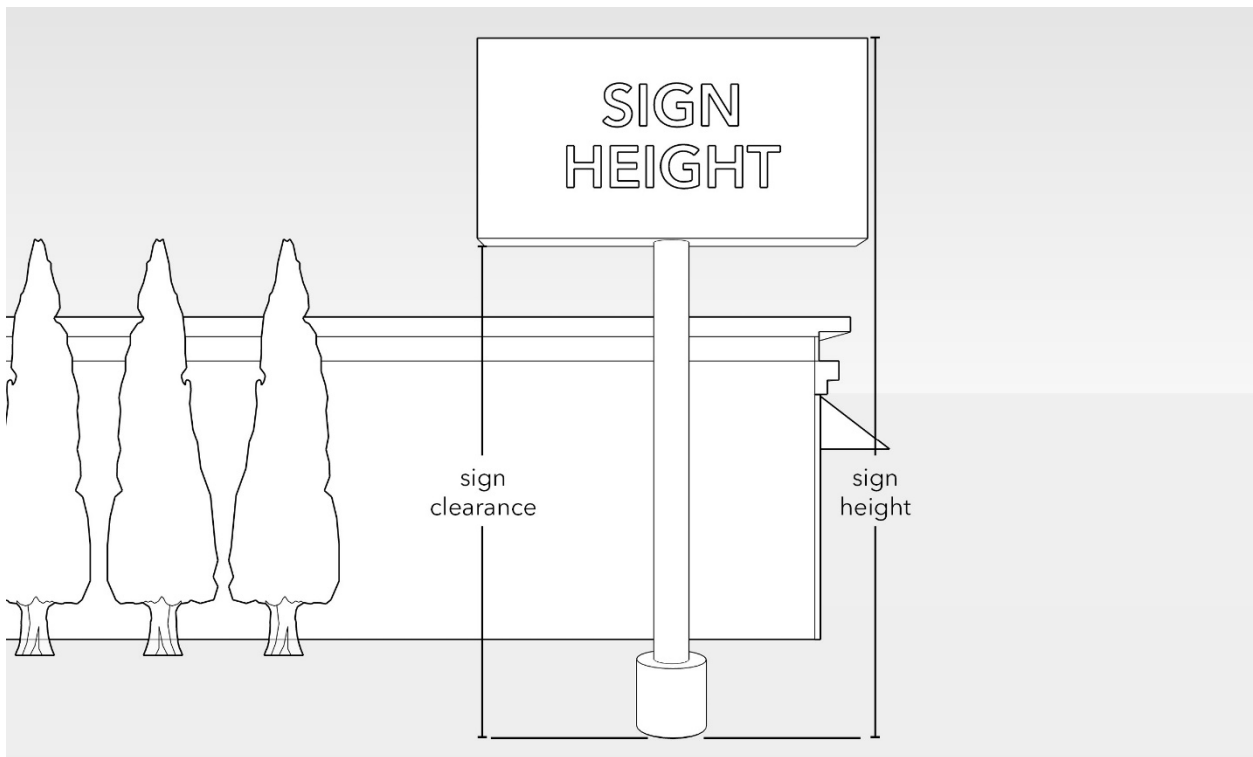
The following regulations apply to signs in all zoning districts:

1. Permit Required: Prior to the commencement of the erection, alteration or structural change to a sign, and except as otherwise provided herein, a permit must be obtained in prior to the placement of a sign.
 - A. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. A building permit application shall be submitted along with the supplementary material noted below.
 - B. An application for sign permit shall include a scaled drawing clearly depicting the sign area, sign height, clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable

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information to enable the Township to determine compliance with the requirements of this Ordinance.

- C. The Zoning Inspector may require that additional information be illustrated on a plan or drawing to determine compliance with this Ordinance.
2. Vertical Clearance: Any pole sign, awning sign, marquee sign, or projecting sign shall maintain a minimum vertical clearance of eight feet from the bottom of the sign to the ground directly beneath the sign.
3. Location: No sign shall be located closer than two (2) feet to a public road right-of-way or property line, unless a lesser setback is approved by the Zoning Administrator or Planning Commission upon finding that traffic visibility will not be adversely affected. No sign shall overhang a public street right-of-way.
4. Sign Measurements: Except where otherwise expressly provided for in this Section, signs shall be measured in accordance with the following requirements:
 - A. The height of a freestanding sign shall be measured as the vertical distance from the highest point on the sign to the grade of the surface on which the sign is erected. The height measurement for a ground-mounted monument sign includes the height of the base or support structure on which it is fixed.



SIGN HEIGHT WITH GROUND CLEARANCE - FIGURE 19.9

- B. The sign copy area shall be measured as the area within a single, continuous perimeter composed of four straight lines that enclose the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color-forming part of the display or used to differentiate the sign from the background against which it is placed.

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- C. The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back-to-back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes.
5. Maintenance: All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or designated representative. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the Zoning Inspector, shall not be placed or left as permanent signs.
6. Sign Illumination: Unless otherwise specified, signs may be illuminated.
- A. All illuminated signs shall not create glare or light trespass onto adjacent properties. Any sign illumination that may cause or otherwise create traffic hazards is prohibited.
- B. All electrical wiring shall be located underground and any associated electrical conduit or piping shall not be exposed to view above ground.
- C. No sign may be illuminated by flashing, oscillating, or intermittent lighting.
- D. For externally illuminated signs, the lighting fixture shall be mounted above the sign only and the light fixture shielded such that light is directed downward and directly at the sign face only (below the horizontal plane). Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties, and shall meet all other applicable standards of this zoning ordinance.
7. Reader Boards:
- A. Wall, monument, and pole signs are permitted to contain a manual or electronic reader board component that allows changeable copy.
- B. The manual or electronic reader board portion of any sign shall not consist of more than 50% of the total permitted sign copy area.
- C. Electronic reader boards shall be subject to the following regulations:
- 1) The transition of content shall not exceed intervals of once every five (5) seconds.
 - 2) Signs must be capable of remote modification as it pertains to content, brightness, power and transition intervals. Electronic reader boards shall be equipped with automatic dimming software to reduce the intensity of the sign during nighttime hours.
 - 3) Electronic reader boards shall comply with the illumination standards in Section 19.03.04(6).
8. Portable Signs: One non-illuminated portable sign not larger than thirty-five (35) square feet in area may be placed in all districts, subject to the following requirements:
- A. It shall not be placed within five (5) feet of a street right-of-way.
- B. It shall not be placed within fifty (50) feet of the intersection right-of-way lines of two streets and it shall not create a vision obstruction to vehicular traffic on any street or on an area designated for vehicular traffic on the same parcel or any adjacent parcel thereto.

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- C. It shall be located on the same premises it is intended to serve.
 - D. It shall be placed for not more than seven (7) consecutive days and not more than three (3) times in any calendar year.
9. Temporary Signs: The following non-permanent signs shall not require a permit, provided they comply in all other respects with the regulations set forth in this Section and provided they are not located within a clear-vision corner:
- A. Residential Lots: On any lot used as a single-family, two-family, or multi-family dwellings, up to 4 temporary signs may be displayed on a pole or stake affixed to the ground. Such signs shall not exceed 6 square feet in area per side, and the top of such sign shall be no more than 6 feet from ground level. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held).
 - B. Non-Residential Lots: On any lot used for a non-residential use, 1 temporary sign may be displayed up to 4 times per calendar year for a period of not more than 30 days per display, provided that each display shall be separated by at least 30 days. Such signs shall not exceed 32 square feet. If building-mounted, these signs must be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than 6 feet above ground level. These signs may be used to promote noncommercial community events, but are not limited to that purpose.
 - C. Interim signs: Signs intended to be utilized until a permanent sign may be obtained and erected can be approved by the Zoning Administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zones.

Section 19.03.05. Prohibited Signs

The following forms, conditions, and actions are prohibited as it pertains to signs in Ontwa Township.

1. Inflatable, feather signs, or balloon signs (“air dancers”) if displayed for longer than seven (7) consecutive days.
2. Any sign that is structurally or electrically unsafe according to Ontwa Township’s adopted codes.
3. Any sign erected on any property, public or private, without the consent of the property owner.
4. Human signs, vehicle signs, or roof signs
5. A sign containing parts or display images that flash, blink or contain moving parts.
6. Signs placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by this Ordinance.
7. Signs attached to utility poles, light poles, or other similar structures.
8. A sign that by reason of its position, shape, color, or other characteristics, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

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9. Any sign which, in the opinion of the Zoning Administrator or their designee, has deteriorated due to structural damage, unshielded lights, exposed electrical wiring, cracked or broken sign cabinet, significant rust or other deterioration of materials, and peeling or flaking paint.

Section 19.03.06. Signs in Residential Districts:

In addition to other regulations provided herein, signs associated with residential and non-residential uses in residential zoning districts, and residential uses in non-residential districts are subject to the following:

Signs Permitted in the R-1A, R-1, L-R, R-2, MFR, and MH Districts:						
Sign Type		Maximum Number	Maximum Area (per sign)	Maximum Height (per sign)	Illumination Permitted	Minimum Setback
Monument	Residential Development/ Subdivision	1 per street frontage	32 sq. ft.	6'	Yes	15' from any property line
	Non-Residential Uses	1 per lot	32 sq. ft.	6'	Yes	15' from any property line
Wall	Residential Accessory Uses	1 per lot	4 sq. ft.	N/A	No	N/A
	Non-Residential Uses	1 per street frontage	16 sq ft	N/A	Yes	N/A

Section 19.03.07. Signs in the C-1, C-2, I-1, and I-2 Districts

In addition to other regulations provided herein, the following shall apply to signs associated with non-residential uses within the C-1, C-2, I-1, and I-2 districts:

Signs Permitted in the C-1, C-2, I-1, and I-2 Districts					
	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Freestanding (Ground or Pole Sign)	1 per frontage	Yes	2 feet	100* sq. ft.	6 feet
Projecting	1 per commercial establishment	Yes	N/A	10 sq. ft.	N/A

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Wall	1 per commercial establishment or frontage	Yes	N/A	100* sq. ft.	N/A
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* The total cumulative area of all freestanding, projecting, and wall signs per property shall not exceed 100 square feet

1. No wall sign shall project above the roof line of the building to which it is attached.
2. For multi-tenant commercial establishment, the following standards apply:
 - A. One (1) freestanding sign per frontage may be permitted. Each sign shall not exceed 100 square feet in area.
 - B. Individual businesses within the multi-tenant commercial establishment may have one wall sign each. The area of the wall sign shall not exceed 15% of the wall area served by the sign or 50 square feet, whichever is less.
3. Up to twenty-five (25) percent of a gas station canopy facade visible from a public street may be used for signage, including logos, fuel price, and establishment identification.

Section 19.03.08. Billboards

Billboards may be established in the C -1, C -2, I -1, and I-2 Zoning Districts on parcels of property that are not occupied by another use.

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Ontwa Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection 2 below.
2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, the required distance shall instead be three hundred (300) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard may not exceed three hundred (300) square feet.

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6. The height of a billboard shall not exceed 30 feet above (1) the grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway, whichever is higher.
7. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
8. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
9. A billboard established within a business, commercial, or industrial area, as defined in MCL 252.301 *et. seq.* (Highway Advertising Act) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

Section 19.03.09. Nonconforming Signs

Any existing sign on the effective date of this Ordinance or any amendment hereto, which does not at that time comply with all of the provisions hereof, including any amendment:

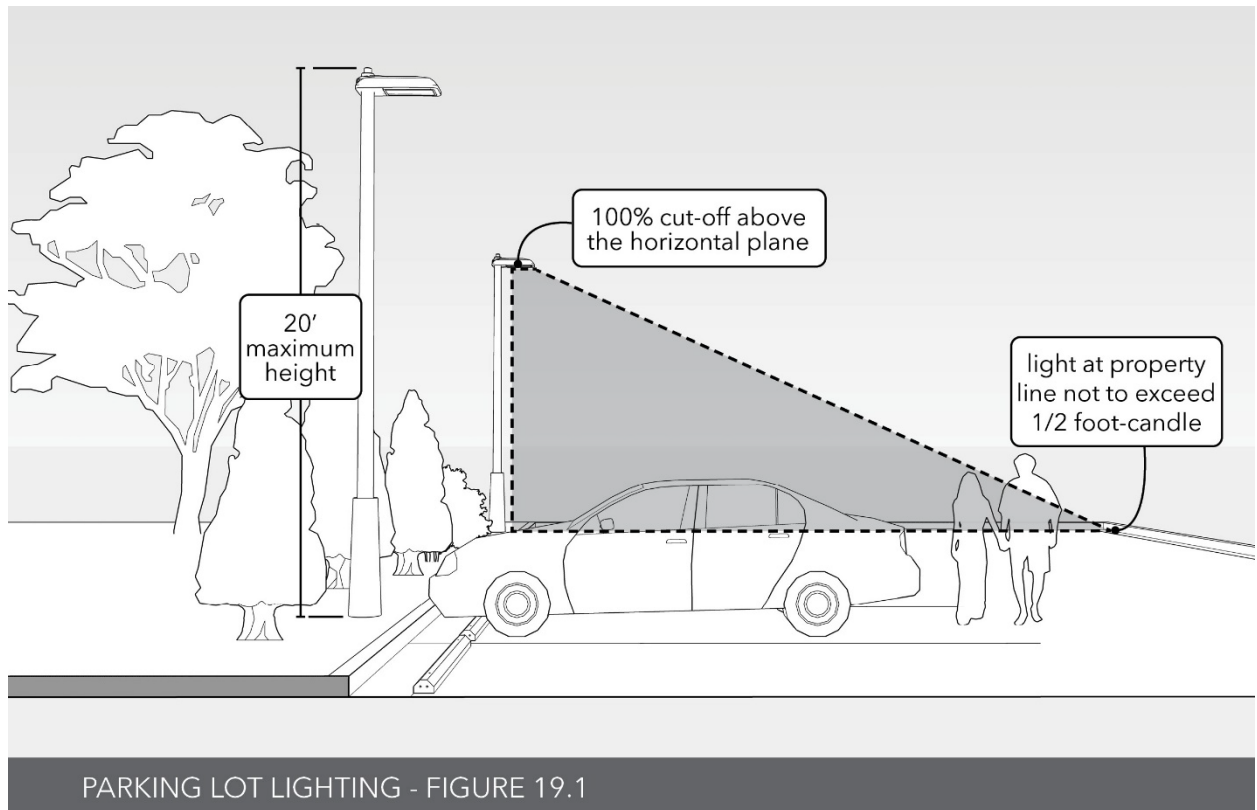
1. Shall not be changed to another type of sign that is not in compliance with this Ordinance.
2. Shall not be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign. The re-facing of a sign is permitted.
3. Shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 180 days or longer. The period of 180 days begins when the Zoning Administrator notifies the land owner in writing of its commencement.
4. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 60 percent of the appraised replacement cost as determined by the Building Official.

SECTION 19.04. SITE LIGHTING

1. The purpose and intent of this Section is to maintain the rural character of the Township by promoting the sensible, energy-efficient use of exterior lighting that limits unnecessary light from being directed skyward or onto neighboring properties or roadways. This Section is further intended to ensure that direct or directly reflected light is confined to each property to prevent light trespass and avoid glare.
2. Outdoor illumination on non-residential properties shall be designed, installed, and maintained in accordance with the following:
 - A. All lighting shall be fully shielded and aimed downwards to not create glare or light trespass onto neighboring properties or public rights-of-way. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

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- B. No elevated exterior light fixture, including light poles, canopy lights, wall-mounted lights, soffit lights, and similar fixtures shall exceed 20 feet in height above grade. The height of light fixtures required for doors on decks above grade can be measured from the walking surface (i.e. deck) they illuminate.



- C. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. Search lights, laser source lights or any similar high-intensity light shall not be permitted except in emergencies as directed by emergency personnel or night road repairs.
- D. Brightness shall not exceed 0.5 footcandles at any property line.
- E. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- F. Lighting used for agricultural production purposes, up-lit flags and decorative lighting intended and used to illuminate church steeples shall be exempt from the provisions of this Section.
- G. Seasonal holiday lighting is permitted provided it does not create objectionable glare.
- H. The Township may require that outdoor light fixtures be turned off after normal business hours to prevent or reduce glare.
- I. Sign illumination shall comply with provisions in Section 19.03.04(6-7).

ARTICLE 20 – SPECIAL LAND USES

SECTION 20.01. PURPOSE

Special land uses are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the evaluation of requests to establish special land uses. The criteria for decisions and requirements provided for under the provisions of this Article shall be in addition to other requirements of this Ordinance. Unclassified uses may not be treated as a special land use as outlined in Section 3.25.

SECTION 20.02. APPLICATION PROCEDURES

1. Application: Applications for a special land use shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board.
2. Required Information: An application for a special land use shall be accompanied by the following documents and information:
 - A. A special land use application form supplied by the Zoning Administrator which has been completed in full by the applicant.
 - B. A site plan, as required in Article 18.
 - C. A statement with regard to compliance with the criteria required for approval in Section 20.04, and other criteria imposed by this Ordinance affecting the special land use under consideration.
3. Public Hearing: Upon receipt of a complete application for a special land use and all required materials, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application. The Township shall provide notice of the public hearing as required under Section 22.04 of this Ordinance.
4. Planning Commission Review and Decision: Within a reasonable time following the public hearing, the Planning Commission shall review the application for a special land use, comments received at the public hearing, the site plan, other materials submitted in relation to the application, and deny, approve, or approve with conditions a request for special land use approval.
5. Findings of Fact: The decision on a special land use shall be incorporated in a written statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Only upon the approval or approval with conditions by the Planning Commission and satisfaction of all conditions for approval, the applicant may apply for a building permit.
6. Conditions: In approving a request for a special land use, the Planning Commission may impose conditions to ensure that public services and facilities affected by a proposed land use

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or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Conditions shall be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Conditions shall be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township and the applicant pursuant to Section 20.03(4). The Zoning Administrator shall maintain a record of the conditions which are changed.

SECTION 20.03. APPROVED SPECIAL LAND USES

1. Transfers: A special land use permit shall run with the land and shall be valid regardless of change of ownership, provided that all terms and conditions are met by the new owners.
2. Performance Guarantees: In authorizing a Special Land Use permit, the Planning Commission may require a performance guarantee pursuant to Section 22.08
3. Appeals Prohibited: No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.
4. Amendments: Amendments to special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Zoning Administrator.
5. Expiration: A special land use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - A. If replaced or superseded by a subsequent permitted use or special land use.
 - B. If the applicant or current owner of the property requests the rescinding of the special land use permit.
 - C. If the special land use is considered abandoned pursuant to Section (6), below.
 - D. If a building permit has not been obtained or if on-site development has not commenced within one (1) year of approval of the special land use. Upon written application filed before the termination of the one (1) year period, the Planning Commission may authorize a single extension for a further period of not more than one (1) year.

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6. Abandonment: Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter without approval in accordance with this Article, if any of the following conditions apply:
 - A. The owner declares or otherwise makes evident their intent to discontinue such use.
 - B. When the use has been replaced by a different use.
 - C. The cessation of the permitted special land use for a period of one (1) year or more.
7. Violations: The site plan and specifications, and all conditions, limitations, and requirements imposed by the Planning Commission shall be incorporated as a part of the special land use permit. Violations of any aspect of the special land use approval at any time may cause revocation of said permit and said special land use shall cease to be a lawful use.
8. Revocation: A special land use permit may be revoked upon evidence that the applicant, owner, or operator has failed to comply with the requirements of the permit as stipulated by the Planning Commission and any other applicable regulations of this Ordinance. The Planning Commission shall have the authority to revoke a special land use permit following a public hearing, with notice provided pursuant to Section 22.04.
9. Resubmittal: An application for a special land use permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of one (1) year from the date of denial unless it can be demonstrated to the Planning Commission that new evidence has been found or conditions have changed such that may result in approval upon resubmittal.
10. Phasing: An application for special land use approval may include a comprehensive plan and specifications for a development which is to be accomplished in phases over a period of months or years and secure a review of the entire project, thereby avoiding the need for multiple special land use hearings unless modifications in any proposed special land use plan are subsequently necessary, wherein a special land use hearing on the modification would be required.

In the case of a phased project, the first phase shall commence within one (1) year after Special Land use approval and subsequent phases shall commence within one year after completion of the previous phase. Phased projects that do not meet this standard shall be considered expired, unless upon written application filed before the termination of the one (1) year period, the Planning Commission authorizes a single extension for a further period of not more than one (1) year.

SECTION 20.04. SPECIAL LAND USE REVIEW STANDARDS

Prior to approval of a special land use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration. It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the following standards are met:

1. The proposed special land use shall be consistent with the adopted Ontwa Township Master Plan.

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2. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
3. The special land use shall not change the essential character of the surrounding area.
4. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors or glare.
5. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools, or persons or agencies responsible for the establishment of the proposed special land use shall be able to provide adequately for such services.
6. The special land use shall not place demands on public services and facilities in excess of current capacity.

SECTION 20.05. STANDARDS FOR SPECIFIC SPECIAL LAND USES

The following sections of this Ordinance contain specific performance standards for special land uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance that are applicable to the special land use under consideration.

Section 20.05.01. Adult Businesses

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

It is the intent and purpose of Ontwa Township to adopt reasonable regulations for adult businesses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

2. All adult businesses shall comply with the following requirements:
 - A. All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.

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- B. As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as required by this Ordinance.
- C. Upon finding that any condition, safeguard, or requirement has been breached, the Building Inspector shall revoke an occupancy permit. All operations shall cease fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.
- D. Location. Any of the regulated uses listed in this Section shall be permitted only after a finding has been made by the Planning Commission that the following conditions exist:
 - 1) Adult businesses shall only be located in the C-2 General Commercial District.
 - 2) An adult business shall be located outside a two hundred (200) foot distance of a residential zone district unless a petition requesting waiver of this requirement is received and certified by the Township Clerk signed by fifty-one percent (51%) of those adult persons residing within or owning residential property within a four hundred (400) foot distance of the proposed location, in which the Planning Commission may waive this requirement.
 - 3) An adult business shall not be located within a one thousand (1,000) foot radius of another adult business, except that such restriction may be waived by the Planning Commission if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - c. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 - d. That all applicable state laws and local ordinances will be observed.
- E. All adult businesses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
- F. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities, specified acts of violence or specified anatomical areas from any public way or from any property not regulated as an adult business. This provision shall apply to any display, decoration, sign, show window, or other opening.
- G. The proposed Adult Business owner/operator shall have provided an exterior maintenance program to the Township Zoning Administrator, together with its Special Land Use Application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all parking areas and other portions of the premises not less than daily. Continued adherence

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to such exterior maintenance program shall be a condition to the issuance of any Special Land Use permit pursuant to this Section.

- H. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.
- I. Any booth, room or cubicle available in any adult business used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
 - 1) Be constructed in accord with the Michigan Building Code, as may be amended from time to time;
 - 2) Be unobstructed by any door, lock or other entrance and exit control device;
 - 3) Have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4) Be illuminated by a light bulb of not less than sixteen-hundred (1,600) lumens; and
 - 5) Have no holes or openings, other than doorways, in walls.
- J. The applicant shall provide an overall management plan for the facility including explicit rules which prohibit total nudity and prevent any physical contact between or among performers, dancers or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform with the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
- K. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from adult businesses for the protection of the general welfare and individual property rights of affected property owners, and for ensuring that the intent and objectives of this Section will be observed. The violation of any condition, safeguard, requirement or approved rule of operation shall be grounds for suspension and/or revocation of the special land use permit, pursuant to Section 20.03(7-8) of this Ordinance.

Section 20.05.02. Adult Foster Care Large Group Homes

- 1. An adult foster care home shall at all times maintain all valid state and local licenses.
- 2. An adult foster care home serving 13 but not more than 20 residents shall not be located within 1,500 feet of any other adult foster care home.

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Section 20.05.03. Adult Foster Care Small Group Homes

1. Adult foster care homes serving fewer than seven (7) residents shall be considered a residential use and shall not be subject to the requirements of this Section.
2. Adult foster care homes shall at all times maintain all valid state and local licenses.
3. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.

Section 20.05.04. Agri-tourism Establishments

1. An application for an agri-tourism establishment shall include a site plan in accordance with Article 18 with detail on parking, sanitation, refuse and solid waste management, on-site lighting, fencing, crowd control, on-site vehicular and pedestrian circulation, details on any public address system and equipment, signage and related facilities existing and proposed. In addition, the application shall include a complete written description of the proposed use, the services to be provided, the maximum number of patrons anticipated on site at any time, hours of operation, activities to be conducted and any other information necessary to properly convey the nature of the facility proposed. Such written description shall be considered a part of the special land use application to be relied upon by the Township in granting any approval.
2. The Planning Commission shall evaluate the proposed agri-tourism establishment and the activities proposed to determine whether it will be compatible with neighboring uses and other permitted uses in the vicinity and zoning district.
3. An agri-tourism establishment shall only be permitted on a property zoned AR with a minimum lot area of five (5) acres and the agri-tourism establishment use shall comprise only a small part of the property, so that the farm use of the site is predominant and the agri-tourism establishment use is secondary.
4. The Planning Commission may impose requirements on the placement of the facility on the site to protect adjacent properties from its impacts and to maintain rural views from public roads; however, the facility and all of its outdoor ancillary structures and activities such as parking and gathering space, shall be located at least 50 feet from property lines.
5. An agri-tourism establishment intended to include space for public gatherings shall be accessed from a paved public road. The Planning Commission may require submittal of a traffic impact study, the purpose of which shall be to analyze the effect of traffic generated by the proposed use on the capacity, operations, and safety of the public road system and to propose mitigation measures.
6. Tasting rooms and food service activities shall at all times comply with any and all requirements of the Cass County Health Department and the Michigan Liquor Control Commission and evidence of applicable agency review and approval shall be provided to the Township.
7. Periodic or permanent recreational or entertainment activities or facilities, such as but not limited to, rodeo demonstrations, tractor pull events, hay rides, corn mazes, concerts, haunted houses and similar features or events shall be clearly described in any application for special land use approval and must be authorized in advance pursuant to this Section.

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8. The Planning Commission may require landscaping to screen the use from adjacent properties and the Planning Commission may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor activities, noise, and other elements.
9. The applicant shall demonstrate that all vehicular parking will occur on the site. Notwithstanding Section 19.01.04, the Planning Commission may permit the applicant to provide pervious parking, subject to demonstration by the applicant that dust would be controlled and an ongoing condition addressing the same.

Section 20.05.05. Auto, Truck, Boat and RV sales

1. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to dispose of all surface water accumulated within the area. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured along the road right-of-way line).
2. Any servicing of vehicles shall be subject to the following requirements:
 - A. Service activities shall be clearly incidental to the vehicle sales operation.
 - B. All vehicle service activities, partially dismantled vehicles, and new and discarded parts shall be completely enclosed within a building.
 - C. The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
3. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building. The use of car alarms or panic buttons shall be prohibited.

Section 20.05.06. Reserved

Section 20.05.07. Car Washes

1. All washing activities shall be carried out within a building.
2. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
3. 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.
4. Off-street waiting spaces shall be provided. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
5. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

Section 20.05.08. Child Care Group Homes

1. The character of the residential structure shall not be altered and shall maintain a residential appearance.
2. A child care group home shall not be located within fifteen hundred (1,500) feet of:

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- A. Another child care group home.
 - B. An adult foster care small or large group home.
 - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - D. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
3. Outdoor play areas shall be fenced.
 4. A minimum of four (4) parking spaces shall be provided on the property with a suitable area for pick-up and drop-off.

Section 20.05.09. Reserved

Section 20.05.10. Educational or Health Related Institutions

1. All ingress and egress from the site shall be directly onto a major thoroughfare.
2. Buildings which exceed height limitations for this district may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
3. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a six (6) foot high masonry wall.

Section 20.05.11. Reserved

Section 20.05.12. Gas Stations

1. The minimum lot area shall be fifteen thousand (15,000) square feet for automobile filling stations and twelve thousand (12,000) square feet for automobile service stations.
2. Ingress and egress to the site shall be located at least seventy-five (75) feet from a street intersection, except that if the lot width does not allow for seventy-five (75) feet of spacing, entrance shall be located as far as practicable from such intersection. Drives shall be no less than twenty (20) feet wide nor wider than thirty (30) feet at the right-of-way line. No more than one (1) such drive or curb opening shall be permitted for every fifty (50) feet of frontage along any street.
3. Quick oil change facilities shall provide off-street waiting spaces equal to five (5) times the number of oil change stalls for automobiles awaiting entrance. Each off-street waiting space shall be ten (10) feet wide by twenty (20) feet long.
4. The entire lot, excluding areas occupied by landscaping and buildings, shall be hard-surfaced with concrete or bituminous material. Curbs of at least six (6) inches in height shall be installed around the perimeter of all surfaced areas.
5. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line.

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6. The storage, sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding four (4) days.

Section 20.05.13. Home Based Businesses

1. The use shall be conducted entirely within the dwelling and/or not more than one accessory building.
2. The use shall be operated by persons residing in the dwelling and not more than three (3) other persons.
3. The exterior appearance of the dwelling and accessory building, if used in connection with the home occupation, shall not be modified to accommodate the use.
4. The home occupation shall not occupy more than four hundred (400) square feet of floor area or thirty (30) percent of the floor area of the dwelling, excluding area of basement, whichever is greater.
5. The use shall be clearly incidental and secondary to the dwelling.
6. Outdoor display of goods or merchandise is prohibited.
7. Equipment used in connection with the home occupation shall be parked or stored within a building or within a gated six (6) foot high screening fence enclosure.
8. There shall be adequate off-street parking and maneuvering area.
9. There may be only incidental and occasional selling of goods, merchandise, supplies or products.
10. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.
11. There shall be no activity that would cause vibrations, smoke, dust, odors, heat, or glare and activity shall not interfere with radio or television signals, nor result in an adverse effect at or beyond the property line.
12. As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
13. There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
14. Any non-illuminated sign shall comply with the sign requirements for the zoning district in which the use is located, pursuant to Section 19.03 of this Ordinance.

Section 20.05.14. Kennels

1. A private kennel shall be located on a parcel with at least four hundred (400) feet of frontage and at least five (5) contiguous acres without division by road.

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2. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
3. All kennels shall be operated in conformance with all applicable Cass County, township, state and federal regulations.
4. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
5. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
6. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.
7. Exercise yards must be provided for training or exercising, but shall not be used between the hours of 10 p.m. and 7 a.m.
8. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.
9. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
10. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 19.02.
11. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
12. All animals must be licensed and maintained in a healthful and careful manner and humane manner and must be provided with annual veterinary care and up to date annually recommended veterinary vaccinations and medications.
13. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
14. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. All animals must receive annual and up to date veterinary care.
15. Kennels may be inspected at any time by the Zoning Administrator.

Section 20.05.15. Landfills

1. The landfill is located on a parcel of land of not less than twenty (20) acres.
2. All buildings and structures shall be removed upon completion of the landfill operation.
3. The parcel is enclosed by a fence six (6) feet high which is of such a construction that it will contain all windblown debris.

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4. No burning of waste material shall be allowed without a permit from the Department of Natural Resources.
5. If the landfill borders on a public right-of-way or abuts a residential district (other than "AR"), there shall be a twenty (20) foot landscaped buffer consisting of deciduous or evergreen trees which reach a minimum of five (5) feet in height in one (1) growing season.
6. The landfill shall meet the requirements of Public Act 641 of 1978, as amended, and other state, county and local requirements as are applicable.
7. Once the landfill operation is completed, the land shall be graded to smooth contours suitable for other uses.
8. All traffic generated by the operation shall be directed away from residential areas.

Section 20.05.16. Reserved

Section 20.05.17. Mining Operations

1. Exemptions: Topsoil or sand may be removed from a lot without authorization from the Planning Commission for the purpose of erecting or constructing a building or structure on the lot, provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be removed from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, soil erosion or possible future injury to adjoining property, including water runoff.
2. In reviewing an application for removal of mineral resources, the Planning Commission shall apply the review standards for special land uses and the requirements of this Section. In addition, the Planning Commission shall determine whether or not the applicant has satisfied his/her burden in demonstrating that no very serious consequences would result from the proposed removal. In making this determination, the Planning Commission shall consider the following factors in accordance with MCL 125.3205:
 - A. The relationship of extraction and associated activities with existing land uses.
 - B. The impact on existing land uses in the vicinity of the property.
 - C. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - D. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - E. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - F. The overall public interest in the extraction of the specific natural resources on the property.
3. Application Materials: In addition to the information required by Section 20.02(2) of this Ordinance, an application for a mining operation shall also include the following:
 - A. A site plan prepared, dated, sealed and signed by a professional engineer registered in Michigan conforming to the requirements of Article 18 of this Ordinance and in addition such site plan also shall show the following:

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- 1) The location and construction details of proposed access drives and service roads on the parcel, together with proposed scrub pads;
- 2) The boundaries of the area proposed for the removal operation and, if the operation is to be conducted in phases or in separate mining cells, such phases or cells shall be numbered, the phase or cell boundaries shall be depicted with the acreage of each indicated, and each phase or cell shall be labeled as completed, active or future as the case may be;
- 3) The location and details of proposed fences, gates, signs and parking areas;
- 4) The location of proposed structures and fixed equipment to be placed on the site for the removal operation and any other related activities;
- 5) Setback lines as required by this Section;
- 6) The boundaries, surface areas and bottom contours of any lake or pond to be created or modified by the operation.
- 7) A plan narrative containing the following information:
 - a. The time period proposed for the removal operation;
 - b. A description of the type of material and the quantity (in cubic yards) involved in the proposed removal operation;
 - c. Methods of mining, moving, storing, processing, loading and transporting of the material within, on, and from the site;
 - d. Identification of and proposed sequence of which phases or cells will be mined and restored, including projected dates for completion of restoration and reuse of each phase or cell;
 - e. Measures to be taken to:
 - (a) control noise and vibration beyond the boundaries of the parcel;
 - (b) control erosion and wind-blown sand, dust, dirt or other materials;
 - (c) control access and prevent trespass on the site;
 - (d) prevent waste accumulation;
 - (e) prevent stagnant water and control surface water erosion;
 - (f) preserve existing vegetation and topsoil.
 - f. A description of the proposed hours of operation;
 - g. If material is to be removed from the Parcel:
 - h. A description of the type and the loaded weight of trucks to be used;
 - i. The proposed number of trucks leaving the site per day;
 - j. The proposed route through the Township to be used by such trucks.
 - k. A description of all activities proposed for the site;

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- I. Identification of wells on adjacent properties and the area water tables and a description of the impact of the proposed operation on such wells and water table.
- 8) A current wetland identification and/or delineation reports detailing the presence of wetland conditions on the parcel and their status as regulated or unregulated, together with copies of any permits or applications for permits issued by or filed with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- 9) Copies of all other federal, state, or county permits or approvals that relate to and are required for the proposed removal operation.
- B. The Planning Commission may require additional special studies or research, such as traffic impact studies, hydrogeological analyses, noise and vibration studies, and similar studies to determine if a mining operation proposed under this Section is consistent with the review criteria of subsection (2) above and this Ordinance.
4. Operations granted a special land use permit by the Planning Commission shall meet the following conditions:
 - A. Access: Each site shall have at least one (1) access to a public road with the location approved by the Cass County Road Commission. Driveways leading to a site shall be secured to prevent unauthorized access during non-operating hours.
 - B. Burning: Burning on any site shall comply with the burning requirements of any applicable Township ordinances, regulations or orders.
 - C. Driveways and on-site Roads: All on-site, unpaved drives, and roads shall be constructed and maintained to control dust from migration off-site. A scrub pad, consisting of a paved surface as specified on the site plan, shall be installed on any access drive from the point of contact with the public road to a distance on the driveway determined as adequate to clear exiting vehicles of excess tire debris, which scrub pad shall be a minimum of 150 feet in length. The person conducting the operation shall provide for the prompt removal from the public roads of any materials emanating from the transporting vehicles, without requiring any notice or request from the Township or the Cass County Road Commission.
 - D. Erosion Control: The conduct and operations of the removal operation shall not result in:
 - 1) wind-blown sand, dust or soil that would migrate off-site;
 - 2) the collection of surface water or the run-off of water onto adjoining lands contrary to normal and natural drainage patterns;
 - 3) the removal or disturbance of existing trees and vegetation on the site in areas on which the operation for a specific phase or cell is not commenced or continuing or that is not used for drives or any other activities;
 - 4) the failure to promptly reclaim any area of a phase or cell when the removal for that phase or cell is completed.
 - E. Fencing: A fence at least four (4) feet high and of a type to discourage and impede unauthorized entry shall be erected around all hazardous areas within a site or as may be required by the Planning Commission for reasons of safety and security.

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- F. Glare: Any lighting associated with the operation shall be directed away from adjacent property so as to avoid as nearly as possible the direction of glare onto adjacent property.
- G. Noise: At no point on the boundaries of a site shall the level of sound emanating from any mining equipment, any moving equipment, any processing equipment, and any loading equipment exceed 70 dB(A), except for warning devices emitting sound for warning purposes as required by law.
- H. Equipment: Only that equipment which has been authorized specifically through the permit process of this subsection is permitted on a site. In order to add equipment after a permit has been issued, the permittee shall notify in writing the Zoning Administrator at least 30 days prior to the planned placement of the equipment. The Zoning Administrator may authorize the placement of the equipment, unless he believes the proposed equipment would result in a significant, material, and substantial change in the permitted operation, in which case he shall refer the request to the Planning Commission for approval or disapproval. Thereafter, the permittee shall not install the proposed equipment until the Planning Commission authorizes the installation.
- I. Screening: Residential uses and public streets adjacent to the parcel shall be screened from the removal operation with a minimum six (6)-foot high screen. Acceptable screening methods are raised earth berms, coniferous trees, fences which provide 80% solid visual barrier, and natural topography. The Planning Commission may determine that setbacks from property lines, existing landscaping, or other measures are acceptable means to fulfill the screening requirement.
- J. Setbacks: The following setbacks shall be required, except that the Planning Commission may adjust those guidelines and establish the setback distances when approving the special use in light of the circumstances of the proposed Earth Change.

Type of Operation or Equipment	Setbacks (in feet) From:	
	Property Lines	Public Streets Right of Way
Mining	50	100
Moving	50	50
Processing*	300	300
*Refers to structures and stationary equipment that are generally in fixed locations and does not include tractor driven heavy earthmoving equipment.		

- K. Signs: Only one (1) sign shall be permitted on the parcel, such sign shall be located near the main access drive and its dimensions shall be determined by the Planning Commission. No trespassing and warning signs shall be installed as appropriate.
- L. Truck traffic: Trucks used to transfer materials from the parcel shall follow a route designated by the Planning Commission and the Cass County Road Commission that poses the least interference with other traffic, minimizes traffic through higher density residential areas, and uses public roads constructed for high volumes of heavy truck traffic.

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- M. Vegetation: Existing vegetation on a parcel shall be removed only to the extent reasonably necessary for the operation in order to minimize the exposure of land to potential erosion. In the case of an operation involving phases or separate cells, vegetation removal to prepare the next phase or cell shall not commence until the operation near completion on the phase or cell then currently being worked. On-site burial of vegetation existing on the parcel is prohibited.
- N. No trash, rubbish, junk, refuse of any kind, inoperable vehicles or equipment, building materials, or unwholesome substances shall be permitted to accumulate on the lot unless contained in a dumpster or, in the case of inoperable vehicles or equipment, unless they are housed within a building or structure, or are enclosed completely by an opaque fence which is erected and maintained in compliance with Township ordinances. Building materials on a mining site to be used as part of construction on the site for which a Township building permit has been issued are not considered waste.
- O. The applicant shall secure all necessary permits from the Township, county, state and federal authorities prior to the start of any excavating, mining or construction activities.
- P. Hydrogeological Reports and Monitoring Reports: If the Planning Commission determines that the removal operation may affect adjacent wells and/or on the water table in the area, it may require the applicant to submit a current hydrogeological report, prepared and certified by a registered professional engineer and/or environmental consultant, which shall contain the following:
- 1) A full determination of groundwater and surface water flow across the parcel, together with a determination of the effect that the proposed removal operation may have on the flow, depth, quality and quantity of groundwater or surface water of the parcel and of adjacent property.
 - 2) Identification of wells and existing water courses and bodies of water within 500 feet of the boundaries of the parcel and a determination of what, if any, impact the operation may have on such wells and bodies of water.
 - 3) If the removal operation would have an adverse effect on the flow, depth, quality or quantity of groundwater or surface water in the vicinity or on neighboring wells and water bodies, the applicant shall submit a supplemental report with engineered drawings of measures to be taken to ameliorate the detrimental effects to the local groundwater and surface water regimes. Approval by the Planning Commission of such measures to counter the potential adverse effects shall be conditioned upon the installation of monitoring wells and/or other appropriate testing apparatus on the parcel by the applicant's professional engineer or environmental consultant, together with subsequent reports submitted to the Zoning Administrator by the engineer or consultant showing what, if any, changes have occurred to the surface water or groundwater in the vicinity. Such supplemental reports shall be submitted on an annual basis within 30 days prior to the date of the expiration of the permit, if a renewal permit is sought.

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- Q. Additional Studies: In addition to the hydrogeological report, the Planning Commission may also require additional environmental studies, wildlife studies, traffic impact analyses, market studies, and similar documentation necessary for the Commission adequately evaluate the need for the materials to be mined from the site and/or the impact of the proposed operation on the vicinity. If required, any such studies shall be prepared by a competent professional with the necessary technical and/or professional qualifications to perform them.
- R. Compliance: The proposed removal operation shall comply with all Federal, State and County regulations, orders and permit and approval requirements. Any new structure or the modification or moving of any existing structure on the parcel shall comply with applicable building codes and Township Ordinances.
- S. Reclamation: Reclamation of areas affected by the operation shall be provided by the operator in accordance with the plan approved by the Planning Commission as part of the special use approval. Such plan shall require the following:
- 1) Upon completion of the removal, the parcel shall be rehabilitated such that it will be suitable for a primary permitted use of the zoning district in which the parcel is located.
 - 2) Slopes of land in the Earth Change area shall be restored to a minimum 3 feet horizontal/1 foot vertical.
 - 3) All fill shall be properly compacted to stabilize the soil conditions and prevent settling.
 - 4) Appropriate vegetative cover, together with topsoil at least 4 inches in depth as may be appropriate for such vegetation, shall be reestablished promptly to prevent erosion by wind or water.
 - 5) All equipment, refuse, and debris associated with the operation shall be removed from the parcel.
 - 6) If the removal operation involves a number of phases or cells, appropriate reclamation of the existing, completed phase/cell shall be commenced and continued when the removal operation begins on the next phase or cell. The scope and type of appropriate reclamation shall be specified in the plan approved by the Planning Commission in consideration of the type of removal activities involved, the potential for erosion by wind or water, and the health, safety and welfare of the Township and its residents.
- T. The Planning Commission may require a performance guarantee be provided in the form of a cash, letter of credit, performance bond, or other instrument acceptable to the Township to ensure that all conditions stipulated in the Special Land Use permit, including site reclamation in compliance with this Section, have been met.

Section 20.05.18. Outdoor Cafes

1. The outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.

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2. The outdoor eating area shall be located no closer than fifteen (15) feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
3. The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring fence or greenbelt.
4. The outdoor eating area shall be kept clean and free of litter at all times.
5. All vending machines shall be located within a completely enclosed structure.

Section 20.05.19. Permitted Uses with drive-through

1. Drive-through windows, drive-in spaces, and waiting lanes shall not be located closer than one hundred (100) feet to any Residential District.
2. Ingress and egress to the site shall be located at least Entrances shall be no less than seventy-five (75) feet from a street intersection, except that if the lot width does not allow for seventy-five (75 feet) of spacing, entrance shall be located as far as practicable from such intersection.
3. Off-street waiting spaces shall be provided.
4. Devices for the transmission of voices shall not be audible beyond the boundaries of the site.

Section 20.05.20. Places of Public Assembly

1. All primary ingress and egress from churches shall be directly onto a major thoroughfare.

Section 20.05.21. Outdoor or Open Air Businesses

1. The minimum lot width for these uses shall be one hundred (100) feet, except for temporary roadside stands. All display and loading areas shall meet the setback requirements of this district.
2. Ingress and egress to the site shall be located at least Entrances shall be no less than seventy-five (75) feet from a street intersection, except that if the lot width does not allow for seventy-five (75 feet) of spacing, entrance shall be located as far as practicable from such intersection.
3. All loading and parking areas for these uses shall be confined within the boundaries of the site and shall not be permitted to spill over onto adjacent roads.
4. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained or covered to prevent it from blowing onto adjacent properties.
5. Unless Christmas tree sales are accessory to the principal use of the site, a permit shall be obtained from the Zoning Administrator to allow temporary use of the site for such sales.
6. All fenced in areas are subject to the provisions of Section 3.07.

Section 20.05.22. Outdoor Recreation Uses

1. Outdoor recreation uses shall not be located within five hundred (500) feet of any residentially zoned land.
2. All access to such site shall be from a major thoroughfare.

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3. All sides of the outdoor recreation use not abutting a major thoroughfare shall be provided with a six (6) foot high wall or fence and a twenty (20) foot wide obscuring greenbelt.
4. Outdoor recreation uses shall not cause or create unreasonable site pollution, noise, nuisance, traffic or disturbance on adjacent or surrounding properties.

Section 20.05.23. Reserved

Section 20.05.24. Utility Scale Solar Energy Systems

1. Site Plan Required: In addition to the information required for final site plan review in Section 18.04, all applications must also include all of the following:
 - A. Equipment and unit renderings.
 - B. Elevation drawings.
 - C. Setbacks from all property lines and adjacent structures.
 - D. Notarized written permission from the property owner authorizing the Utility Scale Solar Energy System.
 - E. Access driveways within and to the system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway.
 - F. Planned security measures to prevent unauthorized trespass and access.
 - G. A written description of the maintenance program to be used for the utility scale solar energy system and other components, including decommissioning and removal.
 - H. All additional plans and requirements set forth in this Section and any other information required by the Township.
2. Special Land Use Approval; Permits: Utility scale solar energy systems require special land use approval. In addition, no utility scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this Section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all utility scale solar energy systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the National Electric Safety Code. Components of a solar energy system shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization.
3. Lot Area: Utility scale solar energy systems shall be located on a lot at least twenty (20) acres in size.
4. Setbacks: All Solar Panels, buildings, and structures are required to be located at least 300 feet from any occupied dwelling and its associated accessory structures, and at least 50 feet from any other non-participating property line or right-of-way line of any highway, road, or street. All Solar Panels, buildings and structures shall not be located within any established County drain, or in any right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner or other affected property owners so as not to impede/obstruct access along the County drain or right-of-way or easement. When the utility scale solar energy

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system is proposed on multiple contiguous parcels, the setbacks shall be only required maintained along a property line where a participating parcel within the solar energy system is located contiguous to a non-participating parcel. The Planning Commission may require greater setbacks if it is determined that greater separation would better protect adjacent residents and property owners.

5. Height: Utility scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the collector or equipment to the highest point at full tilt.
6. Noise: Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.
7. Screening: The Planning Commission may require that a utility scale solar energy system be screened from adjoining residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
8. Glare and Reflection: The exterior surfaces of utility scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
9. Location: Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties and roads while remaining functional.
10. Obstruction: Solar energy systems shall not obstruct or impede solar access to adjacent and neighboring properties.
11. Power Lines: On site power lines between all structures and ancillary equipment and inverters shall be installed and maintained underground.
12. Fencing: For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility scale solar energy system be fenced in with at least a six (6) foot tall high fence.
13. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
14. Signs: Signs are required as part of the utility scale solar energy system to provide the public with general information related to knowledge and safety of the facility. The design, size, height, and location of said signs shall be determined by the Planning Commission. Such sign shall only contain emergency contact numbers and information related to the utility scale solar energy system including the information required by subsection 18 below. Other commercial speech is not permitted.
15. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a utility scale solar energy system shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or

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other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County Roads.

16. Inspection: The Township shall have the right at any reasonable time to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any utility scale solar energy system is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the utility scale solar energy system to ensure compliance with the Occupational Safety and Health Administration (OSHA), National Electrical Safety Code (NEESC), and all other applicable safety guidelines.
17. Operation and Maintenance Plan: The applicant shall submit a plan to the Township for the operation and maintenance of the utility scale solar energy system, which shall include measures for maintaining safe access to the installation and storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.
18. Emergency Services: Upon request by Ontwa Township, the owner/operator of the utility scale solar energy system shall cooperate with local emergency services in developing an emergency response plan which shall include first responder training and an opportunity for an annual walk-through. All means of shutting down the solar energy system shall be clearly marked on the plan. The owner/operator shall identify a current responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the then-current name, phone number, and email address of the operator.
19. Maintenance: The utility scale solar energy system owner/operator shall maintain the facility in good and safe condition at all times including the screening vegetation, walls, fences, and ground cover. Maintenance shall also include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Any storage of scrap material and/or junk shall not occur on the site except during the construction or decommissioning process. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel year-round. The owner/operator shall be responsible for the cost of fully maintaining the solar photovoltaic installation and any access road(s).
20. Decommissioning:
 - A. A decommissioning plan shall be required to ensure that the utility scale solar energy system is properly removed after their useful life. Said plan must be filed with the Township Clerk prior to commencement of construction of the utility scale solar energy system. The plan shall include provisions for removal of all structures and foundations, restoration of soil to a depth of 36 inches and vegetation, the timeframe for completion of decommissioning activities, estimated costs, and a plan ensuring financial resources will be available to fully decommission the site.
 - B. Any utility-scale solar energy system which has reached the end of its useful life or has not operated continuously for one (1) year or longer shall be fully removed and the parcel owners shall be required to restore the site to its prior state. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.

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- C. The owner/operator shall notify the Township directly or by certified mail of the proposed date of discontinued operations and plans for removal.
 - D. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Township may enter the property and physically remove all of the solar energy system and facilities and charge the cost back to the owner(s) of the lot.
 - E. Removal of the solar energy system and facilities shall consist of all of the following:
 - 1) Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site to a depth of at least 36 inches.
 - 2) Disposal off-site of all hazardous waste and proper remediation of the site in accordance with local, state, and federal regulations.
 - 3) Disposal off-site of all solid and non-hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - 4) Restoration and stabilization or re-vegetation of the site as necessary to minimize erosion.
21. Financial Guarantee: The applicant and/or landowner (as determined by the Township) for a utility scale solar energy system shall provide to the Township a form of monetary surety or security, either through an escrow account, letter of credit, bond, or other instrument, acceptable to the Township Attorney. The purpose of the surety or security is to cover the cost of removal of the utility scale solar energy system in the event the owner/operator does not fully remove the solar energy system and facilities or the Township must remove the same. The amount of the financial surety or security shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. The estimated costs of removal shall be submitted by the applicant to the Township and be prepared by a qualified engineer. The surety or security shall be subject to review and approval by the Planning Commission and the Township Attorney and shall be a condition of special land use approval. The amount of the surety or security shall increase by the Federal CPI every five years and shall remain in place for the length of the lease/contracts and until decommissioning is complete to the satisfaction of the Township. If the Township is required to enforce the guarantee or otherwise take legal action to enforce compliance with this paragraph, the Township shall be entitled to recovery of any and all costs, including attorney fees.

Section 20.05.25. Veterinary Clinics

- 1. All treatment and housing of animals shall be within a wholly enclosed building.
- 2. Veterinary clinics shall not be located within one hundred (100) feet of any residentially zoned property.
- 3. The boarding of animals without need of medical treatment shall be prohibited.

Section 20.05.26. Wireless Communication Facilities

1. Applicability: All new wireless communication facilities in Ontwa Township shall be subject to these regulations, except as provided for below:
 - A. Preexisting Facilities: Preexisting facilities shall not be required to meet the requirements of this Section unless modified.
 - B. Exempt Facilities: Wireless communications facilities specified in Section 3.24 and 3.29 are not subject to the requirements of this Section
2. Review Provisions and Zoning Districts Allowed: Except as provided above, wireless communication facilities and their accessory equipment and shelters shall be considered a Special Land Use.
3. Additional Information Required for Review: In addition to the requirements for site plans and special land uses, the following information shall be provided by the applicant when applying to construct a wireless communication facility pursuant to this Section:
 - A. Name and address of the proposed operator of the site.
 - B. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this Section.
 - C. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed facility location.
 - D. Registered Engineer's certification of the design and safety of the proposed facility to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed facility. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed facility, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
 - E. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - F. A statement signed by the applicant indicating the number and type of additional antennas the proposed facilities will accommodate through co-location.
 - G. Each applicant shall provide an inventory of existing facilities, tall structures, antennas, or sites approved for facilities, that are either within Ontwa Township, or within one mile of the border thereof, including specific information about the location, height, and design of each structure.
 - H. The separation distance from other facilities described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing facility(ies) and the owner/operator of the existing facility(ies), if known. The applicant shall also demonstrate the reasons such existing facilities cannot be used in lieu of the proposed facility.
4. Timeframe for Decision:

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- A. Within fourteen (14) days of receipt of an application for special land use permit, the Zoning Administrator shall determine whether or not the application is administratively complete. Unless the Zoning Administrator provides a notice of deficiency as set forth below, the application shall be deemed administratively complete upon the earlier of when the Zoning Administrator makes such determination or fourteen (14) days after the application is received.
 - B. If the application is deemed administratively incomplete, the Zoning Administrator shall notify the applicant in writing, or by electronic notification, within such fourteen (14) day period that the application is not administratively complete and shall specify the information or fees necessary to make the application administratively complete. The time period specified in subsection A above shall be tolled until the applicant submits the information and fee required.
 - C. Once the application is deemed administratively complete, the Planning Commission shall approve or deny the within ninety (90) days from the date it is deemed administratively complete. A failure to timely approve or deny a special land use request shall be deemed an approval. An approval may be conditioned only upon the wireless communications equipment meeting the requirements of this Ordinance, other Township ordinances, or other federal and state laws before the wireless communications facility begins operations.
5. Availability of Suitable Existing Facilities, Other Structures, or Alternative Technology: No new facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing facility, tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed facility.
 6. General Provisions: Construction of a wireless communication facility including its accessory equipment and/or structures is permitted in Ontwa Township as a special land use and is subject to the following provisions:
 - A. A communication facility may be considered a principal or accessory use and shall be placed on parcels (whether the land is owned or leased by the facility owner) which have an area not less than the minimum parcel area and width for the district, except that the leased area in which the facility is located may have an area or width that is less than the minimum required.
 - B. All setbacks for the zoning district shall be met. In addition, no facility shall be placed closer to any property line than the radius of the certified fall zone. In shall the setback be less than 200 feet from any occupied dwelling on an adjacent property or 200 feet from a zoning district that does not permit a wireless communication facility.
 - C. The applicant shall indicate in writing whether a Tall Structure Permit from the Michigan Department of Transportation is required and the Township may require documentation from the State of Michigan to that effect. If required, all proposed facilities shall be submitted to the FAA for review and approval prior to approval by Ontwa Township. All wireless communication antenna must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate such facilities.
 - D. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.

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- E. All connecting wires from facilities to accessory buildings and all electrical and other service wires to the facility shall be underground.
 - F. All exterior lighting shall be in accordance with applicable federal requirements. If lighting is required, an aircraft detection lighting system (ADLS) is preferred.
 - G. The Planning Commission may require landscaping or screening of the grounds and any service buildings, cabinets, or equipment.
 - H. Strobe lights shall not be allowed except as required by FAA.
 - I. No signs shall be allowed on a facility except for signs listing the name, address and contact telephone number of the operator and signs signaling “danger” or “no trespassing” or similar information.
 - J. Facilities and their accessory equipment and buildings shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
 - K. The applicant shall certify their intent to lease excess space on the proposed facility for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease. Space to allow for the colocation for at least two additional antennas shall be provided.
 - L. Notwithstanding the provisions of this Section, the maximum height for a wireless communication facility shall be one hundred ninety-nine (199) feet.
7. Removal of Abandoned Facilities: A wireless communication facility that is unused for a period of twelve (12) months shall be removed at the owner’s expense. The applicant or owner is responsible for the removal of an unused facility. Failure to remove the wireless communication facility following reasonable notice shall be sufficient cause for the Township to regard the facility as a nuisance per se and remove the structure.
8. Decommissioning Guarantees: The owner of a wireless communications antenna; including equipment/accessory buildings, shall post a bond with the Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication facility. The amount of the guarantee shall be established by the Planning Commission and it shall be reviewed by the Township Attorney as a condition of approval.
9. Nonconforming Facilities:
- A. Pre-existing facilities that do not meet the requirements of this Section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting facilities. New construction, other than routine maintenance on a pre-existing facilities shall comply with the requirements of this Ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.
 - B. Rebuilding Damaged or Destroyed Nonconforming Towers: Nonconforming facilities that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

ARTICLE 21 – NONCONFORMITIES

SECTION 21.01. PURPOSE AND INTENT

It is recognized that within the zoning districts established by this Ordinance or amendments thereto, there exist uses, buildings, structures and/or parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

SECTION 21.02. GENERAL PROVISIONS FOR NONCONFORMITIES

1. Unlawful Lots, Structures, and Uses Remain Unlawful: Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, was created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Article.
3. A lawful use of land or structure which is under substantial construction at the time of adoption of this Ordinance, which was lawfully permitted before the enactment of this Ordinance, shall be permitted to continue as a nonconformity, subject to the provisions of this Article.
4. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and lots, provided there is no change in the nature or character of such nonconforming uses.
5. The normal maintenance of a nonconforming structure, or of a building or structure containing a nonconforming use, is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
6. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or the use of a parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 21.03. NONCONFORMING USES

1. A nonconforming use shall not be moved, enlarged, modernized, extended, or altered if such work increases the degree of nonconformance with this Ordinance.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned by the Zoning Administrator if one (1) or more of

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the following conditions exists, which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

- A. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - B. The property, buildings, and grounds, have fallen into disrepair.
 - C. Signs or other indications of the existence of the nonconforming use have been removed.
 - D. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
 - E. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another nonconforming use unless the Planning Commission finds that the new use would (1) markedly decrease the degree of nonconformance, and (2) enhance the desirability with adjacent conforming uses.
 4. Once a conforming use is established, the prior nonconforming use may not be reestablished.

SECTION 21.04. NONCONFORMING BUILDINGS AND STRUCTURES

1. The expansion of a nonconforming structure may be permitted provided that the expansion complies with this Ordinance and does not increase the degree of nonconformance.
2. Structures in a designated floodway, as determined by the Federal Emergency Management Agency (FEMA) shall not be expanded in any way.
3. In the event any nonconforming building or structure shall be damaged or destroyed by fire, wind, or an act of God or the public enemy, or if it is deemed unsafe, uninhabitable, or a danger to the public health, safety, or welfare by an individual qualified to make such determinations, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed 90% of its replacement value, as determined by the Building Inspector.
4. In the event any nonconforming building or structure is demolished by the property owner to an extent of greater than sixty (60%) of its replacement value as determined by the Building Inspector, it may not be rebuilt or restored except in compliance with all provisions of this Ordinance and other applicable laws or Ordinances.
5. A nonconforming building or structure shall not be moved in whole or in part except when the movement results in greater compliance with the provisions of this Ordinance.

SECTION 21.05. NONCONFORMING LOTS OF RECORD

1. A legally created nonconforming lot may be used for the purposes for which it is zoned, provided that:
 - A. If the lot is already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - B. In the event that a main building cannot be otherwise lawfully constructed on a nonconforming lot, the building may be located so that it meets at least sixty-six percent (66%) of the setback requirements of the district in which the lot is located.

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- C. If a main building can be lawfully placed on a nonconforming lot, then the building shall comply fully with the setback requirements of the district in which the lot is located.
 - D. The boundaries of nonconforming lots may be adjusted in a way that increases nonconformance if the Planning Commission determines that the overall nonconforming situation on the subject property and/or immediately adjacent property(ies) would be improved.
2. Combination of Nonconforming Lots: For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
- A. Are in common ownership.
 - B. Are adjacent to each other or have continuous frontage.
 - C. Individually do not meet the lot width or lot area requirements of this Ordinance.
3. Parcels meeting the provisions of subsection 2(A-C) above shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance, and no portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance, except as provided for in subsection 1(C) above.

SECTION 21.06. IMPROVEMENTS TO NONCONFORMING SITES

1. This Ordinance recognizes that redevelopment may occur in Ontwa Township on sites that do not meet the site development requirements of this Ordinance. The purpose of this Section is to facilitate the redevelopment of these properties despite their nonconforming status. Thus, properties that are nonconforming by reason of landscaping, parking, dumpster enclosures, lighting, etc. shall be deemed to be nonconforming sites. Such sites shall be permitted to continue and may be redeveloped or improved subject to the requirements of this Section.
- A. A nonconforming site shall not be expanded, altered, removed, or modified in a manner that increases the degree of nonconformance.
 - B. Changes to a site that bring it into or closer to conformity with this Ordinance, such as parking lot improvements, additional landscaping, screening, or fencing, or replacing nonconforming signs shall be permitted and shall not be considered an unlawful expansion of a nonconforming structure or nonconforming use.
 - C. Except as otherwise required by this Section, if a building expansion, change in land use, or other development on the property occurs that require site improvements, nonconforming sites shall only be required to be brought into full compliance with this Ordinance to the extent necessary to accommodate the proposed changes. Except as required in (D) below, the installation of site improvements such as additional landscaping or paved parking areas shall not require that the entire site to be brought into compliance with this Ordinance.
 - D. When the re-use or redevelopment of a nonconforming site is proposed and the total project value, including building and all proposed site improvements, is equal to or greater

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than 75% of the total replacement value of all improvements to the existing site, then the entire site shall be brought fully into compliance with this Ordinance.

- E. The Zoning Administrator or Planning Commission shall have the authority to require site improvements if existing conditions are deemed unsafe by any official charged with protecting the public health, safety, or welfare.

ARTICLE 22 – ADMINISTRATION AND ENFORCEMENT

SECTION 22.01. ZONING ADMINISTRATOR

1. The Township Board shall appoint a Zoning Administrator who shall enforce and administer this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Township Board may direct. The Township Board shall determine compensation for the Zoning Administrator.
 - A. The Zoning Administrator or the appointed agent shall have the power to grant certificates of zoning compliance and to make necessary inspections of premises in the enforcement of this Ordinance.
 - B. It shall be unlawful for the Zoning Administrator to approve plans or issue certificates of zoning compliance for any construction or use until he or she has inspected such plans and found them to conform with this Ordinance.
 - C. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuation of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of, its provisions.
 - D. The Zoning Administrator or an official appointed by the Zoning Administrator shall be authorized to issue and serve appearance tickets on any person with respect to any violation of this Ordinance when there is reasonable cause to believe that the person has committed such an offense.

SECTION 22.02. CERTIFICATE OF ZONING COMPLIANCE

1. It is the intent and purpose of this Section to establish a process for issuing permits granted pursuant to this Ordinance. A certificate of zoning compliance, issued by the Zoning Administrator pursuant to this Section, shall indicate that the uses and plans for which the certificate is requested comply with this Ordinance. Upon the issuance of a certificate of zoning compliance, an applicant may erect a building or structure only for which the certificate of zoning compliance has been issued, and **only after receiving a Building Permit from the Building Inspector and co-signed by the Zoning Administrator**, along with any other applicable from local, state, or federal agencies having jurisdiction.
2. Certificate Required: It shall be unlawful to construct, enlarge, alter or permit the use or occupancy of a building or structure or change the use of a building until a certificate of zoning compliance has been issued by the Zoning Administrator. The certificate shall state that the building, structure, lot, and use thereof conform to the requirements of the Ordinance.

Further, no excavation shall be initiated, no construction may begin, no use may commence, no building shall be erected, altered, moved, razed, and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a certificate of zoning compliance has been issued by the Zoning Administrator and where required, a Building

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Permit has been issued by the Building Official. **A building permit shall not be issued until a certificate of zoning compliance has been issued pursuant to this Ordinance.**

3. No certificate of zoning compliance shall be issued for any building or land use where the construction, addition or alteration, or use thereof would be in violation of this Ordinance, except upon written authorization of the Zoning Board of Appeals. An application for a certificate of zoning compliance shall be available from the Zoning Administrator.
4. Required Information: 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.
 - A. Proof of ownership of the lot or premises.
 - B. Location, dimensions, and size of the lot or premises.
 - C. A drawing and/or aerial photograph 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.
 - D. 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.
 - E. 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.
 - F. The Zoning Administrator may require additional materials or information to aid in determining whether a proposed use, building, or structure complies with this Ordinance, including additional review by the Township engineer, planner, attorney, or other qualified professional.
5. Issuance of Certificate: Within ten (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a certificate if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a certificate and state the reason(s) or cause(s) for such denial in writing. In each case, the certificate or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
6. Planning Commission Approval: When the terms and provisions of this Ordinance require authorization by the Planning Commission (such as a special land use) and such authorization is given, then the Zoning Administrator shall indicate that the application has been approved by the Planning Commission. One approved copy shall be provided each to the applicant and one copy shall be retained by the Township Clerk.

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7. In cases where development authorized by a certificate of zoning compliance has not commenced within one (1) year of issuance, the certificate shall automatically become void and all rights thereunder shall terminate. A single one (1) year extension may be granted by the Zoning Administrator upon written application. Expiration of this extension shall require resubmittal of all applicable information as was submitted for the initial development proposal, including any required fees.
8. Fees: Application fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by the Township Board. Failure to obtain a certificate of zoning compliance before commencing construction or alteration or occupying land or a building or other activities for which a certificate is required shall constitute a violation of this Ordinance.

SECTION 22.03. CERTIFICATES OF OCCUPANCY

1. 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.
2. 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.
3. 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.

SECTION 22.04. PUBLIC HEARING AND NOTICE REQUIREMENTS

1. Whenever a public hearing on a zoning application is required by this Ordinance or the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.
 - A. Notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
 - B. For applications involving a specific parcel or applications involving the rezoning of ten or fewer properties, a notice of public hearing shall be mailed by way of first class mail or by personal delivery to the following persons, at least 15 days prior to the date of the public hearing:
 - 1) The owners of property for which approval is being considered.
 - 2) All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and
 - 3) The occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the Township.
 - 4) If the above described 300-foot boundary extends outside of the Township's boundaries, then notice must be provided outside of the Township's boundaries, within the 300-foot radius, to all persons in the above stated categories.

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- C. The notice of public hearing shall include the following information.
- 1) Description of the nature of the application/request;
 - 2) Identification/description of the property that is the subject of the application or request. The notice shall include a listing of all street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 - 3) State when and where the application will be considered, including the date, time, and location of the public hearing on the application; and,
 - 4) Identify when and where written comments will be received concerning the application or request.

SECTION 22.05. ZONING AMENDMENTS

The Planning Commission may initiate, or any interested person or public body may make, a written request to the Planning Commission for an amendment to the zoning map or text of this this Ordinance in accordance with the following procedures:

1. The applicant shall submit a formal application to the Zoning Administrator, together with a fee as determined by the Township Board. Applications shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting.
2. Required Information: All petitions for amendment to this Ordinance shall be submitted to the Zoning Administrator on a form provided by the Township. The following information shall be provided:
 - A. The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
 - B. The nature and effect of the proposed amendment;
 - C. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned;
 - D. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
 - E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the pro motion of the public health, safety, and general welfare;
 - F. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
3. Review Process:

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- A. The Planning Commission shall hold a public hearing, noting all comments and reports requested, or noting the absence of such. Notice of the public hearing shall be provided as required in Section 22.04.
 - B. Prior to a recommendation, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical, formatting, or grammatical errors. The changed text shall be forwarded as above without further hearing.
 - C. The Planning Commission shall forward the proposed amendment along with its recommendation to the Township Board and the Cass County Planning Commission pursuant to Section 307 of the Michigan Zoning Enabling Act. Said recommendation shall be accompanied by a summary of the comments made at the public hearing and by written findings of fact in support of the Planning Commission's recommendation.
 - D. The County Planning Commission shall have thirty (30) days to review and comment upon the amendment prior to the Township Board taking a final action. Comments from the Cass County Planning Commission are advisory.
 - E. Upon receipt of the recommendation from the Planning Commission and comments from the County (if received), the Township Board shall either approve or deny the requested amendment in accordance with the procedures adopted by the Board.
4. Review Criteria - Map Amendment (Rezoning): In making its recommendation on a proposed zoning map amendment (rezoning) to the Township Board, the Planning Commission shall consider the following factors:
- A. If the proposed rezoning is consistent with the Township's adopted Master Plan;
 - B. If the proposed rezoning is consistent with recent development trends in the area;
 - C. If the range of uses permitted by right and by special land use of the proposed zoning district is compatible with existing and future land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment;
 - D. If existing or planned public infrastructure, including streets, sanitary sewers, storm water, water mains or wells, sidewalks, and street lighting are capable of accommodating the potential changes in land use resulting from the proposed rezoning;
 - E. If the proposed rezoning is consistent with the intent and purpose of this Ordinance and whether the proposed amendment would protect the health, safety, and welfare of the Township.
5. Review Criteria - Text Amendment: Prior to making a recommendation on a proposed amendment of the Zoning Ordinance text to the Township Board, the Planning Commission shall consider the following factors:
- A. If the proposed text amendment would clarify the intent of the Ordinance or correct an error;
 - B. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the Attorney General, or promote compliance with changes in other county, state, or federal regulations;
 - C. If the proposed amendment is supported by the findings of reports, studies, or other

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documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items;

- D. If the proposed amendment is consistent with the Township's ability to provide adequate public facilities, utilities, and services and is consistent with the Township's desire to protect the public health, safety, and welfare of the community; and
- E. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district or between adjacent districts, and if there exists adequate public utilities and services to accommodate the use.

SECTION 22.06. CONDITIONAL REZONING

Any interested property owner may voluntarily offer in writing, and the Township Board may approve, certain uses and/or development of the land as a condition to a rezoning of the land.

1. Application Procedure:

- A. If the applicant wishes to submit an offer of conditions or restrictions related to the site, the proposed use or its impact on the community along with a petition to rezone land, such offer of conditions or restrictions shall be presented in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator.
- B. The applicant may request a pre-application meeting, in which the Zoning Administrator and other Township officials may identify concerns reasonably related to the rezoning request. The Township shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the Township to rezone any land.
- C. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the Township time to consider the offer; and if an offer of conditions is proposed at a Township Board meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration and recommendation.
- D. The Planning Commission or Township Board may postpone a request to give residents of the Township more time to fully understand the offer of conditions.

2. Standards for Approval:

- A. When reviewing a rezoning request and/or an offer of conditions or restrictions, the Township may consider, but shall not be limited to, the rezoning criteria specified in Section 22.05(4).
- B. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the Township.

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- C. When considering an offer of conditions or restrictions, the Township shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.
3. Expiration of Agreement, Reversion, and Extensions:
- A. If conditions are approved, the Township may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3(C) hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph 3(D) hereof. The approved conditions shall be in a recordable form and shall be recorded with the County register of deeds.
- B. The Township shall not add to or alter the approved conditions during the time period specified.
- C. The time period specified under subparagraph 3(A) may be extended upon the application of the property owner and approval of the Township:
- 1) The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and their recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being solicited.
 - 2) Upon recommendation of the Planning Commission, the Township Board may extend the time period specified under subparagraph 3(A). If the extension is approved and if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph 3(D).
- D. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. After a public hearing and after determining that the applicant has failed to satisfy the approved conditions, the Planning Commission shall make a recommendation to the Township Board. The Planning Commission shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such. The Township Board shall then consider the rezoning of the land back to its former zoning classification.
4. Coordination and Performance Guarantees:
- A. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
- 1) A construction schedule.
 - 2) Costs and obligations.
 - 3) Responsible parties for obtaining permits.
 - 4) Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
5. Notices and Hearing: Rezoning or zoning reversion of land shall require notice of public hearing in accordance with Section 22.04 hereof.

SECTION 22.07. FEES AND APPLICANT ESCROW ACCOUNTS

1. Application Fees: The Ontwa Township Board may establish by resolution, fees for appeals, applications for amendments, special uses, site plan reviews, certificates of zoning compliance, variances, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only by resolution of the Township Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
2. Escrow Accounts: If the Township determines that the basic fees provided under subsection (1) above will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.
3. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

SECTION 22.08. PERFORMANCE GUARANTEES

In the interest of ensuring compliance with the Zoning Ordinance provisions, protecting the health, safety, and welfare of the residents of the Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Zoning Administrator, Planning Commission, Zoning Board of Appeals or Township Board may require the applicant to deposit a performance guarantee with the Township as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

1. Performance guarantees may also be required as a condition of approval for land uses that may be temporary in nature and where the reclamation or restoration of a site to an acceptable condition will be needed, such as mining operations, wind and/or solar energy systems, and similar uses.

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2. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator in consultation with the Township Engineer, Attorney, or other consultants as deemed appropriate. All performance guarantees shall be subject to approval by the Township Zoning Administrator.
3. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a certificate of zoning compliance or any other approval by the Zoning Administrator for the development and use of the land.
4. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements at the cost of the applicant, in the event of default by the applicant.
5. An approved site plan or project shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the certificate of zoning compliance.
6. Upon the satisfactory completion of the improvement for which the performance guarantee as required, and as determined by the Zoning Administrator, the Township shall return to the applicant the performance guarantee deposited.
7. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the Township and prior to the issuance of a certificate of zoning compliance, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

SECTION 22.09. ZONING BOARD OF APPEALS

1. Creation: There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, together with any amendments thereto, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured, and substantial justice done.
2. Membership: The Zoning Board of Appeals shall consist of seven (7) members who shall be representative of the Township population and of the major interests present in the Township. All members shall be residents and qualified voters within Ontwa Township. One member shall be a member of the Planning Commission. Also, one regular member may be a member

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of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals. The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board in the absence of a regular member.

An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

3. Terms: All members of the Zoning Board of Appeals shall be appointed by the Township Board. All Appeals Board members shall be appointed with staggered terms by the Township Board, but members may continue to serve until their successor has been appointed. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Members' terms may be extended if reappointed by the Township Board. Terms shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board.
4. Vacancies: In the event that a member of the Zoning Board of Appeals can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals for that unexpired term. Should the unexpired be two (2) years or longer, it shall be considered as a full term.

If a Zoning Board of Appeals member moves outside the jurisdictional boundaries of the Township, this shall constitute a resignation from the Board effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

5. Absence and Removal:
 - A. Absence: Should a member have three (3) consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent of the meetings within any twelve (12) month period, it shall constitute reasonable grounds for removal. To initiate this action, the chairperson shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor with a request that an appointment be made to fill the vacancy.
 - B. Reason for Removal: Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. Failure of a member to disqualify himself/herself from a vote which he/she has a conflict of interest shall constitute misconduct in office.
 - C. Conflict of Interest: A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of conflict of interest if:
 - 1) The member has a direct financial interest in the outcome of the matter at issue; or
 - 2) The matter at issue involves the member's business or place of employment; or
 - 3) Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

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- 4) The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

6. Appeals:

- A. Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order to the Zoning Administrator where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Zoning Administrator or other administrative agency in the carrying out of the provisions of this Ordinance.
- B. A notice of appeal specifying the grounds thereof shall be filed with the secretary of the Zoning Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Zoning Board of Appeals all records upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Zoning Board of Appeals or by the Circuit Court.

7. Variances:

- A. Subject to the other provisions of this Ordinance, the Zoning Board of Appeals shall have the power to decide applications for variances where the literal enforcement of this Ordinance would involve practical difficulties:
 - 1) The Zoning Board of Appeals shall have no authority to hear, consider or grant use variances.
 - 2) Variance Review Standards: No variance in the provisions or requirements of this Ordinance shall be approved by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance meets all of the standards below:
 - a. That the requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.
 - b. That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
 - c. That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
 - d. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. Increased financial return shall not be deemed sufficient to warrant a variance.
- B. Conditions of Approval: Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and

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facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources, energy and to promote the use of land in a socially and economically desirable manner. To ensure compatibility with adjacent uses of land, the architectural character of accessory buildings requiring variances shall be considered.

Conditions imposed shall meet all of the following requirements:

- 1) It is found that there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, and that a variance is necessary for the preservation and enjoyment of a substantial property right similar to the possessed by other properties in the zone.
- 2) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, and residence immediately adjacent to land use or activity and community as a whole.
- 3) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals shall maintain a record of conditions which are changed.

In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any conditions place thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this Ordinance.

8. Public Hearings: All applications made to the Zoning Board of Appeals shall require a public hearing. Notice shall be provided as required in Section 22.04 of this Ordinance. Any interested party may appear and be heard at such hearing in person or by agent or attorney.
9. Decisions:
 - A. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
 - B. Upon the date for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Zoning Board of Appeals so decides.
10. Time Limit: If a variance is granted or other action requested by the applicant is authorized, the necessary building permit shall be secured, and the authorized action begun within three

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(3) months after the date and the variance is granted and completed within twelve (12) months of said date. The Building Official may, upon good cause shown, extend either the three (3) or the twelve (12) month period; and if the Zoning Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Zoning Board of Appeals shall revoke or rescind its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such three (3) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal; and all permissions, variances and permits shall be deemed automatically rescinded.

11. Vote Necessary for Decision: The final disposition of any matter by the Zoning Board of Appeals shall receive the concurring vote of a majority of the members of the Zoning Board of Appeals. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.
12. Minutes and Records: The Secretary or his/her designee shall keep minutes of the Zoning Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Zoning Board of Appeals examinations and official actions, all of which shall be filed with the Township Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Zoning Administrator and to the Planning Commission. No building permit shall be issued until such copy has been received by the Zoning Administrator.
13. Limitation of Board: The Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Zoning Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Zoning Board of Appeals considers specific provisions are creating unnecessary hardship, the Zoning Board of Appeals shall recommend action to amend such provision as provided by law.
14. Appeals of Decisions: The decision of the Zoning Board of Appeals shall be final. A party aggrieved by, or any person having an interest affected by the decision of the Zoning Board of Appeals may appeal said decision to the Circuit Court for the County of Cass as long as said appeal is filed in said court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson.
15. Reapplications: In the event a petition to the Board is denied, in whole or in part, a new application (i.e. reapplication) may not be made for the same or substantially similar request within six months of denial. A new application may be submitted if the Zoning Administrator finds that the new plan is substantially different, or there is newly discovered evidence.

SECTION 22.10. PLANNING COMMISSION

1. Creation: In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Planning Commission is hereby established.
2. Membership:
 - A. The Planning Commission shall consist of seven (7) members, or such other number determined by the Township Board and authorized by law.

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- B. The Planning Commission membership shall generally be representative of the Township population and of the major interests present in the Township.
 - C. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township.
 - D. One (1) member of the Township Board shall be a member of the Planning Commission.
 - E. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with affirmative majority vote of the members of the Township Board.
 - F. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
3. Conflicts of Interest: Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection, engagement in ex-parte communication, and similar substantive violations of the Planning Commission bylaws as determined by the Township Board constitutes malfeasance in office.
4. Terms: The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
5. Officers: The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting at the first meeting of the calendar year. The Commission may by majority vote establish other officers in its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
6. Bylaws and Recordkeeping: The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
7. Meetings of the Planning Commission:
- A. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
 - B. The Commission shall hold at least 4 meetings each year.
 - C. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.

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- D. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
8. Duties and Responsibilities: The Planning Commission shall be responsible for the following planning activities, among others:
- A. To prepare, consider and approve or recommend approval of the Township's Master Plan.
 - B. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.
 - C. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
 - D. To promote understanding of and interest in the Master Plan and this Ordinance.
 - E. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
 - F. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
 - G. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
 - H. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
 - I. To carry out other duties and responsibilities provided by law.

SECTION 22.11. PROPERTY SURVEYS

1. The Zoning Administrator or Building Official shall have the authority to require that an applicant or property owner provide the Township with a current signed and sealed survey by a Michigan registered surveyor for one (1) or more boundary or property lines of the lot or parcel involved if the Zoning Administrator or Building Official determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met.
2. The Zoning Administrator or Building Official may also require that the professional surveyor place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All surveying costs shall be paid for by the applicant or property owner.
3. Property surveys shall be required prior to new construction of a principal residential building, the expansion of any principal residential building, new driveways, and for any nonresidential building project for which a permit is required pursuant to this Ordinance. Such surveys shall show the property boundaries and the location of all proposed improvements and existing

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structures in the subject property. In performing the survey, the surveyor shall place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes.

4. The Zoning Administrator may waive the requirement for a survey when it is apparent that a survey would not be necessary to determine compliance with this Ordinance.

SECTION 22.12. PENALTIES

1. Penalties: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
2. Procedure: Any person, firm, corporation or entity that violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

The owner, if possible, and the occupant of any property upon which a violation has occurred, shall be notified in writing to correct the violation within fourteen (14) days after service of the notice upon such person. Such notice shall be served personally or by certified mail, return receipt requested. Additional time may be granted by the Zoning Administrator where good faith efforts to correct the violation are in progress.

3. Municipal Civil Infraction: A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$75	\$500
2 nd Offense	\$150	\$500
3 rd Offense	\$325	\$500
4 th Offense	\$500	\$500

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Ontwa Township has incurred in connection with the municipal civil infraction.

4. Remedial Action: The Township Board, Township Supervisor or an Enforcement Officer appointed by the Township Board may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 22.13. ADMINISTRATIVE LIABILITY

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance

SECTION 22.14. SEVERABILITY

This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof, shall be deemed to be severable. If any section, subsection, paragraph, subparagraph, or any other provision of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in force and effect.

SECTION 22.15. REPEALER

The former Zoning Ordinance of this Township (Ordinance #80-2), effective December 8, 1980, and all amendments thereto prior to [REDACTED], are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 22.16. EFFECTIVE DATE

This Ordinance was adopted at a regular meeting of the Ontwa Township Board on [REDACTED], and is ordered to take effect upon the expiration of eight (8) days following publication of adoption in *The Edwardsburg Argus*, 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.