

Zoning Ordinance

**Prepared By:
Cato Township Planning Commission
Cato Township
Montcalm County, MI
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CATO TOWNSHIP ZONING ORDINANCE

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CHAPTER 1

TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.00

TITLE

This Ordinance shall be known and may be cited as the "Cato Township Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Cato Township Zoning Ordinance.

SECTION 1.01

PURPOSE

- A. This Ordinance is based upon the Cato Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to:
 - 1. Promote the public health, safety and general welfare;
 - 2. Encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
 - 3. Conserve natural resources and energy;
 - 4. Meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land;
 - 5. Ensure that uses of land shall be situated in appropriate locations and relationships;
 - 6. Avoid the overcrowding of population;
 - 7. Provide adequate light and air;
 - 8. Lessen congestion on the public roads and streets;
 - 9. Reduce hazards to life and property;
 - 10. Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and,
 - 11. Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each 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 1.02

SCOPE

- A. Zoning affects all structures and land uses within the Township.
- B. 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annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants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.
- C. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or 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 1.03
LEGAL BASIS

This Ordinance is enacted pursuant to the Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.

SECTION 1.04
REPEAL

Any Ordinance or any provision of any Ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance replaces the Cato Township Zoning Ordinance adopted August 31, 1987, as amended.

SECTION 1.05
SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which shall be in effect.

SECTION 1.06 TO 1.99
RESERVED FOR FUTURE USE

CHAPTER 2 DEFINITIONS

SECTION 2.00 RULES APPLYING TO TEXT

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

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

SECTION 2.01 A - DEFINITIONS

ABANDONMENT:

A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year. (03/04/2024)

ACCESSORY BUILDING

A subordinate building on the same premises with a main building or a portion of a main building and occupied or devoted to an accessory use; for example, a private garage used for the housing of automobiles used by the residents of a dwelling to which the private garage is accessory. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.

ACCESSORY USE, OR ACCESSORY

A use of a zoning lot which is clearly incidental and subordinate to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE

An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

ADULT CARE CENTER (See CHILD and ADULT CARE CENTERS)

ADULT LIVE ENTERTAINMENT THEATER

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

ADULT MOTION PICTURE THEATER

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

ADULT USES

Uses whose primary business is for an adult bookstore, adult live entertainment theater, adult motion picture theater, or a combination thereof.

AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally association with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building, or the removal of a building from location to another.

AUTOMOTIVE SALES AREA

An area used for the display, sale, or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment, construction equipment, or mobile homes in operable condition.

AUTOMOTIVE REPAIR SHOP

A garage, building, or area where repairs of motor vehicles, boats, trailers, farm equipment, or similar equipment is made for a fee.

AUTOMOBILE SERVICE STATION

A retail business primarily oriented to the sale of gasoline for use by automobiles and light trucks, with ancillary sales of sundry goods and food products typically consumed on a daily basis. An automobile service station may include bays for the light servicing of vehicles such as oil changes, battery and tire replacements, belt replacements, engine tune-ups, and similar light repair services.

AVERAGE GRADE (See Also GRADE)

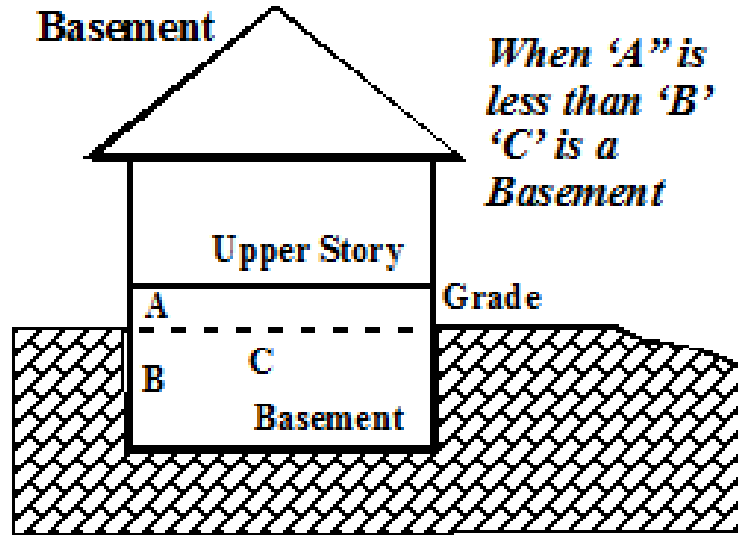
The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the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

SECTION 2.02

B – DEFINITIONS

BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



BED AND BREAKFAST

A single-family dwelling occupied by the owner or permanent tenant in which overnight lodging and breakfast are made available to transient guests for a fee. Individual guest rooms do not contain kitchen (cooking) facilities and may or may not contain private bathrooms. Guest stays are short-term in duration, generally one (1) week or less. Bed and breakfast shall not mean hotel or motel.

BERM

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

BILLBOARD or SIGNBOARD (See Chapter 14, SIGNS)

BODY SHOPS (See AUTOMOTIVE REPAIR SHOP)

BOARD (ZONING BOARD OF APPEALS)

When used in this Ordinance, the term "Board" shall mean the Township Zoning Board of Appeals as authorized by this Ordinance pursuant to the Township Zoning Act, Michigan Public Act 184 of 1943, as amended.

BOARDING HOUSE or ROOMING HOUSE

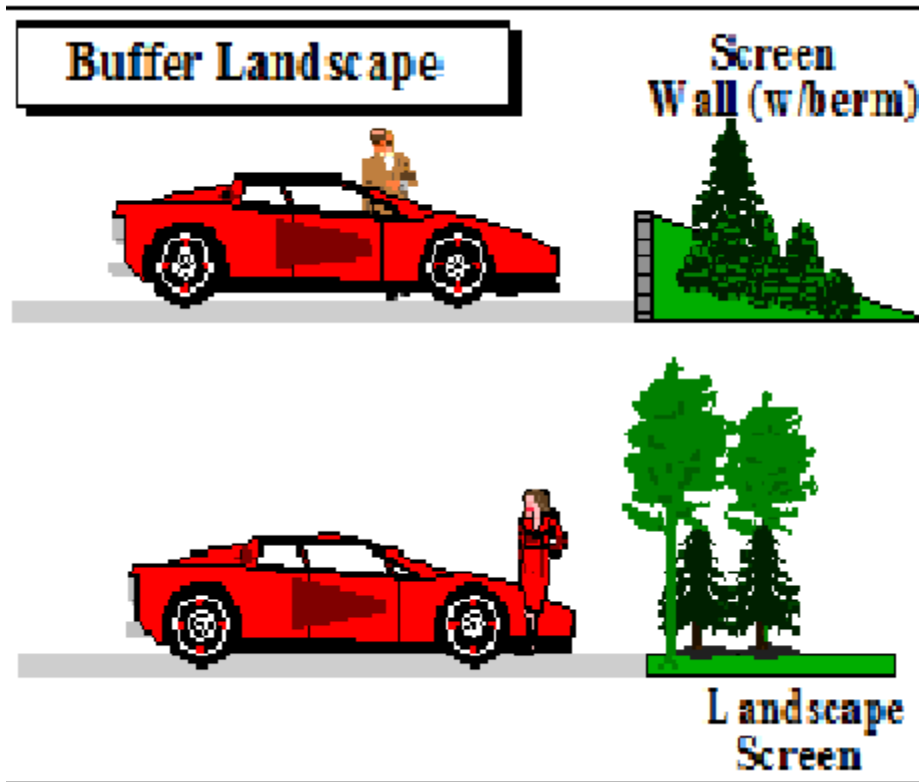
A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

BUILDING INTEGRATED PHOTOVOLTAICS (BIVPS):

A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles. (03/04/2024)

BUFFER STRIP

A strip of land required between certain properties, land uses, and districts and reserved for plant material, berms, walls, or fencing to serve as a visual and/or noise barrier.



BUILDING

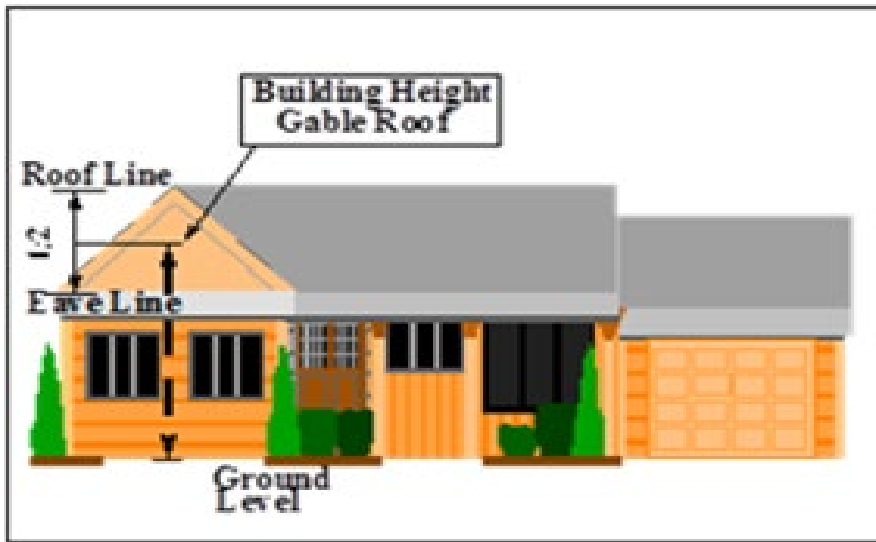
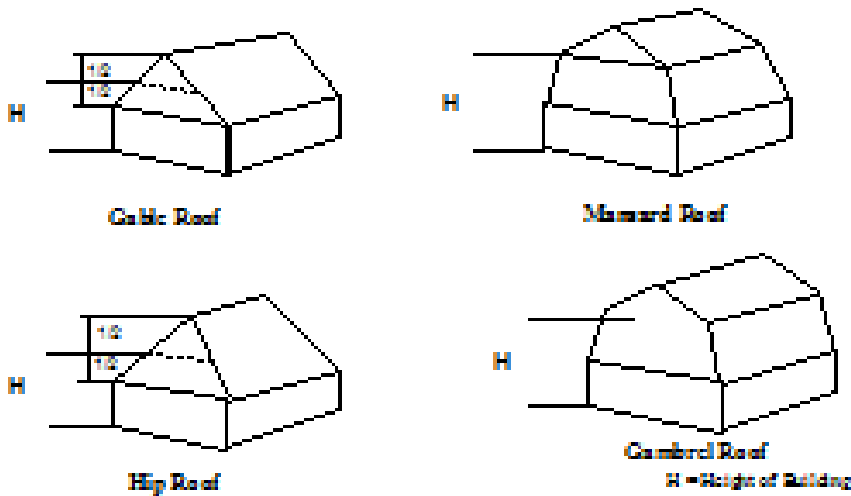
A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING CODE

The currently adopted Township code or codes governing the erection and maintenance of buildings.

BUILDING HEIGHT (See HEIGHT)

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. (diagram – next page)



BUILDING INSPECTOR (See ZONING ADMINISTRATOR)

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Cato Township. The Building Inspector may also serve as the Township Zoning Administrator.

BUILDING LINE

A line formed by the eave of the building, or the most horizontal appendage of the building; and for the purposes of this Ordinance, a minimum building line is the same as the front setback.

SECTION 2.03

C - DEFINITIONS

CASH VALUE (see TRUE CASH VALUE)

CERTIFICATE OF (ZONING) OCCUPANCY

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

CHILD and ADULT CARE CENTERS

Any facility other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child or adult. Child and adult care centers include facilities which provide care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child and adult care centers do not include Sunday schools, vacation Bible schools, or religious classes that are conducted by a religious organization where children or adults are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children or adults are cared for not greater than four (4) hours, while persons responsible for the children or adults are attending religious classes or services.

COMMERCIAL SOLAR ENERGY SYSTEM:

A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity. (03/04/2024)

COMMERCIAL WAREHOUSE

Any building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES shall mean a licensed commercial telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMMON LAND is a parcel or parcels of land with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision, site condominium, planned unit development, or similar land development arrangement.

COMMON OPEN SPACE is an unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the development residents, owners, and occupants, and generally owned and maintained in common by them, often through a homeowners, or similar, association.

COMMUNICATION TOWER (Also referred to as TOWER) is a public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A **Single-User Tower** is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required by this Ordinance. A **Multi-User Tower** is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

COMMUNICATION TOWER BUILDING is a building accessory to a communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other such device.

CONDOMINIUM (CONDOMINIUM PROJECT)

A development subject to Michigan Public Act 59 of 1978, as amended. A condominium project shall be equivalent to Subdivision as used in this Ordinance and Subdivision Regulations.

CONVALESCENT HOME (NURSING HOME) is a home for the care of the elderly, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty four (24) hour care, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).

CONVENIENCE STORE

A retail outlet providing food and sundry products typically consumed on a daily basis, with or without ancillary gasoline sales, but not including vehicular servicing except for an air pump. Customer visits to the store are short term in duration, generally less than fifteen (15) minutes per trip.

CONVENIENCE STORE with GASOLINE SALES is Convenience Store that occupies an in-door sales area of fifty (50) square feet or more and which has been established in conjunction with gasoline sales. Unlike Filling (Gasoline) Stations, a Convenience Store with Gasoline Sales does not house space nor equipment for the installation of minor vehicular operating commodities such as oil, coolants, lubricants, batteries, tires, and the like. Equipment to furnish air for the inflation of vehicular tires may be provided.

COUNTY BOARD

The County Board of Commissioners of Montcalm County.

SECTION 2.04

D - DEFINITIONS

DISTRICT (ZONE DISTRICT)

A Zoning District in which land and buildings are regulated by use, dimensional standards, and various placement criteria.

DRIVE-THROUGH FACILITIES

Any facility used in connection with a business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food or merchandise carry-out. Such facilities often require the stacking or queuing of vehicles awaiting pick-up of goods.

DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY (DUPLEX)

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and

sleeping purposes, with housekeeping facilities.

SECTION 2.05
E - DEFINITIONS

ERECTED

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

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication (except communication towers), supply or disposal systems, including towers, antennas, satellite dishes, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION

Any breaking of ground, except common household gardening, farming operations, and ground care.

SECTION 2.06
F - DEFINITIONS

FAMILY

One person residing in a household; or two (2) or more persons related by blood, heterosexual marriage, adoption or legal arrangement, including foster children and servants residing together; or three (3) or fewer unrelated persons residing together as one housekeeping unit in a dwelling unit.

FAMILY DAY CARE HOMES

Any private residence in which the operator permanently resides as a member of the household, registered with the Michigan Family Independence Agency, in which one (1) but less than seven (7) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.

FARM

A contiguous parcel of land of not less than ten (10) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer or with assistance of members of the household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, hog farms, commercial feedlots, apiaries, truck farms, and forestry operations.

Fish hatcheries, stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, keeping fur bearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farm uses.

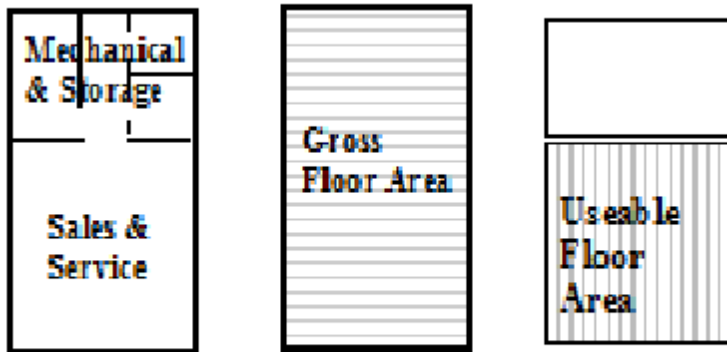
FLOOD

Is a land area which on the basis of available information is subject to a one (1) percent or greater chance of flooding in any given year.

FLOOR AREA, GROSS (GFA)

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, attics, and basements.

FLOOR AREA, USABLE (UFA)



FLOOR AREA

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes.

Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. 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. Useable floor area must have at least five (5) feet clear height between floor and ceiling.

FLOOD PLAIN

Is any land area susceptible to being inundated by water from any source.

SECTION 2.07

G - DEFINITIONS

GARAGE

An accessory building used primarily for the storage of passenger vehicles and for not more than one (1) truck of a rated capacity not to exceed one and one-half (1 1/2) tons.

GOVERNING BODY

The Board of Cato Township

GRADE (See also AVERAGE GRADE)

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a

horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent.

GREENBELT (See BUFFER STRIP)

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

GROUND MOUNTED SOLAR ENERGY SYSTEM:

A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building. (03/04/2024)

GROUP DAY CARE HOMES

Any private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Family Independence Agency, in which more than six (6) but not more than twelve (12) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related to the operator of the home by blood, marriage, or adoption. Group day-care homes include homes that give care to unrelated minor children or adults for more than four (4) weeks during a calendar year.

SECTION 2.08

H - DEFINITIONS

HEIGHT (See BUILDING HEIGHT)

The vertical distance measured from the average grade to the highest point of a structure, provided, however, the height of a building with a roof shall be determined as based on the definition of BUILDING HEIGHT.

HOME OCCUPATION (See Chapter 3, GENERAL PROVISIONS - HOME OCCUPATIONS)

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit.

SECTION 2.09

I - DEFINITIONS

INOPERATIVE VEHICLES

Any motor vehicle which can no longer propel itself.

INSTITUTIONAL USE (Also PUBLIC USE)

Uses under the ownership or control of a governmental entity or agency and uses often referred to as quasi-public including churches, private schools teaching academic subjects comparable to the public school system, hospitals, convalescent and nursing homes, private parks, and uses of a similar nature.

SECTION 2.10

J - DEFINITIONS

JUNK

Any worn out or discarded materials including, but not necessarily limited to, scrap iron and other metals, waste paper, rags, rubber, tires, bottles, inoperable motor vehicles and parts, construction material, household wastes, garbage, discarded appliances, and yard debris.

JUNK YARD (SALVAGE YARD)

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags,

rubber, tires, and bottles. A "junk yard" or "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 2.11
K - DEFINITIONS

KENNEL, COMMERCIAL

Any lot or premise on which any combination of four (4) or more dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold or provided to the public without cost in excess of one (1) litter (or similar brood, progeny, off-spring, or birth of young) per year.

SECTION 2.12
L - DEFINITIONS

LOADING SPACE

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

LOT

A parcel, vacant land, occupied land, or land intended to be occupied by a main building and accessory buildings, or utilized for the principal accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

LOT, CORNER

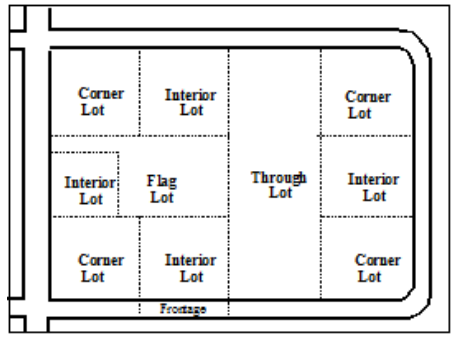
Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve,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

LOT, INTERIOR

A lot other than a corner lot or through lot.

LOT, THROUGH

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



LOT, WATERFRONT

A lot having a property line abutting a shoreline.

LOT AREA

The total horizontal area within the lot lines.

LOT COVERAGE

The part of the lot occupied by buildings, including accessory buildings.

LOT DEPTH

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

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront.

B. REAR LOT LINE

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

C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD

Any parcel of land, the dimensions of which are shown on a document or map on file with the Montcalm County Register of Deeds as of the date of adoption of this Ordinance or any relevant amendment thereto which would affect such lot, which lot actually exists as shown or any part of a parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

SECTION 2.13

M - DEFINITIONS

MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME

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

MANUFACTURED HOME PARK

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

MASSAGE CLINIC (See also MASSAGE PARLOR, ADULT MASSAGE PARLOR)

Is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with “Specified Sexual Activities” or where any person providing such treatment, manipulation or service related thereto exposes “Specified Anatomical Areas”; provided however, this provision shall not apply to a medical doctor, osteopathic physician, chiropractor, or similar medical professional licensed by the State of Michigan to perform medical procedures on the human body.

MASTER PLAN

The Master Plan currently adopted by Cato Township, including graphic and written proposals, indicating the physical development of the Township, and includes any unit or part of such plan.

MOBILE HOME

A portable unit built without a permanent foundation to be towed on its own chassis comprised of frame and wheels, designed to be connected to utilities at a site and use as living quarters.

MOTEL/HOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis. Motels and hotels do not include Bed and Breakfast establishments or Boarding Houses.

SECTION 2.14

N - DEFINITIONS

NONCONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and which does not conform to the provisions of the Zoning Ordinance in the District in which it is located.

NONCONFORMING USE

A use or activity which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not conform to the use regulations of the District in which it is located.

SECTION 2.15

O - DEFINITIONS

OFF-STREET PARKING LOT

A public or private facility or area providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles, but not to include driveways and parking associated with a single-family or two-family dwelling.

OPEN AIR BUSINESSES

Retail sales establishments operated substantially in the open air, including uses such as:

- A. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sales, repair, or rental services.
- B. Outdoor display area and sale of motor homes, recreation vehicles, manufactured homes, farm equipment, construction equipment, snowmobiles, swimming pools and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

ORDINARY HIGH WATER MARK or SHORELINE

The line between upland and bottom land 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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SECTION 2.16

P - DEFINITIONS

PARKING SPACE

An area of definite length and width used for vehicular parking. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICES BUSINESS

Any commercial business conducting personal services that are performed primarily on the premises. Examples include barber shop, hair salon, tanning salon, spa, fitness club, nail salon, and other uses offering personalized services consistent with the above uses.

PLANNED UNIT DEVELOPMENT (PUD)

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

PLANNING COMMISSION

The Cato Township Planning Commission.

PRIMARY ROAD

A County Primary roadway as designated by the Montcalm County Road Commission. For purposes of this Ordinance, a State Trunk line shall also be considered as a County Primary.

PRINCIPAL USE

The primary use to which the premises is devoted.

PRIVATE ROAD (STREET)

See Private Road/Street Regulations

PRIVATE SOLAR ENERGY SYSTEM:

A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. This would include Commercial business for use only at the property address. (03/04/2024)

PUBLIC UTILITY

A person, firm, corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

SECTION 2.17

Q- DEFINITIONS

Reserved for future use.

SECTION 2.18

R - DEFINITIONS

RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

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

This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

REQUIRED YARD

The required yard shall be the building setback set forth in the applicable sections of the Cato Township Zoning Ordinance as the minimum setback requirement for a lot or parcel in each Zone District for front, side, and rear yards.

ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM:

A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs. (03/04/2024)

SECTION 2.19

S - DEFINITIONS

SALVAGE YARD (See JUNK YARD)

SATELLITE DISH ANTENNA

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extra-terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

SCREEN

A structure such as a fence, wall, landscape screen, or combinations of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

SERVICE DRIVE

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

SETBACK (See SETBACK, REQUIRED and See YARD)

The horizontal distance between a front, rear, or side lot line and a building line.

SETBACK, REQUIRED

The required minimum horizontal distance between a front, rear, or side lot line and a building line. On lots with multiple street frontage, such as corner lots, all sides of said lots abutting a street shall be considered front yards pursuant to required setback. (Separate definitions for condominium projects are listed under "CONDOMINIUM, SETBACKS.")

SETBACK

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

SIGN

See Section 14 - SIGNS

SIGNIFICANT NATURAL and CULTURAL FEATURES

Any natural area or cultural feature as designated by the Township Master Plan, Township Zoning Map, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan State Historic Preservation Officer, the United States Fish and Wildlife Service or other such state or federal agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features, and features considered to be of historic significance.

SIMILAR

Shall mean a use or service that is comparable, consistent, corresponding, or equivalent to the range of uses and services provided for within a zone district in which said use or service may be placed.

SINGLE OWNERSHIP

Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common.

SITE PLAN

A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

SOLAR ENERGY SYSTEM:

Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means. (03/04/2024)

SPECIAL LAND USE

A use of land not permitted by right, but, which is permitted within a particular zoning district after demonstration of compliance with specific special land use standards. A special land use requires that a special use permit be obtained.

SPECIFIED ANATOMICAL AREAS

- A. 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
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY - 6 or FEWER PERSONS)

A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY

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

STORY, HALF

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

STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE

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

STRUCTURAL ALTERATIONS

Any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.

SUBDIVISION

A development subject to the provisions of Michigan Public Act 288 of 1967, as amended.

SUBSTANTIAL IMPROVEMENT

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

SWIMMING POOL

Any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty four (24") inches, intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

SECTION 2.20

T - DEFINITIONS

TEMPORARY BUILDING, STRUCTURE or USE

A building, structure, or use permitted to exist during periods of construction of the principal building, structure, or use.

TENT

shall mean a shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

TOWNSHIP

Unless otherwise provided for, township shall mean Cato Township, Montcalm County, Michigan.

TOWNSHIP BOARD

The Township Board of Cato Township.

TRUCK TERMINAL

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

TRUE CASH VALUE

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

SECTION 2.21

U Definitions

USE

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

SECTION 2.22

V Definitions

VARIANCE

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 207 of the Public Acts of 1921, including any amendments thereto.

VEHICLE

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE REPAIR OR STORAGE ESTABLISHMENT

A building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation, including, but not limited to, major mechanical and body work, storage of damaged or inoperable vehicles awaiting repair, and other vehicle repair work creating noise, glare, fumes, or smoke, or used for the storage and impounding of vehicles, not including wrecking, junking, or salvaging of vehicle parts.

VEHICLE SERVICE STATIONS

Buildings and premises where the principal uses include the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, or the minor servicing of vehicles, including such activities as engine tune-ups, oil changes, muffler replacements, and other similar minor repairs, but not including body shops.

VETERINARY CLINIC

A building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons.

VIOLATION

Any action resulting in the violation of the requirements of this Ordinance, or the requirements or conditions attached to the use or development of a parcel, building, or facility resulting from the bonafide actions of the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals.

SECTION 2.23

W - DEFINITIONS

WASTE DUMPSTER

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

WETLAND

A land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED

A certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WHOLESALE STORE

Any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct consumption.

SECTION 2.24
X - DEFINITIONS

Reserved for future use.

SECTION 2.25
Y - DEFINITIONS

YARDS

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

A. FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building. In the case of a corner lot, all lot lines abutting a street (public or private) shall be considered a front lot line with front yards provided for each.

B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. SIDE YARD

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

YARD, REQUIRED

The required yard shall be that set forth in the applicable Chapters of the Cato Township Zoning Ordinance as the minimum yard requirement for each District.

SECTION 2.26
Z - DEFINITIONS

ZONING ACT

The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS (See BOARD)

SECTIONS 2.27 TO 2.99
RESERVED FOR FUTURE USE

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.00 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- A. **Required Area or Space** - A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

- B. **Existing Lots of Record** - A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District, provided the lot can meet Health Department Approval and applicable building code requirements. The main building and all accessory buildings shall be located on the lot to assure maximum compliance with all yard and setback requirements for the District in which the lot is located.

- C. **Non-conforming, Adjacent, Lots of Record in Common Ownership** - If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are in common ownership and adjacent each other or have continuous frontage and which individually do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

- D. **Height Exceptions**
 - 1. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, public monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.

 - 2. Additions to existing buildings and structures which now exceed the height limitations of their District up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building. Said radius to be measured from the structure or building which shall serve as the center of the circular area.

SECTION 3.01 REQUIRED YARDS and LOTS

- A. **Minimum Requirements** - All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.

- B. **Exclusion of Private Street Easements, Public Right-of-Way, and Bottomlands in Computing Lot Area and Width** - Computations for minimum lot area and width shall not include lands or areas used for private easements granted to other properties for purposes of establishing or maintaining a private street, land located under or comprising a public road right-of-way, or land or bottomlands

located under a lake, stream, or river.

- C. Measuring Yard Setbacks - Required front yard setbacks shall be measured from the right-of-way line of a public road, except for lots which have frontage on a private road, in which case the front yard setback shall be measured from the private road easement line. Side yard setbacks shall be measured from the side lot lines and rear yard setback shall be measured from the rear lot line.
- D. Dwellings on More Than One (1) Lot - If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

**SECTION 3.02
PRINCIPAL USE OR MAIN BUILDING ON A LOT**

- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and other similar site features.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residence purposes shall comply with the underlying residential district standards. If the underlying district does provide for residential standards, than the requirements of the Rural Residential District shall apply to that part of the building used for residential purposes.

**SECTION 3.03
DOUBLE FRONTAGE LOTS**

- A. Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.
- B. Other than corner lots with frontage on two (2) intersecting streets, double frontage lots shall not be permitted.
- C. Lots fronting on a lake shall comply with front yard requirements on that part of the lot facing the shoreline. In such cases, the yard opposite the front yard shall be considered the rear yard.

**SECTION 3.04
MINIMUM LOT WIDTH and LOCATION STREET FRONTAGE**

- A. Minimum Lot Width - The minimum lot width required in each zoning district shall be maintained across the entire length of the lot. All lots shall have frontage on a public or private street for a distance equal to or greater than the minimum lot width specified for the district in which the lot is located. For all lots abutting or having frontage on a lake, river or stream, each lot shall have frontage on the lake, river, or stream, as measured at the normal highwater mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- B. Exclusion of Right-of-Way - For purposes of this section, the measurement of lot width and frontage shall exclude all road or street right-of-way or easements.

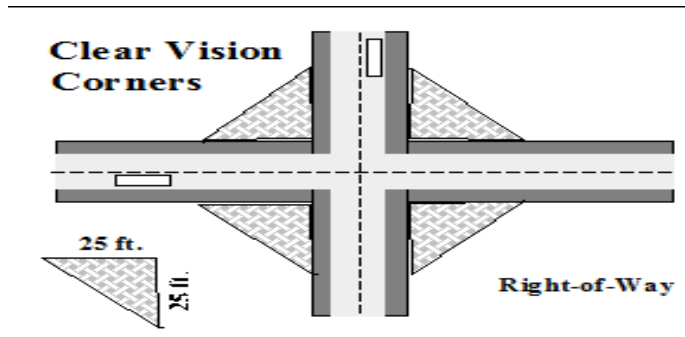
- C. Cul-de-sac Lots - Notwithstanding the above, lots with frontage on a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage), provided, however, that the lot width at the front setback line (or rear setback line in the case of waterfront lots) shall satisfy the minimum lot width requirement of the district in which the lot is located.

**SECTION 3.05
USE OF BASEMENT FOR DWELLING PURPOSES**

- A. The use of any unfinished basement or finished basement without a direct outside access shall be prohibited for use as a dwelling unit. Any dwelling without a full floor above grade shall be considered a basement dwelling.

**SECTION 3.06
PROJECTIONS INTO YARDS**

- A. Certain architectural features such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, roof overhangs, and similar features may project up to four (4) feet into a required front or rear yard. Said features shall not project into the required side yard.
- B. Porches, decks, balconies, or window awnings and similar structures may project as follows:
 - 1. On non-waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level may project up to ten (10) feet into a required front yard, up to fifteen (15) feet into a required rear yard, and shall not project into a required side yard. In no case, however, shall a projecting porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line.
 - 2. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level shall meet the front and rear yard setbacks established by existing porches, terraces, decks, balconies and awnings for buildings within one-hundred (100) feet of the lot line of the proposed structure. In the event no structures existing within one hundred (100) feet of the subject lot line, than an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed above the average grade level, may project up to ten (10) feet into a required front yard and up to fifteen (15) feet into a required rear yard. No such structure shall project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten (10) feet to any front or rear lot line.



**SECTION 3.07
CLEAR VISION CORNERS**

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet above the established abutting road 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
CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS**

Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located, provided however, these provisions shall not prohibit the lawful use of land for farming operations.

**SECTION 3.09
TEMPORARY USES OR STRUCTURES**

A. Temporary Offices.

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than twelve (12) calendar months and may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than twelve (12) calendar months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

B. Mobile Homes as Temporary Residences.

1. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary mobile home in any District provided that the Zoning Administrator makes the following determinations:
 - a. The mobile home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary mobile home permit.
 - c. The mobile home dwelling meets the requirements of the Montcalm County Health Department and all applicable Township ordinances.
2. Upon applying for a temporary mobile home permit, the applicant shall pay a fee to the Township as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. The original temporary mobile home permit shall be limited to a period of twelve (12) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Administrator, within the twelve (12) month period, a six (6) month extension or less shall be permitted by the Zoning Administrator only for the purpose of completing the residence.

3. Upon the filing of an application for continuation of any mobile home permit, the applicant shall pay a fee, as determined by the Township Board; and such fee shall be remitted to the Township Treasurer. Such fee shall be for the consideration of such application, and no refund shall be made in the event of denial.
4. In addition to the original application fee, the applicant shall post a bond, cash deposit, or other security acceptable to the Township Board, in the amount of five hundred dollars (\$500.00) to be placed in a non-interest bearing, escrow, account as a guarantee that a mobile home used as a temporary residence will be removed within thirty (30) days after expiration of the temporary mobile home permit. In the event the temporary mobile home is not removed as required, the Township may use any or all of the guarantee to have the mobile home removed and stored. Any portion of the guarantee not used by the Township for the above stated removal and storage shall be returned to the applicant.

C. Standards for Temporary Uses and Structures - In considering authorization for all temporary uses or structures, the Zoning Administrator shall consider the following standards:

1. That the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
3. That the use or structure does not impact the nature of the surrounding neighborhood;
4. That access to the use area or structure is located at the least offensive point.

D. Conditions - The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met.

SECTION 3.10 ACCESSORY USES

- A. In any District, accessory uses, incidental only to a permitted use, are permitted when located on the same property; provided that such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of Home Occupations as regulated by this Ordinance, nor shall it exclude the operation of a garage or yard sale, provided that such sale is not operated for more than a total of five (5) days within any thirty (30) day period.
- B. Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses; subject to the requirements of this Ordinance and the underlying zone district.
- C. Except as provided by this Ordinance, no accessory use shall be established on any lot unless a principle use has been established on the same lot.

SECTION 3.11 ACCESSORY BUILDINGS

- A. General Requirements
 1. In any District, except as noted, an accessory building may be erected **alone or (04/12/17)** detached from the main building, or may be erected as an integral part of the main building.
 2. When erected as an integral part of the main building, it shall comply in all respects with the

3. requirements of this Ordinance which are applicable to the main building.
 3. No accessory building shall be erected in the required front yard, except that on lots with frontage on a lake and with a single family dwelling, not more than one (1) accessory building may be erected in the required front yard, but such accessory building shall be located at least fifteen (15) feet from the shoreline and shall not exceed one-hundred (100) square feet in area.
 4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
 5. **A stand-alone accessory building must comply in all aspects of Zoning District Requirements. (04/12/17)**
- B. Accessory buildings shall be permitted within the A-R, R-R, S-R, and M-R Districts or with any residential use provided that the following restrictions are met:
1. Except for farms associated with residential uses, no more than two (2) detached accessory buildings shall be permitted on any residential lot.
 2. Except for bonafide farms, **the total area of all buildings, including accessory buildings, shall not exceed the lot coverage requirement as defined for each District (12/05/22).**
 3. Farm operations may erect accessory buildings as needed to support ongoing and on-site agricultural activities.
 4. Accessory buildings in excess of one hundred and twenty (120) square feet must be designed, constructed, and finished such that the exterior appearance is similar to that of the main building, except for those used in farming operations.
 5. No detached accessory building shall be located closer than ten (10) feet to any main building. The drip edge of any detached accessory building shall not be located closer than ten (10) feet to any side lot line or ten (10) feet from the rear lot line.
 6. No accessory building shall exceed **eighteen (18) feet in height (12/05/22)**, as measured from the average grade to the highest point of the roof, except for those used in farming operations, which may be as high as reasonably necessary.
- C. Accessory Buildings and Structures in Non-Residential Districts
Accessory buildings shall be permitted within the Commercial and Industrial Districts provided that the following requirements are met:
1. No more than three (3) detached accessory buildings shall be permitted on any lot.
 2. The total area of all accessory buildings shall not exceed twenty-five percent (25%) of the floor area of the main building(s). On parcels of five (5) or more acres, additional accessory building area, not to exceed one hundred percent (100%) of the total floor area of the main buildings may be secured subject to site plan review and approval by the Planning Commission.
 3. A detached accessory building shall meet all setback requirements for the District in which it is located.
 4. No detached accessory building shall be located nearer than ten (10) feet to any main building.

5. No accessory building shall exceed the permitted height for main buildings in the District in which it is located, as measured from the average grade to the highest point of the roof.

D. Construction of Accessory Building

1. Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building so long as the period of construction does not exceed one (1) year.

**SECTION 3.12
FENCES**

- A. Fences shall not exceed six (6) feet in height in Residential Districts or eight (8) feet in height in Non-Residential Districts, measured from the ground surface to the uppermost portion of the fence; provided however, fences in the A-R District may exceed the above limitations if necessary for the containment of animals.
- B. Fences erected within the required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six (6) feet in height. Fences within the required front yard shall be of a type which is not more than twenty-five percent (25%) solid throughout.
- C. Fences in Non-Residential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided the barbed wire portion of the fence shall not be nearer than six (6) feet from the surface of the ground. Fencing in the A-R District for the containment of animals may include barbed wire and/or electrified fencing at heights necessary for said containment. The installation of electrified fencing shall comply with applicable Electrical Codes and such fencing shall not pose a threat to the public health, safety, or welfare.
- D. Fences shall not be erected within any public right-of-way in any District.
- E. Fences shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- F. Fences erected for the containment of animals which are not native to the State of Michigan or which require a State or Federal permit for said containment shall require a Special Use Permit.

**SECTION 3.13
SWIMMING POOLS**

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.

- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the building codes in force in Cato Township and all standard codes referred to therein.

SECTION 3.14
HOME OCCUPATIONS

All home occupations shall be subject to the following restrictions and regulations:

- A. Except as noted, the home occupation shall be conducted within the dwelling unit only by a person resident of said unit; except that not more than one (1) person may be employed who is not a resident of the premises.
- B. No motor other than electrically operated motors shall be used in conjunction with such home occupation, and the total horsepower of such permitted electrical motors shall not exceed ten (10) horsepower, or five (5) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
- C. There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than twenty percent (20%) of the living area of the dwelling shall be devoted to such home occupation. Nor shall the home occupation result in the alteration of the dwelling, or permitted accessory buildings, such that the home occupation requires special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment, and other such special code system requirements which are not typical to residential dwelling units.
- D. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- E. All articles or materials used in connection with such home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard
- G. There shall be no sale of products or services except as are produced on the premises by such home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.
- H. Instruction in craft or fine art, within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

I. Special Use Permit Exception - A home occupation employing more than (1) person who is not a resident of the dwelling unit, to a maximum of four (4) such persons, and/or a home occupation proposed to be located in a detached accessory building shall be permitted subject to receipt of a special use permit and compliance with the following standards:

1. The accessory building shall not exceed 1,600 square feet, or less if a building of such size is not permitted by the underlying zone district.
2. All employees parking shall be provided off the street, and not within the required front yard.
3. The other Home Occupations standards of this section shall be met.
4. The use shall not alter the residential character of the district.

**SECTION 3.15
DWELLING UNITS - USE FOR COMMERCIAL OR INDUSTRIAL**

Residential dwelling units, or buildings accessory thereto and additions to the same, may not be used for commercial or industrial purposes, except as may be permitted in Section 3.14. This does not preclude, however, the conversion of a residential dwelling unit for commercial or industrial use if the requirements of this Ordinance and all building code requirements have been met.

**SECTION 3.16
MECHANICAL APPURTENANCES**

Mechanical appurtenances shall not be closer than twenty (20) feet to adjoining properties.

**SECTION 3.17
DISH ANTENNA**

A. Dish antennas are permitted in all Districts upon approval of the Zoning Administrator, provided the setback requirements for detached accessory buildings are maintained and the following conditions satisfied:

1. The antenna shall be permanently anchored to a foundation.
2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representation intended for commercial purposes other than the manufacturer's name.
3. No ground mounted dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
4. A dish antenna, not to exceed may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the peak of the roof of the building, including the mounting structure.
5. No dish antenna shall be located in any front yard.

B. If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.

C. Modification of the provisions of this Section may be approved by the Zoning Administrator provided the applicant demonstrates that reception comparable to other such installations in the Township may not be achieved as a result of complying with said provisions. In such instances, the Zoning Administrator shall modify only those requirements necessary to obtain proper reception.

D. Dish Antennas one (1) meter (39.37 inches) or less in diameter are exempt from the above requirements.

**SECTION 3.18
ESSENTIAL SERVICES**

A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication (except communication towers), or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.

B. Notwithstanding the provisions contained above:

1. 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.
2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
3. Public utility facilities in any 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 3.19
GOVERNMENTAL IMPROVEMENTS**

Unless preempted by statute, the provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

**SECTION 3.20
HEALTH DEPARTMENT APPROVAL**

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities do not comply with the rules and regulations governing potable water supplies and waste and sewage disposal in Montcalm County.

**SECTION 3.21
RAZING OF BUILDINGS**

No building shall be razed until a building permit has been obtained. The Building Inspector shall be authorized to require a performance guarantee in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

SECTION 3.22

MOVING OF BUILDING

A. No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a permit is issued by the Building Inspector. All such buildings shall meet the construction code as adopted by the Township. In considering such permit, the Building Inspector shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.
3. The requirements of this Ordinance.

SECTION 3.23

KEEPING OF ANIMALS AND PETS

- A. Unless otherwise permitted by this Ordinance, no more than four (4) adult [six (6) months of age or older] dogs shall be kept or housed on any lot or premises in any Residential District.
- B. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or medical care of fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
1. On lots of one-half ($\frac{1}{2}$) acre to one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
 2. On lots of greater than one (1) acre, but less than five (5) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human residents of the premises;
 3. On lots of five (5) acres to ten (10) acres; the uses permitted by paragraph 2, above; and one (1) horse, or one (1) cow, or one (1) pig for each acre, or part thereof, provided that any pig pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
 4. On lots of greater than ten (10) acres the restrictions of Section 3.23, B, 1-3 do not apply.
 5. Commercial kennels, riding stables, animal hospitals, and veterinary clinics shall be subject to the District requirements in which they are permitted.
- C. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided.
- D. All premises for the keeping of animals shall be regularly maintained in a safe and sanitary condition.
- E. The keeping of animals, other than household pets, on lots of ten (10) acres or less shall be subject to review and approval by the Zoning Administrator. In granting approval, the Zoning Administrator shall determine:
1. The premises to house the animals shall be of a safe and sanitary condition.
 2. Necessary fencing has been erected and in good repair.
 3. The location of housing will not be detrimental to adjacent property.
- F. Approval by the Zoning Administrator for placement of animals on lots of ten (10) acres or less shall be given to, and limited to, the resident of the property. Should said resident cease to reside on said property, all approvals shall become null and void. The new resident shall not house animals regulated by this Section until he/she receives authorization from the Zoning Administrator who shall determine

approval based on application of the above, or amended, standards.

SECTION 3.24

MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

A. All dwelling units located outside of manufactured home parks shall comply with the following requirements:

1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7½) feet (seven feet and six inches).
2. The minimum width of all elevations (sides of the home) shall be no less than twenty (20) feet.
3. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
6. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
7. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Montcalm County Health Department.
8. All dwellings shall provide steps or porch areas, permanently attached to a foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
9. All additions to dwellings shall meet all of the requirements of this Ordinance.
10. All dwellings shall contain a minimum floor area as required by the underlying zone district.
11. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - a. 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.
 - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. 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 manufactured home parks within five hundred (500) feet of the subject dwelling.

14. Post Frame-Barndominiums Residential to follow the County Building Code with a sealed print. All Post Frame-Barndominiums are exempt from Section 3.24 A. 3. & 4. (03/04/2024)

B. 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.

C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling

complies with the standards applicable to manufactured homes set forth in Section 3.24 of this Ordinance.

D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

SECTION 3.25
RIPARIAN ACCESS

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

- A. In all Districts there shall be at least fifty (50) feet of lake, river, or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment utilizing or accessing the lake, river, or stream frontage; provided however, the above frontage requirement shall not supersede frontage requirements which may be greater as provided elsewhere within this Ordinance.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- C. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless such use complies with the requirements of the district in which it is located and further such use is also approved as a special land use or planned unit development.
- D. The lake, stream and river access and use regulations contained in this section shall be fully applicable to all planned unit development and special land use projects or developments.
- E. In addition to the above limitations, no easement, private park, common area or lot or access property abutting or adjoining a lake shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access is permitted in the zoning district in which it is located and furthermore such use must also be approved as a special land use or planned unit development.

SECTION 3.26
PRIVATE ROADS (STREETS)

Cato Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:

- A. That private roads are designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
- B. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
- C. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

D. That private roads are properly maintained.

E. Permits Required; Special Land Use Approval:

1. No private road shall be constructed, extended, used, utilized, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Township Building Inspector, the permit fee established by the Township has been paid, the private road has been approved as a special land use, and a permit has been issued.
2. The private road construction permit shall be issued only if the private road has been approved as a special land use after review and approval by the Township Zoning Board and the Township Board, which shall consider the following review standards:
 - a. Whether the private road meets the requirements of this section.
 - b. Whether the private road is reasonably necessary to be private, or if it would be in the best interests of the Township for the road to be a public road.
 - c. Whether the use of such private road has the potential to create conditions which may be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations.
 - d. Whether the standards of Chapter 13 of this Ordinance are met.
3. The application for such permit shall provide all of the following information:
 - a. The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 - b. A site plan drawn to scale, prepared by a registered engineer, showing all proposed lots along the private road, and also showing the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private road is to intersect. The plan may be prepared by registered surveyor, or other qualified person, rather than a registered engineer, if the proposed private road is to serve five (5) or fewer parcels, main buildings, etc., and the Township waives said requirement in writing.
 - c. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
 - d. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instrument describing and granting such easements shall be submitted with the application.
 - e. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
 - f. The location of any other buildings and structures located, or to be located, within one hundred (100) feet of the private road right-of-way.
 - g. A proposed maintenance agreement, as defined in this section.
 - h. Any other requirements of this Ordinance.

F. The Building Inspector or his/her designee shall have the right to enter upon the property where the private road is (or will be) located to conduct such inspections as may be necessary to enforce this section.

G. Standards for Private Roads

1. No special land use approval for a private road shall be approved and no private road construction permit shall be issued until and unless the plans, maintenance agreement, and proposed construction comply with the following standards:
 - a. All private roads shall have a recorded permanent right-of-way and easement with a

minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.

- b. The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained. The private road shall meet the standards contained in the chart below:

PRIVATE ROAD CONSTRUCTION STANDARDS
Cato Township

Private Road Standards	Serving 1 to 2 Parcels	Serving 3 to 5 Parcels	Serving 6 or More Parcels
Width of traveled road bed	13 feet	18 feet	22 feet
			26 feet if storm sewer is included, including valley gutters
Construction Materials	Minimum sub-base of 10 inches of sand and 6 inches of finished compacted gravel (No. 22A) on the top thereof	Minimum sub-base of 12 inches of sand and 6 inches of finished compacted gravel (No. 22A) on the top thereof	Minimum of 1-3/4 inches of bituminous aggregate, meeting Michigan Department of Transportation specification 1100t, as amended

- c. Any private road which terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this section.
- d. No private road shall extend for a distance of more than three thousand (3,000) feet in length from the nearest public street right-of-way, as measured along the centerline of the private road, without a second direct access thereto being available from another public street.
- e. The road surface shall have a minimum crown of two-tenths (.2) of one (1) foot from the centerline of the private road to the outside edge thereof.
- f. A road shoulder, composed of six (6) inches of compacted gravel shall be provided on each side of the private road surface, with a minimum width of two (2) feet, containing a slope of twenty-two hundredths (.22) of a foot from the outside edge of the road surface to the toe of the slope.
- g. The maximum longitudinal road grade shall not exceed six percent (6%), provided that the Township may allow up to a ten percent (10%) grade provided that the applicant produces written justification satisfactory to the Township engineer, that an increase in the road grade with not adversely affect public safety and the design of the road system(s) and the Township Engineer approves thereof in writing.
- h. The layout of private road and the intersections of a private road with either public or

private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than three hundred (300) feet, measured along the right of way line thereof.

- i. The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township to ensure adequate drainage and runoff so as to protect the integrity of the road and surrounding property.
 - j. The method and construction to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any agency having jurisdiction thereof.
 - k. The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Montcalm County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads serving two (2) or more dwellings shall have a standard stop sign where the private road abuts the public road.
- H. The applicant(s)/owner(s) of the private road agree that by applying for and securing a permit to construct the private road that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road or of the failure to properly construct, maintain, repair, and replace the private road.
- I. The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the private road shall be regularly maintained, repaired, and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township for approval prior to the issuance of the permit.
- J. Upon completion of construction of the private road, the applicant(s) owner(s) shall remove and properly dispose of, any and all trees, shrubs, construction debris, and rubbish.
- K. Certificate of Compliance
- 1. Upon completion of construction of the private road, the Building Inspector or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. If the private road serves six (6) or more parcels, the applicant(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.
 - 2. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be give a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance. No building

permit shall be issued for a lot along a private road until and unless this private road fully complies with this Ordinance.

L. Fees.

1. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections.

M. Maintenance and Repairs of Private Road

1. Upon completion of the construction, improvement, relocation, or extension of a private road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the private road right-of-way to always comply with the requirements of this Ordinance and in such a manner as to assure that the private road is safe for travel at all times.
2. All driveways and private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private roads shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners or any property owners' association served by the private road.

N. Location and Use of Private Roads

1. Private roads may be located in all zoning districts except in the C-Commercial and I-Industrial Districts.
2. No commercial, business, or mercantile use shall utilize or be located on a private road. Notwithstanding this prohibition, agricultural uses may utilize private roads, and service drives for commercial, business or industrial uses may be used only as otherwise authorized by this or any other Township ordinance.

O. Permits for Buildings on Private Roads.

1. No building or other permit shall be issued for any building, dwelling, use, or structure the primary access to which is to be provided by a private road until a private road construction permit has been issued and the private road has been approved and constructed in accordance with the requirements of this section, or a performance guarantee for such private road has been provided.

P. Approval by the Road Commission.

1. No private road construction permit shall be issued until the applicant(s) has presented the Township with either an approved private road permit by the Montcalm Road Commission, or a letter from the Road Commission indicating that no private road permit from the county is required at that location.

Q. Frontage.

1. All parcels utilizing a private road shall have frontage on the approved private road right-of-way equal to the minimum lot width requirement of the zoning district where the property is located.

R. Disclosure.

1. The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private road, before each parcel is sold: "This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit."
- S. Planned Unit Developments.
1. If the private road is proposed as part of a Planned Unit Development, the provisions of this section may be modified by the Township Board at its sole discretion for good cause shown.
- T. Performance Guarantee.
1. The Township may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee to ensure construction of the road as approved.
- U. Effect.
1. New Private Roads - The provisions of this section shall apply to all private roads constructed from and after the effective date of this Ordinance.
 2. Extended Private Roads - New Segment. If, after the effective date of this Ordinance, an existing private road is extended by an increase in its length for the purpose of providing access to one or more additional main buildings, dwellings, or parcels, or structures, the provision of this section shall thereupon apply to the newly added length of such private road.
 3. Existing Portion of Private Road to Which a New Segment Will Be Added - All additions to an existing private road shall comply with the provisions of this Ordinance. If the existing private road, from which the extension will originate, does not meet the private road standards of this Ordinance, said road shall be upgraded to comply with the provisions of this Ordinance. In the event said compliance is not possible or feasible due to existing development, inability of the applicant to secure necessary right-of-way, or other such factor, the Planning Commission may allow use of the existing, non-conforming, road subject to the following:
 - a. A determination that sufficient right-of-way exists to accommodate projected traffic volumes.
 - b. Use of the non-conforming road segment is not likely to result in traffic and safety concerns for motorists and pedestrians.
 - c. The non-conforming segment is able to accommodate Township fire equipment and other emergency and safety vehicles.
 - d. That satisfactory, written, arrangements have been made to ensure the adequate, year round, maintenance of the non-conforming segment.
 - e. That satisfactory, written, provisions have been made to permit the placement of public utilities within the existing non-conforming road right-of-way, or that satisfactory alternate arrangements have been made to service all parcels with said utilities.
- V. All such private roads shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

SECTION 3.27
CONSTRUCTION SITE ACCESS

- A. A roadway and/or driveway shall be provided for emergency and fire department vehicles from the nearest available right-of-way to a construction site prior to any structural framing being done involving combustible materials.

- B. The roadway and/or driveway shall be reasonably level with a total cleared area of fourteen (14) feet in width and suitable for traverse by emergency and fire department equipment. Access of roadways and/or driveways must be maintained year-around to accommodate use of emergency and fire vehicles.

SECTION 3.28
STORAGE OF RECREATION EQUIPMENT

- A. Recreational equipment may be located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:
 - 1. If located on a corner or an interior lot recreational equipment shall not be located within a required front yard. If located on a through lot, recreational equipment shall not be located in the required front yard, or rear yard between a public street and rear yard setback.
 - 2. Notwithstanding the provisions of this Section, recreational equipment may be temporarily parked within any yard for cleaning, loading, or unloading purposes for not more than 48 hours within any seven (7) day period.
 - 3. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year.

SECTION 3.29
STORAGE AND REPAIR OF VEHICLES

- A. The repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations (bona fide farming operations are exempt from these provisions):
 - 1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage. Only one such period shall be permitted within a single thirty (30) day period.
 - 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building, provided, however, in the A-R District two (2) vehicles may be stored in the rear yard with no time limitation for said storage.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any Residential District to permit the open storage or parking outside of a building of semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

SECTION 3.30
BED AND BREAKFAST OPERATIONS

Bed and breakfast operations may be permitted as a special land use in agricultural and residential districts if the Planning Commission finds that the following conditions are met:

- A. Not more than twenty five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan of the proposed operation).

- B. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and said operator shall live on the premises while the operation is active.
- C. There shall be no separate cooking facilities used for the bed and breakfast stay.
- D. Sufficient off-street parking shall be provided.

SECTION 3.31
CATEGORIES OR BUSINESSES OR USES NOT DESIGNATED

When the district into which a business or use belongs is not stated in this Ordinance, the Zoning Administrator may request the Planning Commission to make such determination at its next regular meeting or at a special meeting called for the purpose of making the determination into which district it shall be placed and such use shall then be permitted as a special use and the procedure for special uses shall be followed.

SECTION 3.32
DRIVEWAYS

An approved driveway permit shall be obtained from the State Highway Department or Montcalm County Road Commission and submitted to the Building Inspector prior to issuance of a building permit.

SECTION 3.33
UNWHOLESOME SUBSTANCES

No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the Township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this Section only, the term “unwholesome” shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, nite soil, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public.

For purposes of this Section only, the term “automobile body” shall be defined to mean any vehicle which (1) is unable to be driven upon a street under its own power and/or (2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term “trailer body” shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things which lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.

No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Montcalm County Health Department.

No boxes, barrels, waste wood, lumber, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat or rodent harborage.

SECTION 3.34
SITE CONDOMINIUMS

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures.

- A. All site condominium subdivisions shall require site plan review and approval by the Planning Commission.. In addition to the information required for site plan review, the following information shall also be included:
 - 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 - 2. If in effect, all information required by the Cato Township Subdivision Regulations.
 - 3. Documented proof of review by the Montcalm County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation and Michigan Department of Natural/Environmental Quality.
- B. All site condominium subdivisions shall meet the requirements of the district in which it is located, including minimum lot size, minimum setbacks and minimum floor area.
- C. Private roads meeting the requirements of Section 3.26 of this Ordinance shall be permitted.
- D. The Cato Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Cato Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround for emergency vehicles. Responsibility for maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.
- E. The Cato Township Clerk shall be furnished with two (2) copies of all “as-built” drawings for review by the Township Engineer for compliance with all Township ordinances prior to issuance of any building permits. Fees for this review shall be established by the Township Board.

**SECTION 3.35
DIVISION OF PARCELS OR LOTS**

No lot or parcel (platted or un-platted) shall be divided, split, or subdivided unless said action meets this Ordinance and all other applicable Township Ordinances.

**SECTION 3.36
LOT WIDTH TO DEPTH RATIO**

In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot. For purposes of this section, the measurement of lot width shall be taken along the frontage on the public street or other approved road. The measurement for depth, for purposes of this section, shall be taken from the street or road frontage to a point of the lot located farthest from the street or road frontage. The Planning Commission may permit, after site plan review, a lot with a depth greater than four (4) times the width of the lot, as measured in the manner stated above, if the Planning Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if such lot or parcel is located in a flood plain. In addition, as to lands in the A-R Rural Residential District, the Planning Commission shall approve such a special land use only if it determines that the following conditions have been satisfied:

- A. The parcel is poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlots, brush land, and wetlands. The Planning Commission, in making its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming, including the presence of highly erodible land, as defined by the Soil Conservation Service.
- B. There will be a minimal likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
- C. The permitting of residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of Cato Township.

SECTION 3.37
RESIDENTIAL USES IN COMMERCIAL DISTRICTS

Residential uses shall not be permitted in the commercial districts; provided, however, that a residential use or a combined residential-commercial use may be permitted in a commercial district as a special land use if a special land use permit is obtained from the Planning Commission. If such a special land use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

SECTION 3.38
LAND DIVISIONS

No lot, parcel or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other requirements of the Cato Township Zoning

Ordinance as amended. All land divisions, splits, or boundary reconfigurations of platted lots and un-platted parcels shall meet the requirements of the Cato Township Zoning Ordinance, as amended, and the requirements of the Michigan Subdivision Control Act (MCL 560.101 et seq. MSA 26.430(101) et seq.). No land division, lot split, creation of an access easement, or reconfiguration of boundary lines shall occur until and unless a land division permit has been obtained from the Cato Township Zoning Administrator or such other person as may be designated from time to time by resolution of the Township Board. No permit for a land division shall be issued until and unless the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, access easements or parcels, fully complies with the requirements of the Cato Township Zoning Ordinance, as amended, and all other applicable Township ordinances. Fees for a land division permit shall be set as determined from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application is accompanied by a survey done by a registered land surveyor or engineer showing all resulting lot or parcels, easements (if any), and full legal descriptions. The Township can waive the requirement of a survey in a given case for good cause shown by the applicant. No permit for a division of a platted lot or lots, or reconfiguration of boundary lines for a platted lot or lots, shall be issued until and unless such land division is also approved by the Township Board. No platted lot shall be partitioned or divided into more than four parts.

SECTION 3.39
WORKING AND STORAGE SURFACE FOR CERTAIN OPERATIONS TO PREVENT ENVIRONMENTAL DAMAGE

For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business which utilizes an area exceeding one-fourth (1/4) acres, all areas (indoors and outdoors) used for junk,

scrap or materials storage and/or repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1 1/2) inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur. The above requirements do not preclude compliance with applicable state and federal environmental regulations and other such regulations.

SECTION 3.40 WIND ENERGY TURBINES

1. Purpose and Intent

The purpose of this Ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
- B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation, maintenance and decommissioning of a WET shall be governed.

2. Definitions

- A. Aircraft Detection Lighting System (ADLS) is a system by which lights are controlled by sensor-base systems designed to detect aircraft approaching a single obstacle or group of obstacles and automatically activates the appropriate obstruction lights until the aircraft has departed the area and the lights are no longer needed. This technology reduces the impact of nighttime lighting on nearby communities and migratory birds, as well as extends the life expectance of obstruction lights.
- B. Ambient Sound Level is the sound pressure level exceeded 90% of the time over a 96-hour measurement period
- C. Anemometer (MET) is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, date logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- D. ANSI is the American National Standards Institute.
- E. Applicant is defined as the Owner or Operator that seek to secure a special land use permit for LWET under the Ordinance. In the case of a Small Structure Mounted Wind Energy Turbine or Small Tower Mounted Wind Energy Turbine the applicant is defined as the landowner.
- F. Condominium Development is defined as a development that is created under the Condominium Act.
- G. dB(A) is the sound pressure level in decibels. Refers to the "A" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- H. dB(C) is the sound pressure level in decibels of frequencies below 1k Hz. Refers to the "c" weighted scale as defined by ANSI.
- I. Decibel is defined as a unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) or dB(C) weighted scale as defined by the American National Standards Institute (ANSI).
- J. Decommissioning is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.

- K. Infrasound or Low Frequency Sound is low-frequency of sound that may not be heard by humans but are felt by humans and/or animals, usually found in the frequency range of 0-20 Hertz.
- L. Large Wind Energy Turbine (LWET) is a tower-mounted wind energy system designed and built to convert wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system to the electric utility grid for resale to consumers. The LWET has a nameplate capacity that identifies the maximum kilowatts.
- M. Nacelle refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.
- N. Net-Metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
- O. Non-participating Parcel is a parcel of land that is not subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a special land use permit for the purpose of developing and constructing a LWET.
- P. Occupied Building is a residence, school, hospital, church, public library, business, or other building used for public gatherings.
- Q. Operator is the entity responsible for the day-to-day operation and maintenance of a WET.
- R. Owner is the individual entity, including their respective successors and assigns, that have an equity interest or own the WET in accordance with this ordinance.
- S. Participating Parcel is a parcel of land that is subject to a wind turbine lease, easement or other contractual agreement at the time an application is submitted for a special land use permit for the purpose of developing and constructing a LWET. A participating parcel may or may not have a wind turbine on the premises.
- T. Rotor Diameter is the cross-sectional dimension of the circle swept by the rotating blades of a WET.
- U. SCADA (supervisory control and data acquisition) is a computer system that monitors and controls WET units and data.
- V. Shadow Flicker is the shadow, created by the sun shining through the rotating blades of a WET. The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activities, and sunlight.
- W. Small Tower-Mounted Wind Energy Turbine (STMWET) is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. STMWETs supply energy to a structure on the parcel on which it is located and that does not primarily involve the sale of electricity or communication services off the parcel (including to an electric grid).
- X. Stray Voltage refers to small voltage differences that can exist between two surfaces that are accessible to animals (stanchion, waterer, floor, etc.).
- Y. Small Structure-Mounted Wind Energy Turbine (SSMWET) converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls or other elevated surface. SSMWETs supply energy to a structure on the parcel on which it is located and that does not primarily involve the sale of electricity or communication services off the parcel (including to an electric grid).
- Z. Total Height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WET.
- AA. Tower is a freestanding monopole that supports a WET.
- BB. Wind Energy Turbine (WET) is any structure-mounted, small or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any, as well all related electrical equipment, building or other structures, including wiring to interconnect the wind energy system to the electrical transmission

grid.

3. Applicability

- A. This Ordinance applies to all WETs proposed to be constructed after the effective date of this Ordinance.
- B. All WETS must conform to the provisions of this Ordinance; all county, state, and federal regulations and safety requirements; all applicable building codes, county codes, and airport area zoning ordinances; and all applicable industry standards, including those of the American National Standards Institute (ANSI).
- C. The Township may revoke any approvals for, and require the removal of, any WETS that does not comply with this Ordinance.

4. Temporary Uses

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

A. Anemometers

- 1. The construction, installation, or modification of an anemometer tower shall require a special land use permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- 2. An anemometer shall be subject to the minimum requirements for height, setback, separation; location, safety requirements, noise, vibration, site plan, signal interference, maintenance, liability insurance and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- 3. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET or STMWET and no more than three (3) years for a LWET.

5. Permitted Uses

A SSMWET and a STMWET shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operator(s).

All SSMWETs and STMWETs are subject to the following minimum requirements.

A. Siting and Design Requirements

1. Visual Appearance

- a) SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray) The appearance of the turbine, towers, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
- b) SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- c) SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of turbine manufacturer.

2. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or

STMWET shall be at least twenty (20) feet above the ground (at the highest point of the natural grade level within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any structure or tree.

3. Noise: SSMWET and STMWETs must comply with the noise limits set forth for LWETs in this Ordinance.

4. Vibration and Infrasound: Vibrations and Infrasound shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.

5. Guy Wires: Guy wires shall not exceed half the tower height and shall be visibly marked.

6. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:

a) Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

b) Setback: The setback of the SSMWET shall be a minimum of two and a half times (2.5x) the total height of the unit from any property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surfaces of a structure. If the SSMWET is affixed by any extensions to the side, roof, or other elevated surfaces, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension (i.e. with the SSMWET blade at its highest point).

c) Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a road.

d) Quantity: No more than three (3) SSMWETs shall be installed on any parcel of property.

e) Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.

7. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:

a) Height: The Total Height of a STMWET shall not exceed one hundred fifty (150) feet

b) Location: The STMWET shall only be located in a rear yard of a property that has a building.

c) The minimum setback of a STMWET shall be the same as those setbacks set forth for LWETs in this Ordinance.

d) Quantity: No more than one (1) STMWET shall be installed on any parcel (2.5 acres) or two (2) per 5 acres of property.

e) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth of at least 2 feet below grade. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

B. Permit Application Requirements:

1. Name of property owner(s), address, and parcel number, zoning classification and legal description.

2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of property, existing building(s), setback lines, right-of-way lines, public easements, utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.

3. The proposed type, quantity and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

4. Documented compliance with the noise and vibration requirements set forth in this Ordinance.

5. Documented compliance with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.

6. Proof of applicant's liability insurance in an amount deemed acceptable by the Cato Township Planning Commission and Board.

7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

8. Other relevant information as the Township may reasonably request.

9. Signature of the Applicant.

10. In addition to the Permit Application Requirements previously listed, the SSMWET Application shall also include the following:

a) Total proposed number of SSMWETs.

11. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include the following:

a) Total proposed number of STMWETs.

Large Wind Energy Turbines (LWET) shall be considered a special land use in the agriculture, industrial and commercial zoning districts and shall not be erected, constructed, installed or modified as provided in this Ordinance unless a special land use permit and site plan approval has been issued to the applicant.

All LWETs are subject to the following minimum requirements.

A. Siting and Design Requirements

1. The design of a LWET shall conform to all applicable industry standards.

2. Visual Appearance:

a) Each LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray). The appearance of turbines, towers and buildings shall be maintained throughout the life of the LWET.

b) Each LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).

3. Vibration and infrasound: LWETs shall not produce vibrations or infrasound humanly perceptible from any non-participating property.

4. Shadow Flicker: LWETs must not produce any shadow flicker on non-participating properties unless the record owners of all non-participating properties have signed a release, which must be recorded with the Montcalm County Register of Deeds.

5. Guy Wires: Guy Wires shall not be permitted as part of the LWET, excluding MET Towers.

6. Electrical System All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the LWET shall be placed underground within the boundary of each parcel at a depth no less

than ten (10) feet below grade.

7. In addition to the Siting and Design Requirements listed previously, the LWET shall also be subject to following:

- a) Height: The Total Height of a LWET shall not exceed **four** hundred (400) feet. (03/04/2024)
- b) Ground Clearance: The lowest extension of any blade or other exposed moving component of an LWET shall be at least seventy five (75) feet above the ground (at highest point of the grade level within one hundred fifty [150] feet of the base of the tower).
- c) Noise: Noise levels produced by the LWET must not exceed 50 dB(A) **LMAX** as measured at the property line of any non-participating property and 40 dB(A) **LMAX** as measured from any occupied building. (03/04/2024) The Township may, in its sole discretion, allow a higher noise level only if the owner of the non-participating property signs a waiver consenting to a specific higher noise level and the waiver is recorded with the County Register of Deeds.

Noise Compliance. The Township may, from time to time, measure whether the LWET is complying with the maximum noise levels under this Ordinance. Compliance measurements are the financial responsibility of the applicant or operator and must be independently performed by a qualified professional selected by the Township.

Noise Measurement. The measurements require an observer to be present. All noise measurements will exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The wind velocity at the sound measurement microphone must be between 2m/s (4.5 mph) and 4.5m/s (9 mph) during measurements. During testing of elevated sources, including LWETs, the atmospheric profile must be relatively calm, Pasquill Stability Class D or calmer during the day and Class E or calmer during the Night.

Noise measurements will be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level ANSI S12.9 Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.

Tonal noise will be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement constitutes prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high-frequency bands (500–10,000 Hz).

Post-Construction Sound Survey. At least two months after the LWET is operational, the Township may select a third-party qualified professional to survey the sound pressure levels of the LWET. The applicant and operator must cooperate with the survey. All costs of the survey, including the professional's fees, will be paid by the applicant or operator. The Township will determine the locations at which sound levels are to be measured. To the extent possible, the study will follow the procedures for Type 1 Sound Level Testing and ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels will be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications.

- d) Quantity: The number of LWETs shall be determined based on setbacks and separation.
- e) Setbacks: The minimum setback from all non-participating property lines, shall be four times (4x) the Total Height of the LWET or 1,640 feet, whichever is greater. The setback from all roads and other infrastructure shall be **four** times (4x) the Total Height **from wetlands, Lakes and streams, right of way.** (03/04/2024). The Township may, in its sole discretion, allow a lesser setback only if the owner of the non-participating property signs a waiver consenting to a lesser setback and the waiver is recorded with the County Register of Deeds, but in no case shall the setback be less than two and a half times (2.5x) the Total Height of the LWET.

The minimum setback from all **seven** (7) lakes named and mapped in the Township's Master Plan, Tamarack Creek

and all wetlands over **ten (10)** acres designated by the Department of Environment, Great Lakes and Energy (EGLE) shall be **one and one half (1.5)** miles as measured from the ordinary high water mark. **(03/04/2024)**. The minimum setbacks from all other bodies of water shall be ¼ mile as measured from the ordinary high water mark.

The minimum setback from all airports shall be three miles or as otherwise required by the Federal Aviation Administration and/or the Michigan Department of Transportation Aeronautics Division, whichever is greater.

f) Access Driveway: Each LWET shall require the construction of a private road to offer an adequate means by which emergency vehicles may readily access the site in the event of an emergency. All private roads shall be constructed to the CATO township's private road standards. Access driveways must be located at least 300 feet from any non-participating parcel, unless the owner of the non-participating parcel has signed a waiver that is recorded with the County Register of Deeds.

B. Safety Requirements:

1. If the LWET is connected to a public system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The LWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components.
3. Security measures need to be in place to prevent unauthorized trespass and access. Each LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
4. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner. If the LWET experiences a failure, fire, blade detachment, ice throw, leakage of hazardous materials, vandalism, property damage, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
5. Each LWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of each tower and near the entryways of all access driveways. The signs shall contain at least the following:
 - a) Warning high Voltage
 - b) Manufacturer's and Owner/Operators name
 - c) Emergency contact numbers (list more than one number)
 - d) Unique Turbine Identifier Number
6. The structural integrity of the LWET shall conform to the design standards of the International Electrotechnical Commission, specifically IEC 61400-1 "Wind Turbine Safety and Design" IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
7. Each LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. All tower and non-tower lighting required must be shielded to reduce glare and visibility from the ground. When illumination is required by the FAA, LWETs are required to use Aircraft Detection Lighting Systems (ADLS).
8. All turbines must be equipped with technology that detects ice on the blades and automatically shuts off the turbine when ice is detected.

C. Signal Interference

1. The LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems. If the Township or the applicant or operator of the LWET receive a complaint about communication interference, the applicant or operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.

D. Decommissioning:

1. The LWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the LWET, and for a good cause, the CATO township board may grant a reasonable extension of time. Each LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

2. Decommissioning shall include the removal of each LWET, buildings, electrical components, and roads to a depth of eight (8) feet, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of eight (8) feet below grade, or to the level of the bedrock if less than eight (8) feet below grade. The land shall be restored with topsoil upon decommissioning. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Registration of Deeds.

3. All access roads to the LWET shall be removed, cleared, and graded by the LWET Owner(s), unless the property owner(s) request, in writing, a desire to maintain the access road. CATO township will not be assumed to take ownership of any access road unless through official action of the CATO township board.

4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

5. The applicant, operator, or owner must obtain all permits necessary for the removal of a decommissioned turbine or component, including any necessary demolition permits.

6. In addition to the Decommissioning Requirements previously listed, the LWET shall also be subject to the following:

a) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) with no regard to the salvage of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). When determining this amount, the CATO township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the CATO township zoning administrator, Planning Commission and Township Board after the first year of operation and every third year thereafter.

b) The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, but not less than \$800,000 per turbine; provided, that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) and Operator(s) and participating landowner(s) authorized to conduct such business and is approved by the CATO township. The security must be deposited no later than 10 business days after a special land use permit has been approved.

c) Decommissioning Funds shall be in the form of a performance bond made out to the CATO township.

d) A condition of the bond shall be notification by the bond company to the CATO township zoning administrator, Planning Commission and Township Board when the bond is about to expire or be terminated.

- e) Failure to keep the bond in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, CATO township may take action up to and include requiring ceasing operation of the LWET until the bond is reposted and/or revocation of the special land use permit.
- f) The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and CATO township concurs that decommissioning has been satisfactorily completed, or upon written approval of the CATO township in order to implement the decommissioning plan.
- g) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the CATO township may take such measures as necessary to complete decommissioning at the expense of the applicant or operator, drawing first from the financial security under this section. If the financial security is insufficient to fully fund removal and restoration, then the applicant, operator, and real property owner are jointly and severally liable for the remaining costs. The entry into and submission of evidence of a Participating Landowner agreement to the CATO township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the CATO township may take such action as necessary to implement the decommissioning plan. In addition to the Township's costs of removal and restoration, the Township is also entitled to recover from the application, operator, and real property owner all fees and expenses of the Township's attorneys, engineers, consultants, and other professionals whose services are used in connection with removal and restoration.

E. Application Requirements:

1. Application fee in an amount set by resolution of the Township Board.
2. Escrow Account: The applicant must establish an escrow account in the Township's name when it submits its application for a LWET. The amount must equal an estimate of the total costs of (1) reviewing and processing the special use permit application and site plan, including publication and administrative costs and costs of the Township Attorney, Township Planner, and Township engineer; and (2) any professional studies or report prepared by the Township or on the Township's behalf to assist with its evaluation of the application. The account shall be not less than \$15,000.

The Township may draw from the escrow account to reimburse any of its costs or expenses incurred in reviewing, processing, and evaluating the application. The Township may require the applicant to replenish the escrow account at any time to ensure a sufficient balance.

If the Township instructs the applicant to replenish the escrow account and the applicant fails to do so within 14 days after receiving notice, then the Township has no further obligation to process the applicant's application until the escrow account is replenished.

Any funds in the escrow account that exceed the Township's actual costs after the application is approved or denied (and after any and all appeals have been exhausted) will be returned to the applicant. The Township will provide an itemized statement to the applicant upon applicant's request.

3. Site Plan Drawing: All applications for LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a) Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning districts, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, bodies of water and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
 - b) Location and height of all proposed LWETs, buildings, structures, ancillary equipment, underground utilities and their depths, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed LWET. The site plan shall

depict how the LWET will be connected to the power grid.

- c) Identification and location of the properties on which the proposed LWET will be located including a list of all parcel numbers, documentation of ownership of each parcel and any lease agreements, land contracts, licenses, easements or purchase agreements for the parcels.
- d) In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the LWET.
- e) The proposed number, representative types and heights of each LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- f) Documents shall be submitted by the developer/manufacturer confirming specification for LWET tower separation
- g) Documented compliance with the noise, and shadow flicker requirements set forth in the Ordinance.
- h) Engineering data concerning construction of the LWET and its base or foundation, which may include, but not limited to, soil boring data.
- i) A certified registered engineer shall certify that the LWET meets or exceeds the manufacturer's construction and installation standards.
- j) Anticipated construction schedule.
- k) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance including a plan for maintaining and inspecting drain tiles and addressing stormwater management. Additionally, a description of the procedures that will be used for lowering or removing the LWET to conduct maintenance, if applicable. The operations agreement shall set forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation including, but not limited to, fire and emergency response plans and training materials for such responders.
- l) Documented compliance with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations. All permits and approvals must be obtained before the applicant or operator begins any phase of construction.
- m) Proof of applicant's liability insurance in an amount no less than \$10 million per incident.
- n) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed LWETS. Off-grid systems shall be exempt from this requirement.
- o) Other relevant information as may be requested by CATO township to ensure compliance with the requirements of the Ordinance.
- p) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- q) A plan for managing any hazardous waste and other refuse from the construction or operation of the LWETS, including a description of the disposal plan for obsolete, damaged, or retired equipment (including turbines).
- r) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the LWETS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the LWETS and restore the subject parcels. The decommissioning plan must include the following information:
 - i. the useful life of each type and size of turbine in the project;
 - ii. the anticipated life of the project;
 - iii. the estimated decommissioning costs net of salvage value in current dollars;
 - iv. a method of ensuring that funds will be available for decommissioning and restoration;
 - v. the anticipated manner in which the project will be decommissioned and the site restored to original condition; and
 - vi. a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS components.

- s) The CATO township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t) Signature of the Applicant.
- u) In addition to the Site Plan Requirements listed previously, the LWET shall be subject to the following:
 - i. A site grading, erosion control and storm water drainage plan will be submitted to the zoning administrator prior to issuing a special use permit for an LWET. At the CATO township's discretion, these plans may be reviewed by the CATO township's engineering firm. The cost of this review will be the responsibility of the applicant.
 - ii. A description of the routes to be used by construction and delivery vehicles, including any applicable agreements with the County Road Commission and Michigan Department of Transportation and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and a bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET within six (6) months of completion of construction.
 - iii. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.
 - iv. A written lighting plan identifying the planned number and location of lights, light color, activation methods, and whether any lights blink. The lighting plan must comply with lighting requirements in this Ordinance.

F. Certification & Compliance:

- 1. The CATO township must be notified of a change in ownership of a LWET or a change in ownership of the property on which the LWET is located before the transfer of ownership or operation of the LWET.
- 2. The CATO township reserves the right to inspect LWETs, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
- 3. In addition to the Certification & Compliance requirements listed previously, the LWET shall also be subject to the following:
 - a) A post-construction sound pressure level analysis as provided in subsection (A)(7)(c) of this Ordinance.
 - b) The applicant or operator must submit a written report on or before January 1 of each year and present such written report annually in person to the Township Board at a regular or special meeting that includes all of the following:
 - i. Current proof of insurance;
 - ii. Verification of financial security;
 - iii. A summary of all complaints, complaint resolutions, and extraordinary events; and
 - iv. A description of how the applicant or operator has complied with the written plans submitted in connection with its application.

G. Public Inquiries & Complaints:

- 1. Should an aggrieved property owner allege that the LWET is not in compliance with the requirements of this Ordinance, the procedure shall be as follows:

Subject to the Township's review and approval during the special land use approval process, the applicant or operator must comply with a complaint resolution process. At a minimum, the complaint resolution process must include the following:

- 1. The applicant or operator will, at its expense, use a website, telephone line, or third-party service to receive complaints about the LWETs.
- 2. The applicant or operator will use its best efforts to respond to and resolve any complaints.

3. The applicant or operator will establish an escrow account with the Township with a minimum of \$25,000 balance at all times to pay the cost of investigating complaints.
4. The applicant or operator will forward each complaint, along with the applicant’s or operator’s response to each complaint, to the Township within 15 days after each complaint is received.
5. A 3-member committee consisting of the Township’s Zoning Administrator and two members of the Planning Commission as appointed by the Township Board will investigate each complaint, with all expenses (including professional fees) drawn from the escrow account.
6. At the Township’s request, the applicant or operator must provide the Township with SCADA data from any turbine related to the complaint, which must include meteorological and performance data such as temperature, humidity, power output, wind velocities, and nacelle vector.
7. Following its investigation, if the Township has reason to believe that that the applicant or owner has violated this Ordinance, the Township may take any actions permitted by law, including revoking the special land use permit following notice and an opportunity to be heard.

H. VIOLATIONS OF ORDINANCE

- a. Following notice and an opportunity to be heard, the Township may revoke any approvals for, and require the removal of, any WECS that does not comply with this Ordinance.
- b. In addition to any other remedies in this Ordinance, violations of this Ordinance also constitute a municipal civil infraction. Each day that a violation occurs or continues constitutes a separate offense and is subject to penalties or sanctions as a separate offense.
- c. In addition to any other remedies set forth in this Ordinance, the Township may bring an action for damages or for an injunction or other action to restrain, prevent, or abate any violation of this Ordinance.

Section 3.41. Solar Energy Systems.

- A. General Provisions. All Solar Energy Systems are subject to the following requirements:
 1. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).
 2. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.
 3. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.
 4. Solar Energy Systems are permitted in the Township as follows, subject to this Section 3.41 and other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required

	Ground Mounted Private Solar Energy Systems	A-R(Agricultural-Residential) R-R(Rural-Residential)) Commercial/Industrial	Required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	Commercial/Industrial	Required

* Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.

B. Private Solar Energy Systems.

1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted in all zoning districts. A building permit is required for the installation of BIVPs.
2. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following requirements:
 - a. No part of the Solar Energy System erected on a roof is permitted to extend beyond the peak of the roof. No part of the Solar Energy System erected on a wall is permitted to extend beyond the wall on which it is mounted.
 - b. No part of a Solar Energy System mounted on a roof is to be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof is permitted to extend more than two (2) feet above the surface of the roof.
 - d. If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three (3) months after the date of abandonment.
 - e. A building permit is required for the installation of Roof or Building Mounted Private Solar Energy Systems.

3. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are allowed in the A-R, and R-R, Commercial and Industrial zoning districts and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Chapter 12 and site plan review and approval under Chapter 11, Ground Mounted Private Solar Energy Systems are also subject to the following requirements:

- a. Site Plan. Before installation of a Ground Mounted Private Solar Energy System, the property owner must submit a site plan to the Zoning Administrator. The site plan must include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
- b. Maximum Height. A Ground Mounted Private Solar Energy System must not exceed fifteen (15) feet above the ground when oriented at maximum tilt.
- c. Location. A Ground Mounted Private Solar Energy System must be located in the rear yard and meet the rear yard setback requirements applicable in the A-R, and R-R, Commercial, and Industrial zoning districts.
- d. Underground Transmission. All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.

- e. Screening. Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure the Solar Energy System from any adjacent residences. The greenbelt may consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission. Greenbelt must be maintained to acceptable appearance as deemed appropriate by the township board.
- f. Lot Area Coverage. No more than 20% of the total lot area may be covered by a Ground Mounted Private Solar Energy System.
- g. Appearance. The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
- h. Abandonment. If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three (3) months after the date of abandonment. If the property owner fails to comply with these requirements, the Township shall give notice to the property owner and an opportunity to be heard. If no corrective action is taken, the Township may pursue all remedies as permitted herein.
- i. Building Permit. A building permit is required for installation of a Ground Mounted Private Solar Energy System.
- j. Transferability. A special use permit for a Ground Mounted Private Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- k. Remedies. If an applicant or operator of a Ground Mounted Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

C. Commercial Solar Energy Systems. Commercial Solar Energy Systems are allowed in Commercial and Industrial zoning districts and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Chapter 12 and site plan review and approval under Chapter 11, Commercial Solar Energy Systems are also subject to the following requirements:

- 1. Application Requirements. The applicant for a Commercial Solar Energy System must provide the Township with all of the following:
 - a. Application fee in an amount set by resolution of the Township Board.
 - b. A list of all parcel numbers that will be used by the Commercial Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
 - c. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
 - d. Current photographs of the subject property.
 - e. A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Commercial Solar Energy System will be connected to the power grid.
 - f. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial Solar Energy System.
 - g. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

- h. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Commercial Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Commercial Solar Energy System and restore the subject parcels, which is subject to the Township's review and approval.
 - i. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
 - j. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval.
 - k. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
 - l. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
 - m. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
 - n. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township
 - o. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
2. System and Location Requirements.
- a. Commercial Solar Energy Systems must be ground mounted.
 - b. Commercial Solar Energy Systems must be located on parcels of land five (5) acres in size or larger.
 - c. Commercial Solar Energy Systems (including all solar panels, structures, and equipment) must be set back 50 feet from all lot lines and public road rights-of-way, 100 feet from residential lot lines. Township, at their sole discretion, may allow a lesser set-back only if approved by neighboring property owner and recorded with the county.
 - d. The height of the Commercial Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed fifteen (15) feet when oriented at maximum tilt. Lightning rods may exceed fifteen (15) feet in height, but they must be limited to the height necessary to protect the Commercial Solar Energy System from lightning.
3. Lot Area Coverage. No more than 20% of the total lot area may be covered by a Commercial Solar Energy System.
4. Permits. All required county, state, and federal permits must be obtained before the Commercial Solar Energy System begins operating.
5. Screening. Greenbelt screening is required around any Commercial Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plants must be evergreen trees that are at least six feet tall at the time of planting. In lieu of a planting greenbelt, a decorative fence that meets the requirements of this ordinance to fences may be used if approved by the Planning Commission.
6. Lighting. Lighting of the Commercial Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the

lot(s) used for the Commercial Solar Energy System. The Commercial Solar Energy System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.

7. Glare. No glare should interfere with aircraft and or any air trafficking opportunities.

8. Security Fencing. Security fencing must be installed around all electrical equipment related to the Commercial Solar Energy System, including any transformers and transfer stations. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Commercial Solar Energy System. Emergency numbers must be posted on site with an address.

9. Noise. The noise generated by a Commercial Solar Energy System must not exceed the following limits: Forty (40) DbA L MAX, as measured at the property line of any neighboring residence or business. The Township may, in its sole discretion, allow a higher noise level only if the owner of the neighboring residence or business signs a waiver consenting to a specific higher noise level and the waiver is recorded with the County Register of Deeds.

10. Sound Barriers. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than ten (10) ft apart must be constructed to reduce noise levels from all surrounding inverters. The berm must be no more than ten (10) ft from all inverters, must be at least as tall as all inverters, but not more than three (3) ft taller than the height of all inverters. The use of berms to comply with sound will be permitted at the township's discretion. The Township may, in its sole discretion, allow a lesser requirement only if the owner of the neighboring residence or business signs a waiver consenting to a specific lesser requirement and the waiver is recorded with the County Register of Deeds.

11. Underground Transmission. All power transmission or other lines, wires, or conduits from a Commercial Solar Energy System to any building or other structure must be located underground at a depth of ten (10) feet. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.

12. Drain Tile Inspections. The Commercial Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three (3) years with a robotic camera, or immediately upon discovery of drain tile failure, with the first inspection occurring before the Commercial Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within seven (7) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection. All costs are at the expense of the landowner.

13. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.

14. Decommissioning. If a Commercial Solar Energy System is abandoned or otherwise nonoperational for a period of one (1) year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Commercial Solar Energy System that is never fully completed or operational if construction has been halted for a period of one (1) year. If the property owner or operator fail to comply with these requirements, the Township may pursue all remedies as permitted herein.

15. Financial Security. To ensure proper decommissioning of a Commercial Solar Energy System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special land use application.

16. Extraordinary Events. If the Commercial Solar Energy System experiences a failure, fire, leakage

of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within twenty-four (24) hours.

17. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- a. Current proof of insurance;
- b. Verification of financial security; and
- c. A summary of all complaints, complaint resolutions, and extraordinary events.

18. Inspections. The Township may inspect a Commercial Solar Energy System at any time by providing twenty-four (24) hours advance notice to the applicant or operator.

19. Transferability. A special use permit for a Commercial Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

20. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs. (03/04/2024)

SECTION 3.42 TO 3.99
RESERVED FOR FUTURE USE

CHAPTER 4 MAPPED DISTRICTS

SECTION 4.00 DISTRICTS

Cato Township is hereby divided into the following Districts:

ABBREVIATION	DISTRICT NAME	ORDINANCE CHAPTER
A-R	Agricultural Residential	Chapter 5
R-R	Rural Residential	Chapter 6
S-R	Suburban Residential	Chapter 7
M-R	Multiple Family Residential	Chapter 8*
C	Commercial	Chapter 9
I	Industrial	Chapter 10
PUD	Planned Unit Development	Chapter 14
*The M-R District has not been denoted on the Cato Township Zoning Map. The district language is reserved for future use.		

SECTION 4.01 ZONING MAP

- A. The locations and boundaries of the Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Cato Township, Montcalm County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of 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, and in the event of change in 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 two hundred (200) feet from the front lot line.

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.
- B. Whenever all or part of a street or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two different Districts, the area shall be divided along a line half-way between them according to the adjacent District, unless the Township Board shall otherwise designate, subject to the provisions of Section 17.4.

SECTION 4.02
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 A-R District.

SECTION 4.03 to 4.99
RESERVED FOR FUTURE USE

CHAPTER 5

AGRICULTURAL RESIDENTIAL DISTRICT (A-R)

SECTION 5.00

DESCRIPTION AND PURPOSE

This District is intended to primarily conserve and protect lands determined suitable and appropriate for farming and agricultural operations and to foster the rural character of the Township. The District shall also accommodate low density residential development and other uses generally associated with agricultural and rural residential uses. As a recognized agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

SECTION 5.01

PERMITTED USES

Land and/or buildings in the A-R District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- B. Sale of animal feed, seed, fertilizers, and related farm products when conducted as part of a bona fide farming operation and when located on the premises of said farming operation.
- C. Single-family dwellings.
- D. Family day care homes.
- E. Home occupations, except as noted in Section 3.14.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use

SECTION 5.02

SPECIAL LAND USES

Land and/or buildings in the A-R District may be used for the following as Special Land Uses subject to review by the Planning Commission (06/18/12) as a Special Land Use.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands exceeding two- hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.

- F. Radio and television transmitting buildings and towers.
- G. Schools, churches, libraries, parks, playgrounds and community center buildings.
- H. Group day care homes.
- I. Sawmills.
- J. Produce/vegetable packaging plant.
- K. Farm implement sales and repair.
- L. Sale of animal feed, seed, fertilizers, and related farming products unless conducted as part of a bonafide farming operation with said operation not requiring a Michigan Sales Tax License.
- M. Utility and public service buildings, including storage yards.
- N. Junk yards and salvage yards.
- O. Nursing homes and similar elder care facilities.
- P. Large Wind Energy Turbines.
- Q. **Ground Mounted Private Solar Energy System (03/04/2024)**

SECTION 5.03
SCHEDULE OF A-R DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

A-R District Schedule
 [Refer to Chapter 13 for additional requirements for Special Uses]

<i>SETBACK/DIMENSIONAL ITEM</i>	<i>STANDARD/REQUIREMENT</i>
<i>FRONT YARD</i>	<i>30 feet</i>
<i>SIDE YARD</i>	<i>100 feet</i>
<i>REAR YARD</i>	<i>100 feet</i>
<i>BUILDING HEIGHT</i>	<i>35 feet or 2½ stories [least one]</i>
<i>LOT COVERAGE</i>	<i>25%</i>
<i>MINIMUM LOT AREA</i>	<i>5 acres</i>
<i>MINIMUM LOT WIDTH</i>	<i>330feet</i>

<i>MINIMUM DWELLING UNIT FLOOR AREA</i>	<i>a) One Story - 850 square feet b) Above One Story - Ground floor area no less than 600 square feet.</i>
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SECTION 5.04
THE CATO TOWNSHIP PLANNING COMMISSIONS

- B. Allowing upgrade of single wide homes must meet following conditions
1. Must have zoning and building permits.
 2. Must meet current setbacks.
 3. Must meet current minimum sq. footage.
 4. Must not be over seven (7) years old.
 5. Old single wide unit must be moved out of Cato Township within 90 days. (03/04/2024)

SECTIONS 5.05 TO 5.99
RESERVED FOR FUTURE USE

CHAPTER 6

RURAL RESIDENTIAL DISTRICT (R-R)

SECTION 6.00

DESCRIPTION AND PURPOSE

This District recognizes lands that retain a relatively high proportion of agriculture and open space use but, due to population growth and related factors, experience ongoing transition to non-farm low density residential development. Due to its rural character, the Rural Residential District permits many of the uses provided for in the Agricultural Residential District. Unlike the A-R District, however, uses which are considered incompatible to the district's emerging residential growth are not permitted.

SECTION 6.01

PERMITTED USES

Land and/or buildings in the R-R District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- C. Sale of animal feed, seed, fertilizers, and related farm products when conducted as part of a bona fide farming operation and when located on the premises of said farming operation.
- D. Family day care homes.
- E. Home occupations, except as noted in Section 3.14.
- F. Accessory buildings, structures and uses customarily incidental to a Permitted Use.
- G. Duplex Housing (04/05/2004)

SECTION 6.02

SPECIAL LAND USES

Land and/or buildings in the R-R District may be used for the following as Special Land Uses subject to review by the Planning Commission (06/18/2012) as a Special Land Use.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, pro-shops, restaurants, and small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use
- B. Roadside stands exceeding two-hundred (200) square feet of sales area for sale of produce grown on the premises
- C. Commercial greenhouses and nurseries
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources

- E. Schools, churches, libraries, parks, playgrounds and community center buildings
- F. Group day care home
- G. Utility and public service buildings, including storage yards
- H. Nursing homes and elder care facilities
- I. Manufactured and Mobile Home Parks
- J. **Pet Crematorium (06/11/2014).**
- K. **Ground Mounted Private Solar Energy System (03/04/2024)**

**SECTION 6.03
SCHEDULE OF R-R DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

R-R District Schedule

See Section 6.04 for LICENSED MANUFACTURED HOME PARKS Standards

[Refer to Chapter 13 for additional requirements for Special Uses]

<i>SETBACK/DIMENSIONAL ITEM</i>	<i>STANDARD/REQUIREMENT</i>
<i>FRONT YARD</i>	<i>30 feet</i>
<i>SIDE YARD</i>	<i>Residential Use - 30 feet [each side]</i>
	<i>Non-Residential Use - 50 feet [each side]</i>
<i>REAR YARD</i>	<i>15 feet (amended 12/14/10)</i>
<i>BUILDING HEIGHT</i>	<i>35 feet or 2½ stories [least one]</i>
<i>LOT COVERAGE</i>	<i>25%</i>
<i>MINIMUM LOT AREA</i>	<i>Single-Family Dwelling - 1 acre</i>
	<i>Other Uses - 2 acres</i>
<i>MINIMUM LOT WIDTH</i>	<i>165 feet</i>
<i>MINIMUM DWELLING UNIT FLOOR AREA</i>	<i>a) One Story - 850 square feet b) Above One Story - Ground floor area no less than 600 square feet.</i>

**SECTION 6.04
LICENSED MANUFACTURED HOME PARKS**

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the

Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

- B. The parking of more than one (1) manufactured home on a single parcel of land or on two or more adjoining parcels of land under common ownership shall be illegal in Cato Township, irrespective of the requirements of any other ordinance of Cato Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- C. No manufactured home shall be occupied within the park area until such time as a "Manufactured Home Occupancy Permit" shall be issued by the Zoning Administrator.
- D. The Manufactured Home Park Occupancy Permit shall be issued by the Zoning Administrator only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six (6) months from the date of the request for the Permit.
- E. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- F. The Planning Commission and Township Board shall consider the following standards when considering an application for a manufactured home park:
 - 1. Whether the proposal is in accordance with the Master Plan.
 - 2. Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
 - 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 - 4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 - 5. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 - 6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- G. Mobile Home Park Requirements:
All manufactured home parks shall be designed and developed in accordance with the following requirements:
 - 1. Minimum site size for a manufactured home park shall be ten (10) acres.
 - 2. A minimum of fifty (50) manufactured home sites shall be provided in the manufactured home park.

3. Each manufactured home park site shall have direct access to a primary, all season, road as defined by the Montcalm County Road Commission.
4. No access to the site shall be located closer than two-hundred (200) feet from the centerline of the intersection of any arterial street.
5. Minimum street widths within the manufactured home park shall be in accordance with the following schedule.
6. All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting the Private Road construction specifications of this Ordinance. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park and at entries to the park site.
7. Maximum height for any permanent building shall not exceed one (1) story or twenty-five (25) feet, whichever is greater.
8. Each manufactured home lot, exclusive of streets, shall have a minimum size of six-thousand five hundred (6,500) square feet and a minimum width of fifty (50) feet. No more than one (1) manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.
9. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches shall be twenty (20) feet from the inside of the sidewalk; and the minimum spacing from any rear lot line shall be ten (10) feet, and from the side lot line on the entry side ten (10) feet, and from the side lot line on the non-entry side, five (5) feet.
10. The nearest building of the manufactured home park shall be set back a minimum of one-hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.

**Mobile Home Park
Required Street Width for On-Street Parking**

<i>Parking</i>	<i>Direction</i>	<i>Minimum Street Width</i>
<i>No on-street parking</i>	<i>one way</i>	<i>14 feet</i>
	<i>two way</i>	<i>20 feet</i>
<i>Parallel parking on one side of street</i>	<i>one way</i>	<i>20 feet</i>
	<i>two way</i>	<i>30 feet</i>
<i>Parallel parking on both sides of street</i>	<i>one way</i>	<i>26 feet</i>

	<i>two way</i>	<i>36 feet</i>
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11. Each lot shall front on sidewalks at least five (5) feet in width, located directly next to and parallel to the street.
 12. Each lot shall provide a minimum of two (2) off-street, paved parking spaces.
 13. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree shall be provided for every two (2) lots. Trees shall be located to provide shade for manufactured home park sites.
 14. The manufactured home park shall provide a minimum of a fifty(50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space. The strip shall be maintained by the owner and/or operator of the manufactured home park.
- H. Utility Standards - The following utility standards shall apply to all manufactured home parks:
1. All utilities shall be underground.
 2. All lots shall be provided with an approved method of providing water and sanitary sewer service, and all manufactured homes shall be connected thereto. Said approval to be granted by the Montcalm County Health Department, Michigan Department of Natural Resources, the Cato Township Board, or any other required agency, as appropriate. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park in accordance with procedures established by the Township Board.
 3. The mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by the Township Engineer. All storm drainage and surface drainage facilities shall be approved by the Montcalm County Drain Commission.
- I. Manufactured Home Standards
1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Mobile Home Commission rules and regulations applicable to manufactured home pad design and set up.
 2. All manufactured homes shall have a minimum width of fourteen (14) feet across any horizontal surface, exclusive of carports or overhangs.
- J. Recreation and Shelter Facilities
1. The manufactured home park shall contain one or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of two-hundred and fifty (250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.
- K. Inspection and Permits

1. The Building Inspector or such other person designated by the Township Board shall inspect the manufactured home park at least once each year. The fee for such inspection shall be determined by the Township Board.
2. In the event that the Building Inspector or such other designated person find that the condition of the manufactured home park is such that it does not comply with the safeguards and conditions as set out in this resolution, the Building Inspector or such other designated person shall serve written notice upon the owner or operator of such manufactured home park of such defects. The notice shall include a demand that such defects or deficiencies be corrected within thirty (30) days of receipt of the notice.

In the event that the owner or operator of the manufactured home park does not correct the deficiencies within the thirty (30) day period, either the owner or operator of the manufactured home park or the Building Inspector may request that the Township Board set a date for a public hearing on the defects or deficiencies. The hearing shall be held by the Township Board, provided that the notice is given to the owner and operator of the manufactured home park, and that such notice is posted in three (3) prominent places within the manufactured home park at least thirty (30) days prior to the hearing.

At the date of the hearing, the Township Board may amend or modify the terms of the original notice, or if the modifications thereof shall not be corrected within the thirty (30) days allowed for corrections to be made, or any extension thereof, the Township, in order to preserve the health and welfare of the residents of the Township and the value of the properties of the residents within the manufactured home park, and to prevent the manufactured home park from becoming a public nuisance, may enter upon the manufactured home park and correct the defects and/or deficiencies, or may revoke the approval for the manufactured home park and order it closed.

L. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or an agent of the owner, or those home occupants as permitted in this Ordinance, provided that a manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

M. All persons, including but not limited to Township officials or police officers, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their governmental duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

N. The riparian access requirements of Section 3.26 are fully applicable and each individual mobile home will be considered a dwelling for purposes of those regulations.

**SECTIONS 6.05 TO 6.99
RESERVED FOR FUTURE USE**

CHAPTER 7

R-S SUBURBAN RESIDENTIAL DISTRICT

SECTION 7.00

DESCRIPTION AND PURPOSE

This District is intended for moderate density single family residential development located in the growth sectors of the township. Such areas include, but are not limited to, the fringe locations of certain agricultural districts which are experiencing transition to non-agricultural use, sectors near the Village of Lakeview, and along select roadway corridors. The potential provision of utilities in the future offers opportunity for placement of homes at a density level generally greater than those districts not programmed for similar services.

SECTION 7.01

PERMITTED USES

Land and/or buildings in the R-S District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings, including single-family site condominiums.
- B. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for six (6) or less minors.
- D. Family day care homes.
- E. Home occupations, except as noted in Section 3.14.
- F. Schools, churches, libraries, parks, playgrounds and community center buildings.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 7.02

SPECIAL LAND USES

Land and/or buildings in the R-S District may be used for the following purposes following review by the Planning Commission (06/18/2012) as a Special Land Use.

- A. Roadside stands for the sale of produce grown on the premises.
- B. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- D. Group day care homes.

**SECTION 7.03
DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

**R-S District Schedule
[Refer to Chapter 13 for additional requirements for Special Uses]**

<i>FRONT YARD</i>	<i>30 feet</i>
<i>SIDE YARD</i>	<i>15 feet minimum/35 feet total 2 sides</i>
<i>REAR YARD</i>	<i>25 feet</i>
<i>BUILDING HEIGHT</i>	<i>35 feet or 2½ stories [least one]</i>
<i>LOT COVERAGE</i>	<i>25%</i>
<i>MINIMUM LOT AREA</i>	<i>Single Family Dwellings</i> <i>18,000 square feet with public sanitary sewer service</i> <i>-</i> <i>25,000 square feet without public sanitary sewer service</i>
	<i>Non-Residential Uses - 2 acres</i>
<i>MINIMUM LOT WIDTH</i>	<i>110 feet</i>
<i>MINIMUM FLOOR AREA</i>	<i>a) One Story - 850 square feet</i> <i>b) Above One Story - Ground floor area no less than 600 square feet.</i>

**SECTION 7.04
DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

R-S District Schedule: EXCEPTION 7.04 HONEYMOON HEIGHTS (02/08/2017)
[Refer to Chapter 13 for additional requirements for Special Uses]

<i>FRONT YARD</i>	<i>25 feet</i>
<i>SIDE YARD</i>	<i>5 feet minimum/more than one lot requires 10 feet minimum</i>
<i>REAR YARD</i>	<i>5 feet</i>
<i>BUILDING HEIGHT</i>	<i>35 feet or 2½ stories [least one]</i>
<i>LOT COVERAGE</i>	<i>50%</i>
<i>MINIMUM LOT AREA</i>	<i>Single Family Dwellings</i> <i>7,200 square feet with public sanitary sewer service</i> <i>-</i> <i>7,200 square feet without public sanitary sewer service</i>
	<i>Non-Residential Uses</i>
<i>MINIMUM LOT WIDTH</i>	<i>60 feet</i>
<i>MINIMUM FLOOR AREA</i>	<i>a) One Story - 750 square feet</i>
	<i>b) Above One Story - Ground floor area no less than 600 square feet.</i>

7.04.1 Garage and utility building permits (will be) issued only to those who have an existing dwelling that meets or exceeds all subdivision requirements or a valid building permit from Honeymoon Heights, Cato Township and all required Montcalm County permits for a permanent residence. Permits issued only to those who own a minimum of two lots.

**SECTIONS 7.05 TO 7.99
RESERVED FOR FUTURE USE**

CHAPTER 8

M-R MULTIPLE-FAMILY RESIDENTIAL

SECTION 8.00

DESCRIPTION AND PURPOSE

The Multiple-Family Residential District (M-R) represents locations appropriate for higher density residential development of a clustered and/or attached variety. This includes residential housing such as apartments, townhouses, condominiums, cluster housing, and similar housing and project design types. M-R uses are served by public water and sanitary sewers or comparable private systems capable of supporting higher residential densities. M-R Districts have ready access to adjacent all-season roads. The M-R District also permits, with special approval, certain health and institutional uses.

SECTION 8.01

PERMITTED USES

Land and/or buildings in the M-R District may be used for the following purposes as Permitted Uses:

- A. Single-family dwellings.
- B. Two-family dwellings/duplexes.
- C. Family day care homes.
- D. Home occupations, except as noted in Section 3.14.
- E. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

SECTION 8.02

SPECIAL LAND USES

Land and/or buildings in the M-R District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use.

- A. Group day care homes.
- B. Nursing homes and elder care facilities.
- C. Schools, churches, libraries, parks, playgrounds and community center buildings.
- D. Three-family and larger multiple-family apartments and similar housing units.
- E. Utility and public service buildings, without storage yards.

SECTION 8.03

SCHEDULE OF M-R DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

M-R District Schedule

[Refer to Chapter 13 for additional requirements for Special Land Uses]

FRONT YARD	25 feet
SIDE YARD	15 feet minimum/35 feet total 2 sides
REAR YARD	25 feet
BUILDING HEIGHT	35 feet or 2½ stories [least one]
LOT COVERAGE	25%
MINIMUM LOT AREA	<u>One and Two Family</u> One Family - 18, 000 square feet Two Family - 25,000 square feet
	<u>Multiple Family Dwelling (3 or more units)</u> Without Public Water and Sewer - 10,000 square feet per unit With Public Water or Public Sewer - 6,000 square feet per unit. [Initial minimum lot size no less than 1 acre]
	Other Uses - 2 acres
MINIMUM LOT WIDTH	One and Two Family - 110 feet Multiple Family and Other Uses - 150 feet
MINIMUM FLOOR AREA	Single Family Dwelling - 850 square feet UFA per unit ” <u>Multiple-Family Dwelling:</u> One Bedroom - 500 square feet Two Bedroom - 600 square feet Three or More Bedrooms - 720 square feet plus 200 square feet each additional bedroom in excess of three.

**SECTIONS 8.04 TO 8.99
RESERVED FOR FUTURE USE**

CHAPTER 9

C - COMMERCIAL DISTRICT

SECTION 9.00 **DESCRIPTION AND PURPOSE**

This District is intended to provide appropriate locations for the accommodation of uses meeting the office, personal service, retail needs, and other business needs of the residents and visitors of Cato Township. In providing for commercial opportunities, the Township recognizes the proximity of the commercial center associated with the Village of Lakeview, and the importance of that center to area residents and the region as a whole. It is the desire of the Township to supplement, rather than supplant, commercial opportunities found within the Village.

SECTION 9.01 **PERMITTED USES**

Land and/or buildings in the Commercial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 12.

- A. Office buildings for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, and other similar professional activities.
 - 2. Medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies, not including drive-through.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations, but not including drive-through.
- I. Indoor recreational facilities, excluding bowling alleys.
- J. Commercial child care centers.
- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Accessory buildings, structures, and uses.
- M. Vehicle Sales/Service (12/14/10)

SECTION 9.02 **SPECIAL LAND USES**

Land and/or buildings in the Commercial District may be used for the following purposes following review and

approval by Planning Commission as a Special Land Use.

- A. Commercial greenhouses and nurseries.
- B. Commercial kennels.
- C. Funeral homes and mortuary establishments.
- D. Hotels and motels.
- E. Theaters, or similar places of public assembly.
- F. Restaurants with drive-through facilities.
- G. Open air businesses.
- H. Veterinary hospitals and animal clinics.
- I. Bowling alleys.
- J. Drug stores and pharmacies with drive-through.
- K. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations with drive-through.
- L. Commercial storage warehouses.
- M. Vehicle wash establishments, either self-serve or automatic
- N. Body shops. (12/14/2010)
- O. Large Wind Energy Turbines.
- P. Commercial Solar Energy System
- Q. Ground Mounted Private Solar Energy System (03/04/2024)

SECTION 9.03

SITE DEVELOPMENT REQUIREMENTS (GENERAL)

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. All commercial sites shall be developed in a fashion which promotes pedestrian safety, proper vehicular access, limited curb cuts to the public highway system, and due consideration to the rural residential character of Cato Township.
- C. Commercial uses abutting a residential use or district shall provide a landscape buffer (greenbelt) along the abutting side of no less than fifteen (15) feet, or greater as provided for by this Ordinance.

SECTION 9.04

SCHEDULE OF COMMERCIAL DISTRICT REGULATIONS

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

Commercial District Schedule

[Refer to Chapter 13 for additional requirements for Special Uses]

FRONT YARD	50 feet
	The first 20 feet of the front yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses - 50 feet [shall be landscaped]
	Side abutting other Districts - 25 feet Street side of a corner lot - 50 feet
REAR YARD	25 feet
LOT COVERAGE	40%
BUILDING HEIGHT	35 feet or 2½ stories
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	165 feet

**SECTION 9.05 TO 9.99
RESERVED FOR FUTURE USE**

CHAPTER 10

I – LIGHT INDUSTRIAL DISTRICT

SECTION 10.00

DESCRIPTION AND PURPOSE

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial uses which may be supported by minimal public infrastructure. Certain commercial uses consistent with the intent of the District are also permitted.

SECTION 10.01

PERMITTED USES

Land and/or buildings in the Industrial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 12.

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Office equipment sales and service.
- D. Mobile home and model home sales.
- E. Laboratories (experimental, film, or testing).
- F. Trade or industrial schools.
- G. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Contractor's showrooms and storage yards, lumber yards, and similar uses.
- I. Accessory buildings, structures, and uses.

SECTION 10.02

SPECIAL LAND USES

Land and/or buildings in the Industrial District may be used for the following purposes subject to review and approval by the Planning Commission as a Special Land Use.

- A. Body shops.
- B. Lumber and planing mills.
- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded

rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

- F. Junk yards, salvage yards.
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Adult uses.
- I. Research and development facilities, including production activities.
- J. Large Wind Energy Turbines.
- K. Commercial Solar Energy Systems
- L. Ground Mounted Private Solar Energy System (03/04/2024)

**SECTION 10.03
SITE DEVELOPMENT REQUIREMENTS (GENERAL)**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, on-site parking of vehicles, and the outside storage of materials used in conjunction with the industrial operation.
- C. Industrial uses abutting a residential use or district shall provide a landscape buffer (greenbelt) along the abutting side of no less than twenty five (25) feet or greater as required by this Ordinance.

**SECTION 10.04
SCHEDULE OF INDUSTRIAL (I) DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

**Industrial District Schedule
[Refer to Chapter 13 for additional requirements for Special Uses]**

FRONT YARD	50 feet
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	The first 25 feet of the Front Yard area, except for necessary entrance drives, shall be landscaped.
SIDE YARD	Side abutting Residential Districts or uses - 75 feet [shall be landscaped]
	Side abutting other Districts - 50 feet [When abutting an Industrial District, the side yard may be reduced to 25 feet.]
	Street side of a corner lot - 50 feet
REAR YARD	Abutting Residential Districts or uses - 100 feet [25 feet adjacent to residential shall be landscaped]
	Abutting other Districts - 50 feet [When abutting an Industrial District, the rear yard may be reduced to 25 feet.]
LOT COVERAGE	50%
BUILDING HEIGHT	40 feet
MINIMUM LOT AREA	1 Acre
MINIMUM LOT WIDTH	165 feet

**SECTIONS 10.05 TO 10.99
RESERVED FOR FUTURE USE**

CHAPTER 11

SITE PLAN REVIEW

SECTION 11.00

PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission and Township Board in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future land uses and the environment in the immediate area and Township as a whole.

SECTION 11.01

SITE PLANS TO BE REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a Final Site Plan has been reviewed and approved as required by this Ordinance.
- B. All plans not subject to review by the Planning Commission or Township Board shall be subject to review and approval by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance.

SECTION 11.02

APPLICATION PROCEDURES

- A. An application for Site Plan Review by the Planning Commission shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness.
- B. An application for Site Plan Review shall consist of the following:
 - 1. Nine (9) copies of the Site Plan and related documentation.
 - 2. A completed application form, as provided by the Township.
 - 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - 4. A legal description, including permanent parcel number, of the entire property which is the subject of the Site Plan Review.
 - 5. Other materials as required in this Chapter.

SECTION 11.03

REVIEW PROCEDURES

- A. Review in Which a Public Hearing is Not Required.
 - 1. Upon receipt of a valid application for Site Plan Review, the Planning Commission shall review and process the application subject to the review standards of this Ordinance.
- B. Review in Which a Public Hearing is Required.

The review and approval of site plans for Special Land Uses, Planned Unit Developments, and certain other uses

provided for by this Ordinance require that a public hearing be held by the Planning Commission for receipt of public comment on a proposed project or request. Consideration of site plans subject to a public hearing shall be processed as follows.

1. Notice of the public hearing for the Site Plan Review shall be given in accordance with the following requirements:
 - a. A written notice of the public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered; to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question; and, to all residents within three hundred (300) feet of the boundary of the property in question.
 - b. Such notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered.
 - c. The notice shall describe the nature of the site plan review request, indicate the property which is the subject of the site plan review request, state when and where the site plan review request will be considered, and indicate where and when written comments will be received concerning the request.

C. Preliminary Site Plan Review

1. If desired by the applicant, a Preliminary Site Plan may be submitted for general review by the Planning Commission prior to formal consideration of a final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary Site Plans shall include the following, unless deemed unnecessary by the Zoning Administrator.

- a. A Site Plan at a scale of not more than one (1) inch equals one hundred (100) feet (1"=100') showing any existing or proposed arrangement of:

- (1) Existing adjacent streets and proposed streets.
- (2) Lots.
- (3) Parking lots and access points.
- (4) Proposed buffer strips or screening.
- (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- (6) Location of any signs not attached to the building.
- (7) Existing and proposed buildings.
- (8) General topographical features including contour intervals no greater than ten (10) feet.
- (9) All buildings and driveways within one hundred (100) feet of all property lines.

- b. A narrative describing:

- (1) The overall objectives of the proposed development.
- (2) Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- (3) Dwelling unit densities by type, if applicable.
- (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
- (5) Proposed method of providing storm drainage.

3. The Planning Commission shall review the Preliminary Site Plan and may make recommendations accordingly. Such recommendations, if made, shall not be construed to imply approval of said plan. Site plan approval shall require submission of a full application, site plan, fees, and other documentation as required by this Ordinance.

**SECTION 11.04
FINAL SITE PLAN REVIEW**

- A. If desired by the applicant, a Final Site Plan may be submitted for review without first receiving review of a preliminary site plan. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
1. Legal description of the property, including permanent parcel number.
 2. Small scale sketch of properties, streets, curb cuts, and uses of land within two hundred (200) feet of the subject site.
 3. A narrative describing the proposed development, unless the site plan provides full descriptive detail of the project.
 4. Nine (9) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'), or as necessary to provide for proper review. The following items shall be shown on the plan:
 - a. Date of preparation/revision.
 - b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 13.
 - l. Easements, if any.
 - m. Dimensions and number of proposed lots.
 - n. All buildings and driveways within one hundred (100) feet of all property lines.
- B. The Planning Commission, prior to granting approval of a Final Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; environmental and drainage studies; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan. For plans requiring final review and approval by the Township Board, the findings of the Planning Commission shall be made in the form of a recommendation to the Board. The Township Board shall review the Final Site

Plan and approve, approve with conditions, or deny the Final Site Plan based on the purposes, objectives and requirements of this Ordinance.

SECTION 11.05
SITE PLAN REVIEW STANDARDS

- A. Site plans and site plan applications shall be reviewed and approved, approved with conditions, or denied on the determination of compliance with the purposes, objectives and requirements of this Ordinance, and specifically, the following standards, as applicable:
1. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
 3. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
 4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
 6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Township Fire Department and the Montcalm County Sheriff's Department.
 7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened.
 8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
 9. Necessary off-street parking and loading areas shall be provided.
 10. The general purposes and spirit of this Ordinance and the Master Plan of the Township.
 11. The site plan shall be harmonious with, and not injurious to, existing and projected uses in the immediate area.
 12. The site plan is adequate to provide for the health, safety and general welfare of the persons and property on the subject site and in the neighboring area.

**SECTION 11.06
CONDITIONS**

The approval of a site plan may include the attachment of reasonable conditions necessary to ensure compliance of the request with this Ordinance. Such conditions may include, but are not limited to, additional landscaping and buffering; drainage improvements; modification of the parking and circulation system; additional setback distance; required shared use of drives; fencing; preservation of the natural landscape; additional noise buffering; exterior lighting and signage modifications; and other such modifications.

**SECTION 11.07
APPROVED SITE PLANS**

- A. Upon approval of a Final Site Plan, the Chairperson of the Planning Commission, or Acting Chairperson, shall sign and date two (2) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files and one (1) copy shall be returned to the applicant. The signed and dated site plan shall be the official copy for purposes of future action or matters regarding the site and associated development.

Upon approval of the Final Site Plan by the Township Board (when required), the Township Supervisor, or the Township Board member acting as Chairperson for the meeting, shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) shall be forwarded to the Building Inspector for issuance of a building permit; and one (1) copy shall be returned to the applicant.

- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted below.
 - 1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 - 3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved Final Site Plan may occur only under the following circumstances:
 - 1. The holder of a valid Final Site Plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - 2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Township. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - e. Changes in floor plans which do not alter the character of the use.
 - f. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.

3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.
In no instance shall modification of a site plan condition required as part of site plan approval be considered a minor modification.

**SECTIONS 11.07 TO 11.99
RESERVED FOR FUTURE USE**

CHAPTER 12

SPECIAL LAND USES

SECTION 12.00 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a 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, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

SECTION 12.01 APPLICATION AND REVIEW PROCEDURES

- A. An application for approval to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission.
 2. A valid application for a Special Land Use approval shall consist of the following:
 - a. Nine (9) copies of a (Final) Site Plan meeting the requirements of Chapter 11 of this Ordinance.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description, including permanent parcel number, of the entire property which is the subject of the Special Land Use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 12.02, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
 - f. Other materials as required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of a valid application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
 2. Notice of the public hearing for the Special Land Use shall be given in accordance with the requirements of the Zoning Act, as detailed under Chapter 11.
 3. The Planning Commission, and Township Board if said plan is subject to review by the Board, shall review the application for a Special Land Use and make a determination on the application in accordance with:
 - a. The site plan and other materials submitted in relation to the Special Land Use application.
 - b. The standards for approval stated in Section 12.02.
 - c. Other standards contained in this Ordinance which relate to the Special Land

Use under consideration.

4. In the event final approval of a special land use is subject to Township Board approval, the Planning Commission shall recommend the Special Land Use application to the Township Board with its approval, approval with conditions, or a denial. If the authority for approval rests with the Planning Commission, said Commission shall approve, approve with conditions, or deny the request.
5. If denied, the Planning Commission and Township Board, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

SECTION 12.02
BASIS OF DETERMINATION

- A. Prior to approval of a Special Land Use application the Planning Commission, and Township Board if said Board is responsible for final approval, shall insure 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.
 1. The Planning Commission and Township Board shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
 - a. 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.
 - b. The Special Land Use shall not change the essential character of the surrounding area.
 - c. 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 creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
 - d. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 - e. The special land use shall be harmonious and consistent with the intent of the Township Zoning Ordinance and Master Plan.
 - f. The special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township zoning Ordinance or Master Plan.
 - g. The special land use shall be designed to preserve environmental features, such as lakes, rivers, streams, flood plains, agricultural areas and natural areas.
- B. The Planning Commission and Township Board may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.

SECTION 12.03
APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 12.04, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months in which case the approval shall be deemed expired as of the end of such period of six (6) consecutive months and thereupon shall no longer be valid.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 12.04
REVOCAION OF SPECIAL LAND USE APPROVAL

- A. If the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval or any other applicable provisions of this Ordinance, the Planning Commission shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Planning Commission may revoke the Special Land Use approval and all rights associated with said use shall cease.
- B. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 12.01 B.
- C. Following the public hearing, the Planning Commission shall revoked the Special Land Use, shall permit the Special Land Use to remain in effect with all of the original conditions and requirements subject to compliance with the requirements of this Ordinance, or that it be modified with additional conditions imposed. If the Planning Commission finds that the Special Land Use shall be modified, the Planning Commission shall include in its motion the conditions, requirements, or other matters as to which modification is required.

In the event approval of the Special Land Use rests with the Township Board, the above actions of the Planning Commission shall be completed in the form of a recommendation to said Board. After receipt of the Planning Commission recommendation, the Township Board shall thereafter determine whether the Special Land Use shall be modified, revoked or remain in effect without change. The actions of the Board shall be duly recorded in the minutes of said Board.

- D. Notwithstanding the provisions of this Section, the Township may enforce the correction of any violation of this Ordinance as provided for by said Ordinance.

SECTION 12.05
EXISTING SPECIAL LAND USES

Uses of land and/or development projects granted Special Land Use status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions under

which the Special Land Use was approved are met.

SECTION 12.06
SPECIFIC SPECIAL LAND USE STANDARDS

The following uses, when listed as a Special Land Use, shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this Ordinance. In no instance shall the standards for special land uses be less than those of permitted uses.

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands with more than two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Multiple family dwellings.
- G. State licensed residential group care facilities.
- H. Group and commercial day care homes and facilities.
- I. Funeral homes and mortuary establishments.
- J. Hotels and motels.
- K. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- L. Restaurants with drive-through facilities.
- M. Vehicle service stations, excluding body shops.
- N. Vehicle wash establishments, either self-serve or automatic.
- O. Open air businesses.
- P. Veterinary hospitals, animal clinics, and commercial kennels.
- Q. Bowling alleys.
- R. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- S. Body shops.
- T. Lumber and planing mills.
- U. Metal plating, buffing, and polishing.

- V. Commercial storage warehouses.
 - W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
 - X. Junk yards/salvage yards.
 - Y. Adult uses.
- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- 1. The use shall be located on property with direct access to a public street.
 - 2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use.
 - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 - 4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
 - 5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
 - 6. Minimum lot size shall be no less than ten (10) acres, provided, however, the Planning Commission may permit a lot size reduction, not to exceed five (5) acres, upon demonstration by the applicant that the proposed use will not result in a negative impact to adjacent properties.
- B. Roadside stands with more than two-hundred (200) square feet of sales area for sale of produce grown on the premises.
- 1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
 - 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
 - 3. No lighting shall be provided for any such use.
 - 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- 1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 - 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
 - 3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto

any Residential District or use property line.

4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. Minimum lot size shall be no less than five (5) acres.

D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

The Township Board shall not approve such use until the following information is provided and the Township Board finds that the proposed use will not unduly impact surrounding properties and the Township in general, in accordance with the following.

1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
2. The amount of topsoil, sand, gravel or other such materials which is to be removed.
3. The purpose of such removal.
4. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District or use.
5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources.
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a Permitted Use within the District in which the extraction activity is located.
11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour blended as nearly as possible with the natural surroundings.
14. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
15. The Township Board may require such bond as deemed necessary to insure that requirements are

fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.

16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved 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 or possible future injury to adjoining properties.
17. The applicant shall secure all necessary permits from Township, County and State authorities.
18. Minimum lot area shall be no less than five (5) acres.

E. Public or private campgrounds.

1. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
2. The applicant shall secure all necessary permits from Township, County and State authorities.
3. Minimum lot area shall be no less than five (5) acres.
4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
 - c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

F. Multiple family dwellings.

1. All dwelling units in the building shall have a minimum of seven-hundred fifty (720) square feet per unit.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
6. The maximum density shall not exceed four (4) units per acre.
7. Minimum lot area shall be no less than two (2) acres.

G. State licensed residential group care facilities.

1. Such facilities shall not be located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities. This standard shall not apply to state licensed residential facilities caring for six (6) or less minors or adults.

H. Group and commercial day care homes and facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one-thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Township Board if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.
4. Minimum lot area shall be no less than one (1) acre.

I. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than one-hundred sixty-five (165) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.

J. Hotels and motels.

1. Minimum lot area shall be no less than four (4) acres and minimum lot width shall be no less than two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

K. Theaters, or similar places of public assembly.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study may be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Minimum lot area shall be no less than ten (10) acres.

L. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.
5. Minimum lot area shall be no less than one (1) acre.

M. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than two-hundred and fifty (250) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or any other driveway.

8. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The wall or fence, or portion thereof, may be waived by the Township Board provided the applicant satisfactorily demonstrates that proposed landscaping will be of a character sufficient to accomplish the buffering effects of the wall or fence.

N. Vehicle wash establishments, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.
3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
7. Minimum lot area shall be no less than one (1) acre.

O. Open air businesses.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
6. Minimum lot area shall be no less than one (1) acre.

P. Veterinary hospitals, animal clinics, and commercial kennels.

1. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set

back one-hundred (100) feet from any property line.

2. All sleeping quarters and runs shall be adequately designed and constructed to protect the health and safety of animals throughout the year during periods of inclement weather.
3. Minimum lot area shall be no less than one (1) acre, provided, however, a minimum lot area of ten (10) acres shall be required whenever the operation involves a kennel, outdoor exercise area, or dog run.

Q. Bowling alleys.

1. The principal and accessory buildings and structures shall be located no closer than one-hundred (100) feet to any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and sixty-five (165) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
4. Minimum lot area shall be no less than one (1) acre.

R. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the District in which it is located.
3. Minimum lot area shall be no less than one (1) acre.

S. Body shops.

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or use property line.
2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be one-hundred and sixty-five (165) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Access driveways shall be located no less than twenty-five (25) feet from the nearest part of the intersection of any street or driveway.
7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height

shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

T. Lumber and planing mills and sawmills.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. Minimum lot area shall be no less than ten (10) acres with a minimum lot width of no less than three hundred thirty (330) feet.
3. Storage of timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front property line.
4. Adequate emergency vehicle access shall be maintained to all portions of the operation.
5. Landscaping and/or fencing shall be provided as required by the Planning Commission.

U. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. In addition to the site plan, the applicant shall provide design detail on the method for the collection and disposal of liquid and solid waste by-products. The Township may require that engineering plans, sealed by a Professional Engineer registered in the State of Michigan, be provided pursuant to disposal methods which may pose a potential threat to the ground water.
3. The applicant shall secure all necessary permits from Township, County, and State authorities.
4. Minimum lot area shall be no less than five (5) acres.

V. Commercial storage warehouses.

1. Minimum lot area shall be no less than two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-S District.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

e. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

Lane/Aisle	Lane/Aisle Width (ft)		Lane/Aisles Required	
	One-Way	Two-Way	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12 (per each way)	1	2

W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. Minimum lot area shall be no less than five (5) acres.

X. Junk yards/salvage yards.

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.

10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum lot area shall be no less than ten (10) acres.
14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Township may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Y. Adult uses.

1. The lot or parcel on which the use is located shall not be closer than one-thousand (1,000) feet from any Residential District or use, school, church, or park, as measured from the nearest part of the each lot line.
2. The use is not located within a one thousand (1,000) foot radius of any other such use, as measured from the nearest part of the each lot line.
3. Minimum lot area shall be no less than one (1) acre with a minimum lot width of no less than two hundred fifty (200) feet.

**SECTIONS 12.07 TO 12.99
RESERVED FOR FUTURE USE**

CHAPTER 13 DISTRICT REGULATIONS - PARKING AND SIGNS

SECTION 13.00 PARKING -GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

SECTION 13.01 PARKING LOT DESIGN STANDARDS

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

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.

30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	26 Ft.	15 Ft.	9 Ft.	20 Ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Cato Township and the Montcalm County Drain Commission.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.

SECTION 13.02
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

SCHEDULE OF OFF STREET PARKING REQUIREMENTS
Cato Township

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit

Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units
Institutional	
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use

Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two hundred (200) square feet of indoor usable floor area plus one (1) space for each one thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet of usable floor area

Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
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USE	PARKING SPACE PER UNIT OF MEASUREMENT
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

**SECTION 13.03
OFF STREETLOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the Commercial District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial District.
 - 1. In the Industrial District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

**SECTION 13.04
SIGNS - INTENT**

- A. The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Cato Township; to maintain and improve the appearance of Cato Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

SECTION 13.05
SIGNS - DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air or other gas or inflating material.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Cato Township, Montcalm County, or the state or federal government.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles (24" of less) not attached to a building or wall.
- K. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- L. Marquee Sign: A sign affixed flat against the surface of a marquee.
- M. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- N. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- O. Political Sign: A temporary sign used in connection with an official Cato Township, school district, county, state, or federal election or referendum.
- P. Portable sign (Temporary Sign): A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- R. Reader Board: A portion of a sign on which copy is changed manually.
- S. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

- T. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- U. Roof Sign: A sign erected above the roof line of a building.
- V. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- W. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- X. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

SECTION 13.06
GENERAL SIGN PROVISIONS

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit (see also Section 13.07, Exempt Signs):
 - 1. Directional signs of six (6) square feet in size or less.
 - 2. Government signs.
 - 3. Placards.
 - 4. Temporary sale signs of four (4) square feet in size or less.
 - 5. Window signs.
 - 6. Political signs.
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. The source of the light shall be enclosed and directed to prevent the light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicles, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.

- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- M. No sign attached to a building shall be erected above the roof line of that building.
- N. All signs shall pertain only to the business or activity conducted on the premises, with the exception of political signs and special event signs.

SECTION 13.07
EXEMPTED SIGNS

- A. The following signs shall be exempt from the provisions of the Cato Township Zoning Ordinance, except as provided for by the provisions of Section 13.06:
 - 1. Government signs.
 - 2. Historical markers.
 - 3. Window signs.
 - 4. Memorial signs or tablets.
 - 5. Murals.
 - 6. Signs not visible from any street.
 - 7. Signs for essential services.
 - 8. Placards of less than two (2) square feet.
 - 9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
 - 10. Flags or insignia of any nation, state, Cato Township, community organization, or educational institution.

SECTION 13.08
NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this Chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of the nonconforming use.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a legal nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

**SECTION 13.09
SIGNS - UNITS OF MEASUREMENT**

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the face for a determination of area measurement.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. For buildings with multiple tenants, wall signs, projecting signs, and awning signs may be apportioned among said tenants, provided the total maximum sign area is not exceeded.

**SECTION 13.10
SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

- A. The following sign regulations are applicable to all Districts:
 - 1. Billboards are not permitted in the agricultural or residential districts.
 - 2. All ground, wall and freestanding signs may include reader boards.
 - 3. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
 - 4. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.
 - 5. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
 - 6. Construction signs are permitted within any District, subject to the following restrictions:
 - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - c. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
 - 7. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
 - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.

- b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
8. Directional signs are permitted subject to the following restrictions:
- a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - c. Directional signs shall be limited to traffic control functions only.
9. Garage, estate sale, and roadside stand signs are permitted subject to the following restrictions:
- a. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
 - b. Such sign shall not exceed six (6) square feet in area.
 - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
10. Portable, temporary, balloon, and other such signs are permitted for a period not to exceed fourteen (14) days per year. A permit shall be secured from the Zoning Administrator prior to erection of the sign. Portable, temporary, balloon, and other such signs shall meet applicable building codes. No such sign shall be placed or erected in such a manner that it constitutes a safety hazard.

**SECTION 13.11
DISTRICT SIGN REGULATIONS**

- A. Signs in each District shall be subject to the following regulations:

A-R, R-R, S-R, AND M-R DISTRICTS - PERMITTED SIGNS
Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District

Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Wall signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	On wall of house facing street, un-illuminated
Wall signs for non-residential uses	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed. A larger wall sign may be permitted by Special Use Permit.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than eight (8) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Number	One (1) per lot or parcel or one (1) per major entry.
Size	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre in size.
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

C - COMMERCIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet for each sign allowed
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

Wall signs	
Number	One (1) per street frontage
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed. A larger sign may be permitted by Special Use Permit.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Freestanding signs	
Number	One (1) per lot or parcel, except for parcels with two (2) or more public street frontages equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign.
Size	One and one-half (1½) square feet for each one (1) foot of lot frontage up to a maximum of fifty (50) square feet, for each sign allowed
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet
Billboards	
Size	Not to exceed three hundred (300) square feet
Spacing	Shall be spaced not less than one thousand five hundred (1,500) feet apart. Both sides of the road shall be considered as one for purposes of the spacing requirement.
Message	May not advertise an on-premise business.

I - INDUSTRIAL DISTRICT - PERMITTED SIGNS

Ground signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line

Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed. A larger sign may be permitted by Special Use Permit.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Billboards - refer to Commercial District for regulatory standards.	

**SECTIONS 13.12 TO 13.99
RESERVED FOR FUTURE USE**

CHAPTER 14 PLANNED UNIT DEVELOPMENTS

SECTION 14.00 DESCRIPTION AND PURPOSE

- A. The purpose of a Planned Unit Development (PUD) is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote the preservation of significant natural features, the efficient use of land, a harmonious variety of housing choices, and the integration of open space, and necessary commercial and community facilities.
- B. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance or to circumvent rezoning or other pertinent procedures. These provisions are intended to result in land development substantially consistent with the underlying zoning, except as otherwise noted.

SECTION 14.01 QUALIFYING CONDITIONS

- A. 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.
- B. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area and may be located within any District.
- C. To be considered as a PUD the proposed development must fulfill at least one of the following conditions:
 - 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings.
 - 2. The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan.
 - 3. The PUD is designed to preserve in perpetuity at least fifty percent (50%) of the total area of the site in active agriculture or open space.

SECTION 14.02 REVIEW PROCEDURES

A PUD shall be processed as a rezoning subject to the following procedure:

- Step 1. Review of a preliminary plan by the Planning Commission.
- Step 2. Public hearing by the Planning Commission with a recommendation to the Township Board.
- Step 3. Final plan approval by the Township Board based on recommendation of the Planning Commission.

The process is described as follows:

- A. Preliminary Plan Approval
 - 1. To be considered as a PUD the applicant shall be required to first submit a preliminary plan in accordance with the requirements of this Chapter.
 - 2. Applications for preliminary plan approval for PUDs shall be submitted to the Zoning

Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 14.04 [Standards for PUD Approval].
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Nine (9) copies of a preliminary site plan meeting the preliminary site plan requirements of Chapter 11.
4. The Planning Commission may conduct a public hearing prior to considering the proposed preliminary plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for rezonings (map amendments).
5. The Planning Commission shall review the preliminary plan to determine if said plan generally conforms to the PUD standards of the Ordinance. Preliminary review shall offer the applicant the opportunity to discuss his/her plan with the Planning Commission pursuant to consistency with zone district requirements, the township master plan, and other such factors. Information exchanged by either the applicant or Planning Commission shall not be binding pursuant to final disposition of the rezoning.

B. Final Site Plan Approval

1. After Planning Commission review of the preliminary plan, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 14.04.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an

- e. application fee.
 Nine (9) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Chapter 11. Failure to submit a final site plan for approval within the one (1) year period following preliminary review shall void the final application and a new application shall be required to be submitted and approved in accordance with these provisions.
- 6. The Planning Commission shall conduct a public hearing prior to considering the final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for rezoning (map amendments).
- 7. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the PUD. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the final PUD. Approval of the final PUD shall constitute a rezoning of the parcel as described by the PUD application.

**SECTION 14.03
 PERMITTED USES**

- A. Uses within a PUD shall be limited to the Permitted or Special Uses provided for within the District underlying the proposed PUD location. Provided, however, in the S-R District the following combination of residential types shall also be permitted.
 - 1. Single-family detached dwellings.
 - 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 - 3. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.

**SECTION 14.04
 DEVELOPMENT REQUIREMENTS**

- A. Residential Uses
 - 1. The maximum number of dwelling units permitted may exceed underlying zone district standards by an amount no greater than twenty-five (25%) percent. If the PUD lies in more than one zone district the number of dwelling units shall be calculated on a proportionate basis.
 - 2. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
 - 3. The minimum lot area requirements for any lot designated for residential use may be reduced by twenty five (25%) percent of the underlying zone district standard, provided, however, the Planning Commission may permit additional relaxation, not to exceed a total of twenty five (25%) percent based on demonstration that the project has been designed to protect and maintain the natural character of the site, and will not be harmful to surrounding land uses.
 - 4. Except as specified within this Chapter, residential uses shall comply with the dimensional standards of the underlying zone district.

B. Non-Residential Uses in a Residential PUD.

1. All non-residential uses allowed in a residential PUD shall occupy no more than ten percent (10%) of the PUD project's developable area.
2. All uses shall be integrated into the design of the project with similar architectural and site development elements, including signs, landscaping, and related features.
3. Within residential PUDs, non-residential uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses in a residential PUD shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
6. Except as provided for within this Chapter, all non-residential uses shall comply with the dimensional standards of the underlying zone district.

C. Open Space in Residential PUD.

1. Not less than ten (10%) of the PUD shall be designated as common open space for the benefit of all PUD property owners. This open space shall be in addition to the space designated to yards and other open space areas customarily associated with individual housing units or other uses. Common open space shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - f. All common open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space and payment of property taxes.
 - g. The Planning Commission or Township Board may require an increase in common open space if it is determined that said increase is necessary for the

enjoyment or safety of PUD property owners or for the welfare of Township residents as a whole, for the preservation of unique features or wildlife habitat, to ensure compatibility with adjoining properties, or to promote the intent of the PUD regulations.

D. Review Standards

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

- a. That a site plan meeting the provisions of Section 11 has been provided and all fees paid.
 - b. That the PUD does not substantially alter the character of the general neighborhood in which the development is proposed.
 - c. That the location of the buildings do not unduly impact single family or other uses legally existing in the vicinity of the proposed development.
 - d. That the PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
 - e. That the PUD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of the Montcalm County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PUD.
 - f. That the PUD has been designed to provide for the safe and efficient circulation of pedestrians and vehicular traffic, including emergency vehicles, school busses, and pertinent commercial traffic.
 - g. That the PUD has been designed to properly accommodate surface water drainage, snow storage, and other infrastructure needs.
 - h. That the PUD will not unduly burden the capabilities of the Township pursuant to the provision of emergency services.
- E. All electric and telephone transmission wires shall be placed underground.
- F. Parking is required in accordance with Chapter 13.
- G. Signs are permitted in accordance with the requirements of Chapter 13.

**SECTIONS 14.05 TO 14.99
RESERVED FOR FUTURE USE**

CHAPTER 15

ZONING BOARD OF APPEALS

SECTION 15.00

CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Zoning Act, 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.

- B. The Zoning Board of Appeals shall consist of three (3) members as provided in the Zoning Act. The term of each member shall be three (3) years. Members of the Zoning Board of Appeals who are also members of the Township Board or the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members.

- C. Alternate Members
 - 1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.

 - 2. An alternate member may also be called to serve in the place of a regular member when such 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.

 - 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.

- E. A member shall be disqualified from a vote in which there is a conflict of interest.

SECTION 15.01

JURISDICTION

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 15.03.

- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Township Master Plan.

- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
- D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

**SECTION 15.02
PROCEDURE ON APPEAL**

- A. Upon all appeals from any order, requirements, decision, or determination of any administrative official or body, such appeal shall be taken within thirty (30) days by the filing with the Township Clerk a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
- B. Upon such appeal, the Zoning Board of Appeals shall hold a public hearing on such matter not earlier than fifteen (15) days after the date of such filing, and shall cause notice of the time and place of the hearing to be given to the applicant.
- C. The Zoning Board of Appeals shall give notice of the hearing to all owners of property within three-hundred (300) feet of the property to be affected by said appeal at least seventy-two (72) hours prior to said hearing. The Zoning Board of Appeals shall maintain satisfactory evidence that said notices have been mailed.
- D. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter appealed, provided, however, a concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to authorize a use variance.

**SECTION 15.03
STANDARDS OF REVIEW**

- A. A variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty or unnecessary hardship in the official record of the hearing and that all of the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same District;
 - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or unnecessary hardship;
 - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty or unnecessary hardship causing the need for the variance request was not created by any action of the applicant.

SECTION 15.04
DECISIONS OF THE ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon. Upon failure to do so, such appeal or application shall thereupon be deemed to be decided adversely to the appellant or applicant in the same manner as though the Zoning Board of Appeals had rendered its decision to that effect.
- B. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- C. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all competent material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- D. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.
- E. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- F. Period of Validity

No variance granted by the Zoning Board of Appeals shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However the applicant may, upon written request, seek up to one (1) twelve (12) month extension of said variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

SECTION 15.05
RE-SUBMISSION

- A. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 15.06
STAY OF PROCEEDINGS

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order.
- B. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

SECTIONS 15.07 TO 15.99
RESERVED FOR FUTURE USE

CHAPTER 16

NONCONFORMING USES, BUILDINGS AND STRUCTURES

SECTION 16.00 **CONTINUANCE, EXPANSION AND REPAIR**

- A. Nonconforming Uses - Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or amendment thereto.

- B. Buildings or Structures - Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or amendment thereto.

- C. Expansion - Structures, buildings or uses nonconforming by reason of height, building area (size) and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized when the following conditions are met:
 - 1. The building or structure shall comply with all height, area, parking, and loading provisions of the underlying district with respect to such extension, enlargement, alteration, remodeling or modernization.
 - 2. The Zoning Administrator shall find that the proposed alteration, remodeling, or modernization will make the building or structure more conforming to underlying zone district standards.
 - 3. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet the requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
 - 4. No nonconforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Zoning Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:
 - a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use.
 - b. That the enlargement or extension will not create requests for variances in the area.
 - c. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned, nor with their use in compliance with all of the provisions of this Ordinance.

D. Restoration and Repair

1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
3. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
4. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that the cost of restoration or repair would exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - a. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - b. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.
5. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost would exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.
6. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost is less than fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored in its original nonconforming condition.

**SECTION 16.01
CHANGE OR DISCONTINUANCE**

1. The nonconforming use of a building or structure or of any land or premises shall not be:
 - a. Changed to any other nonconforming use unless the new use is less nonconforming than the current use.
 - b. Reestablished after it has been changed to a conforming use.
 - c. Reestablished after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected.
 - (2) The property, buildings, and grounds have fallen into disrepair.

- (3) Signs or other indications of the nonconforming use have been removed.
 - (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
 - (5) 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.
2. Building or Structure Under Construction on Effective Date of Ordinance - Any building or structure shall be considered existing and lawful for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore and a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

**SECTIONS 16.02 TO 16.99
RESERVED FOR FUTURE USE**

CHAPTER 17

ADMINISTRATION AND ENFORCEMENT

SECTION 17.00 **ZONING ADMINISTRATOR**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

SECTION 17.01 **DUTIES OF THE ZONING ADMINISTRATOR**

- A. This Ordinance shall be enforced by the Zoning Administrator.
1. The Zoning Administrator shall not issue any permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.
 2. The Zoning Administrator shall interpret and enforce the Zoning Ordinance. The Building Inspector shall administer applicable building codes and shall issue building permits once a zoning compliance permit has been issued by the Zoning Administrator.
- B. **Violations**
The Zoning Administrator shall investigate any alleged violation of this Ordinance. If the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall serve written notice upon the owner, occupant or other person responsible, by personal service, first class mail, or posting the notice on the real property. The notice shall state the nature of the violation and shall require that the violation be corrected within 14 days from the date of the notice. The Zoning Administration may permit a single extension of an additional 14 days upon a showing of good faith attempt to correct the violation, or undue hardship to correct the violation within 14 days. If the violation is not corrected within 14 days, or within an additional 14 days if an extension was granted by the Zoning Administrator, the Zoning Administrator shall initiate legal proceedings for the violation of this Ordinance. If the threat to public health, safety or welfare necessitates immediate action, the Zoning Administrator may immediately initiate legal proceedings for the violation of this Ordinance without providing written notice or any time to correct such violation.
- C. **Inspections**
As determined necessary by the Zoning Administrator, said Administrator shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The Zoning Administrator shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- D. **Records**
The Zoning Administrator and shall keep records of all inspections, applications, applications and permits issued, with a notation of all special conditions involved. He/she shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

**SECTION 17.02
ZONING COMPLIANCE PERMITS**

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been issued by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner. The application shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for a determination of compliance with this Ordinance.
- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance permits shall expire one (1) year from their date of issuance if construction activity has not commenced, or an extension granted.
- D. A copy of all approved permits shall be forwarded to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance.
- F. The Zoning Compliance permit and Building Permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.
- H. Pursuant to the above, the Township may utilize the Building Permit as the Zoning Compliance permit.

**SECTION 17.03
CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, the Zoning Administrator shall issue a Certificate of Zoning Compliance. Said certificate may be in the form of a letter or such instrument as determined by the Township Board to be necessary to fulfill the requirements of this section.

**SECTION 17.04
ORDINANCE AMENDMENTS**

This Zoning Ordinance may be amended at any time pursuant to the procedures of the Township Zoning Act (Pubic Act 184 of 1943, as amended) or its successor legislation.

- A. Initiation
 - 1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the

area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.

2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

B. Procedure for Changes

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
 - a. Map Amendment - A legal description of the property to be affected by a proposed change to the Zoning Map and a drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300') feet of the property affected by such amendment.
 - b. Text Amendment - A typewritten copy of the proposed text amendment, including specific reference(s) to the portion(s) of the existing Ordinance for which a change is being requested.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act.
3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary as provided for by the Zoning Act.

C. Re-Submission

Whenever a proposed zoning map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one (1) year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

**SECTION 17.05
FEES AND SCHEDULE OF FEES**

1. The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Cato Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed. In addition to regularly established fees,

the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to township attorney fees, township engineering fees, cost and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

2. No action shall be taken on any application for any variance, ordinance amendment, Site Plan Review, Special Land Use, or any other review required by this Ordinance by the Township Board, Planning Commission, Board of Appeals, or Zoning Administrator unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
3. Where structures have been constructed or occupied before any approval is granted or where a use is commenced prior to zoning approval, the fees for such application approval shall be doubled. Such increased application fees shall be in addition to any other penalty provided in this Ordinance or by law. Payment of such fees shall not relieve any person from fully complying with the requirements of this Ordinance.

**SECTION 17.06
STOP WORK ORDERS**

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being pursued contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who continue to work in or about the structure, land or building or use it after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be in violation of this Ordinance.

**SECTION 17.07
PENALTIES**

- A. Penalties
 1. A use of land or a dwelling, building or structure, including a tent or recreation vehicle used erected, altered, razed, or converted in violation of this Ordinance, is a nuisance per se.

2. Any person or any other entity who violates any of the provisions of this Ordinance, or who owns or is responsible for any buildings, structure, or premises, or part thereof, where any condition in violation of this Ordinance exists, or has been placed or created, shall be guilty of a Municipal Civil Infraction, for which the civil fine shall be not more than (\$500.00) for each offense, in the discretion of the Court, and in addition to all other costs, damages, expenses, assessments and other remedies provided by law.
3. Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a civil fine for each day be deemed a separate offense.

B. Procedure

The Township Board and/or Township Supervisor 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.

C.I. State of Michigan No 0027 Violation Involved
 M.S. Uniform Law Citation Incident No. _____ Dept. No. _____
 J.V. _____ Local Use/Arrest No. _____ Officer Code _____

The People of the State of Michigan
 Township City Village County _____

OF: PINE _____

THE UNDERSIGNED SAYS THAT ON: _____ At approximately A.M. P.M. _____
 _____ Day _____ Month _____ Year _____

State _____ Driver's License Number _____ Social Security No. _____

Sex _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer _____

Name (First, Middle, Last) _____
 Street _____
 City _____ State _____ Zip Code _____

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Type _____

THE PERSON NAMED ABOVE, in violation of § _____
 Local Ordinance State Law Administrative Rule
 UPON _____

AT OR NEAR _____
 WITHIN CITY VILLAGE TOWNSHIP OF _____ PINE _____
 COUNTY OF _____ MONTCALM _____ DID THE FOLLOWING:

Distance Ordinance Building Code Speeding _____ MPH in a _____ MPH Zone
 License Ordinance Plumbing Code Signs (Business) _____
 Zoning Ordinance Electrical Code Discovery Vehicle Signal _____
 Sign, Lighting & Display Ordinance Mechanical Code Discovery Stop Sign _____
 Animal & Fowl Ordinance Defective Equipment No Operator's License in Possession _____
 Other _____
 Describe Violation: _____

Vehicle Impounded Damage to Property Local Court Bond
 Traffic Crash Injury License Placed in Lieu of Bond
 Person in Active Military Service Yes No Apprehension Certificate
 SEE THIS BELOW FOR EACH BOX WITHIN FOR EXPLANATION AND INSTRUCTIONS:
 Appointment Date and Time _____
 This and Date if applicable _____ Consent Court _____
 License/Plate/Title (Don't call this) _____ Planned Hearing (Original) (Don't call this) _____

In the 64-B JUDICIAL DISTRICT Court of MICHIGAN
 Court Address & Phone Number
 617 N. STATE RD., SUITE D, STANTON, MICHIGAN 48888
 (369) 831-7450

I personally saved a copy of the complaint upon the violation.
 I received a copy of the complaint upon the enforcement by posting and by return e-mail to the owner by first class mail at the last known address.
 I checked under the provisions of paragraph 4 of the complaint and returned to the first of my three copies, transmitted and filed.

Complainant's Signature and Address if applicable _____ Month _____ Day _____ Year _____

Officer's Name (Printed) _____ Officer's ID No. _____

Agency ORI _____ Agency Name _____

Violation for Which Court May Waive Fines/Costs: Correct the violation. Present the citation to any law enforcement officer in custody in connection with or bring the citation to the court clerk at the address shown above before your appearance at hearing date.

Officer's SIGNATURE _____ Officer's ID No. _____ Date _____

Agency ORI _____ Agency Name _____

UC-01b (rev. 11/20) COURT COPY

PRESS — YOU ARE MAKING THREE COPIES
 ORDER BY FORM NO. M77 (REVISED 11/95)
 DOUBLEDAY BROS. & CO., KALAMAZOO, MICH.

SECTION 17.08
PERFORMANCE GUARANTEES

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

CHAPTER 18

AMENDMENTS TO CATO TOWNSHIP ORDINANCE

SECTION 18.00 AMENDMENTS TO CATO TOWNSHIP ORDINANCE

Addition of Public Act 177 of 2001 To Zoning Ordinance---

Amendment to Cato Township Zoning Ordinance
Public Act 177 of 2001

Open Space Preservation: in order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally Applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply.

1. The land is zoned at density, equivalent to 2 or fewer units per acre; or if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

The development of land under this section is subject to all other applicable ordinances, Laws, and rules, including but not limited to:

- a) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16h of the Township Zoning Act as needed by 2001 Public Act 177 (MCL 125.286h)
- b) The Land Division Act (formally the Subdivision Control Act, MCL 560.101, et seq.)
- c) Any ordinance regulating the division of land. The platting of land into subdivisions, or the creation of a site condominium.
- d) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- e) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

This Amendment was adopted at a Regular Meeting of the Cato Township Board on April 5, 2004, after duly being Published & Noticed. Louis Morse, Clerk

SECTION 18.01
EFFECTIVE DATE

This Ordinance shall be effective _____, 2015

PROPOSED BY:

CATO TOWNSHIP PLANNING COMMISSION
JOHN BEARDSLEE, CHAIRPERSON

DATE

ADOPTED BY:

CATO TOWNSHIP BOARD
LARRY GILBERT, TOWNSHIP SUPERVISOR

DATE

CATO TOWNSHIP BOARD
LOUIS MORSE, CLERK

DATE